PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 422 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FIFTY-THIRD PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-THIRD YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2003–04

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7 June 2004

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-THIRD PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 13 JUNE 2001]

FIFTY-THIRD YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 422**

EIGHTH VOLUME OF SESSION 2003–2004

House of Commons

Monday 7 June 2004

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

DEATH OF A MEMBER

2.34 pm

Mr. Speaker: I regret to have to report to the House the death of Mr. Jim Marshall, Member for Leicester, South. I am sure that Members on all sides of the House will join me in mourning the loss of a colleague and in extending our sympathy to the hon. Member's family and friends.

Oral Answers to Questions

WORK AND PENSIONS

The Secretary of State was asked—

Benefits

1. **Sir Teddy Taylor** (Rochford and Southend, East) (Con): How many people were registered as recipients of either disability, incapacity or sickness benefits (a) on the most recent date for which figures are available, (b) in 1999 and (c) in 1994. [177310]

The Secretary of State for Work and Pensions (Mr. Andrew Smith): In 1979 there were 690,000 people of working age claiming incapacity benefits. By 1994 there were 2.23 million and by 1997, 2.56 million. In 2003 there were 2.68 million. I have placed information on all the benefits about which the hon. Member asks in the Library.

The numbers of people coming on to incapacity benefits are down by more than a quarter in the past seven years, but we still need to do more, which is why we started the pathways to work pilots. I am pleased to note that the hon. Gentleman's own constituency is included in this innovative approach.

Sir Teddy Taylor: The Department's statistics, confirmed by the Library, show that, over the last five years, there has been an increase of 531,000 in the number of people securing disability living allowance or incapacity benefit. As that figure involves a 20 per cent. increase in DLA, does the Secretary of State feel that there is a case for an inquiry to find out why there has been such a huge increase, particularly as there can be implications for other statistics? When we see such a huge increase, it is important to find out why it has happened. I should greatly appreciate the right hon. Gentleman's help in establishing exactly why there has been an increase of 531,000 in this short period.

Mr. Smith: The on-flows on to incapacity benefit are down sharply over the last seven years, by some 260,000 a year. The hon. Gentleman should draw a distinction between incapacity benefit and DLA, which is non-means-tested and paid to people in work, as well as to those out of work, to meet the extra costs of their disability. I would have thought that he would join me in celebrating the fact that people who need that help because they are disabled are receiving it. Sometimes the Conservative party is quick to criticise us for the lower take-up of benefits. Perhaps, on this occasion, the hon. Gentleman will think again about criticising us for the higher take-up of a much needed benefit.

Chris Bryant (Rhondda) (Lab): My right hon. Friend the Secretary of State will know that one third of my constituents of working age are on incapacity benefit, a phenomenally high figure. Does he believe that the role of GPs in, effectively, giving people a passport to benefits for life is in serious need of review?

Mr. Smith: We are reviewing these matters and learning from the pathways to work pilots, which also operate in my hon. Friend's constituency. We have established much closer partnership working with GPs, primary care trusts and those involved in training and voluntary service support for sick and disabled people. The early evidence from the pilots is that a lot of people are being helped into training and work rather than incapacity benefit, including in my hon. Friend's constituency.

Sir Archy Kirkwood (Roxburgh and Berwickshire) (LD): The emphasis from the Government on pathways to work and on the pilots is welcome, but will the Secretary of State acknowledge the regional dimension? Is he aware of the recent work by Steve Fothergill—an academic at Sheffield university—and others, which shows clearly that if the economies were stronger in south Wales, the north-east and Clydeside, up to 1.2 million claimants could be taken off incapacity benefit? What are the Government doing to address the regional dimension of the problem, in addition to the individual attention that, rightly, is being given to people in the pathways to work pilots?

Mr. Smith: I am aware not only of regional disparities but of the progress that is being made in the different regions. When one looks at the labour market statistics as a whole over the past seven years—during which we have put 1.9 million extra people into jobs—it is striking that unemployment has fallen furthest in the areas where it was highest. That does not mean that there is not more to do, and through the pathways to work pilots—which are in some of the very areas to which the hon. Gentleman referred—we will be making inroads into what has become a culture of incapacity in those areas. That must change, and I believe positively that it will.

Mr. Stephen McCabe (Birmingham, Hall Green) (Lab): I hope that we have not spotted another Tory leak—about plans to take benefits away from the legitimately ill. Surely the test here is what would have happened in the past to people with such difficulties and how many of them now are being helped by programmes such as the new deal to get back into work when they are capable of it.

Mr. Smith: My hon. Friend makes a good point. People were left to languish on incapacity and other benefits for years, with no one paying them any attention or giving them any help whatever. What Conservative Members leave out of their analysis of the new deal is the number of people suffering ill health and disability—barriers to work—who have been helped by the other new deals. Some 57,000 disabled people have been helped by the new deal for young people, and 41,000 disabled people over the age of 25 have been helped by that new deal. A further 33,000 people have been helped by the new deal 50-plus and 9,000 by the new deal for lone parents. All those are programmes that would be scrapped by the Conservative party.

Mr. Paul Goodman (Wycombe) (Con): Further to the Secretary of State's remark about a culture of incapacity benefit, he will be aware, although he did not give these figures to the House, that since 1997 the number of people claiming incapacity benefit for such conditions as stress, anxiety and depression has risen to 718,000, that that is a rise of 39 per cent. and that such conditions now represent 26 per cent. of all claims. That rise is continuing, and it is clearly out of control. Can the Minister guarantee that it will be reduced by the end of this Parliament, or is his Department too stressed and anxious to do that?

Mr. Smith: There are a number of reasons underlying the increase in sickness and ill health—and, in particular, mental ill health—take-up of incapacity benefit. Greater awareness and an increase in people's readiness to acknowledge mental health conditions are certainly part of the picture, but if the hon. Gentleman is suggesting that it would be wise to examine the gateway through which people get on to those benefits, and offer them support to enable them to get back into work rather than have a life on benefits, I agree with him. I hope that he agrees with us that the pathways to work approach, which combines rehabilitation, mandatory work-focused interviews, and incentives and help with training for those who move into jobs, is the right way forward. It is cutting-edge stuff as far as international experience is concerned, and the Conservative party ought to support it.

Pension Credit

2. **Lawrie Quinn** (Scarborough and Whitby) (Lab): How many pensioners he estimates have gained financially as a result of the introduction of pension credit. [177312]

7. **Albert Owen** (Ynys Môn) (Lab): How many pensioners he estimates have gained as a result of pension credit. [177317]

9. **Tony Baldry** (Banbury) (Con): What discussions he has had with Age Concern relating to the take-up of pension credit. [177319]

13. **Jim Knight** (South Dorset) (Lab): How many pensioners he estimates have gained financially as a result of the introduction of pension credit. [177323]

The Minister for Pensions (Malcolm Wicks): We have today published the latest report on the take-up of pension credit. Over 1.8 million households—that includes over 2.2 million individuals—are now receiving more money than they would have done under the old minimum income guarantee system. In addition, following the introduction of pension credit, around 2 million pensioner households now qualify for extra help with housing benefit or council tax.

Our Pension Service works closely with Age Concern at both national and local levels.

Lawrie Quinn: I thank my hon. Friend for that excellent answer. In my constituency, many pensioners are now benefiting from that additional help—considerably so, in fact. However, there are still some pensioners who would argue that they are not getting their full entitlement because of their struggle in filling out the paperwork and so on. What can the Minister do to increase the number of pensioners in my constituency and elsewhere who fully understand what they are entitled to and should be receiving?

Malcolm Wicks: I thank my hon. Friend for the lead that he is giving on pensions rights in Scarborough and Whitby. He has a firm reputation in that regard. More than 5,000 households in his constituency are receiving pension credit, the great majority of them—more than 4,000—being financial gainers. But do we need to do more to increase take-up? Yes we do, and I am particularly pleased to report to the House that somewhere in the region of 500,000 home visits have now taken place through our new Pension Service. It is by that exercise of choice over how to apply for benefits that we will push up the numbers even further.

Albert Owen: I thank the Minister for his earlier response. Many people in my constituency are indeed benefiting from the pension credit, but like my hon. Friend the Member for Scarborough and Whitby (Lawrie Quinn), I have many constituents who are not. Does the Minister agree that Members of Parliament can play an important role in raising awareness of the pension credit? Will he instruct his Department to dispatch information to individual Members across the House so that we can help our vulnerable constituents by raising awareness and making sure that they receive their full entitlement?

Malcolm Wicks: Again, I thank my hon. Friend for the lead that he is giving on these matters on the island. The local pension service has been in touch with all Members of Parliament, but I will review the arrangements to ensure that that is taking place. There are 2,730 people who are on the credit, financially better off, in his constituency, and I know that there are many advice surgeries, one of which, I note, takes place in the marriage waiting room at the registry office—I did not know that we were into that form of joined-up government, but no doubt it will be welcomed.

Tony Baldry: I understand that about £1 billion goes unclaimed in pension credit. Oxfordshire Age Concern, which covers both the Secretary of State's constituency and mine, tells me that much of its work is now in helping pensioners to claim the credit and fill in the paperwork. Will the Minister consider further ways of helping pensioners to access the benefits to which they are entitled? Age Concern and other charities have been very good at reaching pensioners whom even home visits have not reached, so will he consider giving them a grant-in-aid, so that they can be more active in ensuring that pensioners get all the benefits to which they are entitled?

Malcolm Wicks: Again, I thank the hon. Gentleman for his work with the local pension service. I know that Age Concern is an active constituent, as it were, in that area. We have a small partnership fund, a sum set aside for the very purpose that he suggested, to ensure that local voluntary organisations can work with us on common objectives, but I thank him for the suggestion.

Jim Knight: Pension credit is certainly benefiting many pensioners in my constituency, too, and I congratulate the Government on that, but there are many who believe that if they have any extra income on top of their basic state pension, that makes them automatically ineligible. Can the Government do more to change that perception?

Malcolm Wicks: That is an important question, and I am not complacent about our need to communicate very effectively. We are doing so, but there is still much to do. The point of pension credit, in large part, is that for the first time, unlike the old minimum income guarantee, it recognises and rewards those with savings, which is one reason why far more people are now benefiting than under the old income support system.

Alistair Burt (North-East Bedfordshire) (Con): Is not the Minister a touch embarrassed to know that, in my constituency, there are many more pensioners who, thanks to his Government's policies, feel fleeced by unnecessarily high council tax bills than are eligible for pension credit?

Malcolm Wicks: I hesitated because I was waiting for the punch line, Mr. Speaker. I hoped for more from a former social security Minister. We are concerned about levels of council tax in many areas, which is why we are reviewing the best methods of funding local governance, and it is one reason why an extra £100 will go to all households with someone aged 70 or over—indeed, we have Report and Third Reading of that Bill tomorrow.

Mr. Peter Pike (Burnley) (Lab): My hon. Friend will know that I am a strong supporter of pension credit and of what the Government have done for pensioners. Will he acknowledge that the pension centres have done a really good job in ensuring that people who would not have got the benefit are getting it, and recognise that there are concerns about what will happen to those centres? In particular, there are rumours that Simonstone pension centre will close in a major reorganisation, and fears about what will happen and how we will ensure that pensioners get what the Government want them to get in the future.

Malcolm Wicks: I am grateful to my hon. Friend for recognising the important work that pension centres and the service as a whole are doing. Despite the inevitable scare stories that we get from time to time from Opposition parties, the fact that, for example, 94 per cent. of calls are answered within 30 seconds shows what an excellent service we now have.

Mr. David Willetts (Havant) (Con): Does not the Minister recognise the widespread concern that has just been expressed by hon. Members of all parties about the problem of low take-up of pension credit because many pensioners simply do not want to claim a complicated, means-tested benefit? Did he have the good fortune to

hear the Deputy Prime Minister on the "Today" programme the other week, when he said that 1.5 million pensioners were not claiming council tax benefit

"because they don't like to use the means-tested approach that is entailed in that."?

What could be clearer than those words? So as the Minister loyally defends his policy of mass means-testing, does he not feel the tectonic plates shifting underneath him, as he realises how few people believe that it is working?

Malcolm Wicks: I hear the Tory plates crashing all over the place. Of course I listened to what the Deputy Prime Minister said, and we do recognise that some people will fear that this policy constitutes old-fashioned means-testing—not least because of the campaign of fear that some are waging. But when, on phoning our Pension Service, elderly people are able to discover within a short time whether they are eligible for the pension credit, they know that this is a 21st century service. Two out of three people claiming pension credit are women—2 million women are claiming, compared with 1 million men, and the policy is helping elderly women in particular—and that is a very strong feature of this Government's social policy.

3. **Paul Farrelly** (Newcastle-under-Lyme) (Lab): What the rate of take-up of pension credits is in Newcastle-under-Lyme. [177313]

The Parliamentary Under-Secretary of State for Work and Pensions (Maria Eagle): As at 31 May, 3,905 pensioner households in Newcastle-under-Lyme, comprising some 4,700 individuals, were in receipt of pension credit. That is a 50 per cent. increase in take-up of the minimum income guarantee.

Paul Farrelly: I thank my hon. Friend for that reply. Does she recognise that despite Opposition carping, thousands of pensioners in Newcastle-under-Lyme and north Staffordshire have benefited under Labour from pension increases, guaranteed minimum incomes and the pension credit? That is real progress, which would be reversed if the Tories took office again. Does she also recognise that despite the flimsy promise that the Liberal Democrats made last year to knock £100 off council tax, but which they have now dropped—

Mr. Speaker: Order. I think that the Minister can answer the question.

Maria Eagle: Anybody would think that some elections were going on. I did hope to hear what my hon. Friend had to say about the Liberal Democrats, but perhaps we can do so on another occasion. None the less, he is absolutely right to point out that the Opposition's policy would leave poorer pensioners on a—

Mr. Speaker: Order. Even the Minister is not allowed to talk about the Opposition's policies.

Health and Safety Executive

4. **Tony Lloyd** (Manchester, Central) (Lab): What criteria he uses to assess the effectiveness of the Health and Safety Executive. [177314]

The Minister for Work (Jane Kennedy): Notwithstanding the fact that the United Kingdom has one of the best health and safety records in Europe, in 2000 the Government set targets further to reduce accidents and ill health caused by work. The Health and Safety Commission and the Health and Safety Executive have developed a new strategy to help to deliver these targets, and I hold quarterly performance reviews with the HSE, at which key indicators on performance are discussed, among other matters.

Tony Lloyd: My right hon. Friend will agree that for any Labour Government, health and safety are at the highest point on the political agenda, but does she accept that the strategy agreed by this Government and the Health and Safety Commission is not being adhered to and that we are not seeing the reductions in deaths, serious injuries and workplace-related illness that we anticipated? Will the Government therefore give a clear commitment to that strategy and will they ensure that the Health and Safety Executive has the necessary funding to enforce and prosecute, which it is currently failing to do? Will they also introduce the promised legislation, in order to provide real power to crack down on rogue employers who kill and injure our fellow countrymen and women in the workplace?

Jane Kennedy: I do acknowledge the importance that many Members in all parts of the House attach to health and safety, but I do not accept my hon. Friend's observation that the Health and Safety Executive has failed to progress towards achieving these targets. Delivering on the targets is not just about more cash or more inspectors. All organisations such as the HSE can always use more funding, but effective regulation of health and safety at work is about more than that: it is about providing the right information and advice; training; working with and through others; and changing workplace culture. The threat of enforcement is an important element in that regard, and in the light of my increasingly close work with the HSE, I am satisfied that, although there are areas in which we need to make more progress, on the whole the HSE and the Health and Safety Commission are keeping these targets in focus and are working towards achieving them.

Mr. George Osborne (Tatton) (Con): A fortnight ago, as the Minister will be aware, the Health and Safety Executive's Control of Asbestos at Work Regulations 2002 came into force. In those regulations, the agency makes no distinction between the deadly blue and brown forms of asbestos, which have caused such suffering, and the far less risky white asbestos. Is the Minister aware of reports that unscrupulous contractors are using that confusion to rip off home owners, small businesses, farmers and others? What is she doing to ensure that a well meant attempt to protect public health does not become a regulatory nightmare?

Jane Kennedy: I will look closely into those allegations and if there is any truth in what the

hon. Gentleman is saying, I shall certainly look into the matter further. I am grateful to him for bringing it to my attention.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that it is about time the Health and Safety Executive ceased to be a sort of back office of a Government Department? Is it not time we gave it some real independence? I understand that the HSE would dearly like to campaign and to push the Government into doing something about protecting workers from passive smoking at work, but that the Government are leaning on it to be quiet. If that is true, it is a disgrace. Is it not about time the Government grasped the nettle and protected workers?

Jane Kennedy: The Health and Safety Commission and the Health and Safety Executive are independent organisations and they are not coming under pressure from the Government not to pursue a campaign on smoking at work, so I am afraid that I cannot accept the basis of my hon. Friend's question.

Bob Spink (Castle Point) (Con): The Health and Safety Executive is an excellent and important organisation that does good work. Will the Minister congratulate it on its targeting of major causes of accidents, particularly falls from height on building sites? Does she agree that it is important to provide safer methods of forming barriers across openings at height on building sites—for instance, where lift shafts are being provided for—and is she aware that the Fullgate system, which does just that, is manufactured on Canvey Island?

Jane Kennedy: I was not aware of that last fact, and I am grateful to the hon. Gentleman for drawing the House's attention to it. He is right to congratulate the Health and Safety Executive on its good and effective work on the incidence of injuries caused by workers falling from height. Indeed, the rate of reported major injury to employees is now about 3 per cent. lower than it was in 2000, the base year for the targets that I spoke about earlier. However, the balance of evidence suggests that the overall incidence of work-related ill health is likely to have risen, so we are not complacent. We accept that there is a lot more to do and we keep all such matters under constant review.

New Deal

5. **Helen Jones** (Warrington, North) (Lab): How many women in Warrington, North have benefited from the new deal for lone parents since its introduction. [177315]

The Secretary of State for Work and Pensions (Mr. Andrew Smith): In my hon. Friend's constituency, 390 women have taken part in the new deal for lone parents and 220 have so far been helped into work. That is part of the progress across the country that has resulted, for the first time, in more than half of lone parents being in jobs, that has lifted children out of poverty and saved the taxpayer £40 million a year.

Helen Jones: I am grateful to my right hon. Friend for that reply. Many of the women whom I have met who have taken part in the new deal for lone parents are grateful for the work that they have obtained as a result, but I ask my right hon. Friend now to examine the needs of women after they have got jobs under the scheme, because they may need help to develop their careers. They may need information about their rights at work, about courses that they could take and so on, so that not only are they in jobs but they have careers. Will my right hon. Friend undertake to look into what can be done to assist lone parents once they have gone back to work?

Mr. Smith: I thank my hon. Friend for her welcome for the progress that the new deal is making in her constituency and for her advocacy of it. The new deal for lone parents is already making a difference on the issues connected with progress at work that she is concerned about: those who get jobs through the new deal are 15 per cent. more likely to stay in work than those who get jobs in similar circumstances in other ways. The preparation, the training and support and the personal advice are already making a difference. The further expansion of child care, with places for an additional 2 million children by 2006, and the work of the new child care partnerships, coupled with skills and training advice and workplace rights, are, I believe, the building blocks of the sort of flexible and responsive system that my hon. Friend and I both want to see, and towards which we are making progress.

Mr. Graham Brady (Altrincham and Sale, West) (Con): The Secretary of State will know that one of the main causes for concern about the new deal is that so many people, tens of thousands, have been through it twice, three times or more. How many of the women in Warrington, North who have been helped by the new deal for lone parents have been through the scheme more than once?

Mr. Smith: I would have to check that statistic, but as my hon. Friend the Member for Warrington, North (Helen Jones) said, the 220 women who have gained jobs—a significant proportion of those who took part in the programme—welcome those jobs and are more likely to stay in them because they have had the help given by the new deal. Their biggest anxiety would be the Conservative party's plans to scrap it.

Pension Protection Fund

6. **Mr. David Amess** (Southend, West) (Con): If he will make a statement on the decision to offer compensation to those members of occupational pension schemes who will not be covered by the proposed pension protection fund. [177316]

The Secretary of State for Work and Pensions (Mr. Andrew Smith): I dare say that the hon. Gentleman is aware that the Government have amended the Pensions Bill to introduce a financial assistance scheme for those workers who lost out on their defined-benefit occupational pensions prior to the introduction of the pension protection fund. Further details of the scheme, including who will be eligible and the level of assistance

to be provided, will be developed through consultation with stakeholders such as pension scheme trustees, trades unions and business representatives.

Mr. Amess: Is not the Secretary of State disappointed by the reaction to his announcement in Southend, West and throughout the country? Does he recognise that his announcement does not address the serious scale of the problem? Will he use the unclaimed assets in banks and building societies so that the general public, who have been so badly affected, can receive a decent amount of money?

Mr. Smith: In terms of reaction, Derek Simpson of Amicus said:

"This is great news for our members whose pensions were cruelly snatched away when their companies went bust."

Digby Jones of the Confederation of British Industry said:

"We are delighted that government has responded to calls for action ... The amounts the government is suggesting are not enormous but the impact on the lives of those individuals affected will be huge."

That is as positive as reaction can get.

Mr. Frank Field (Birkenhead) (Lab): May I welcome the Government's announcement of a lifeboat operation? May I press the Secretary of State further, however, on the distinction that some Ministers are making between those who have lost their pensions because of an involuntary wind-up through bankruptcy and those who have lost all or part of their pensions because their firm has voluntarily wound up a pension scheme? For those involved, the loss of a pension, for whatever cause, has exactly the same effect. What is the Secretary of State's thinking on whether those who have lost all or part of their pensions because a scheme has been voluntarily wound up will be treated equally to the others?

Mr. Smith: I accept the force of my right hon. Friend's concern, but he will be aware, as others are, that as we have considered these important issues in recent months, I have been careful on each and every occasion to say that where a boundary is drawn around those eligible for assistance, that boundary is bound to be difficult and some people are bound to fall on the wrong side of it. The thrust of the campaign expressing concerns was about insolvent wind-ups, as has been reflected in the statements made by me and my ministerial colleagues. We have made it clear that as we bring the scheme forward and engage with stakeholders and expert groups in defining eligibility conditions, we shall listen to everyone who has representations to make.

Mr. Steve Webb (Northavon) (LD): I welcome the Government's movement on this issue, but does the Secretary of State accept that a hardship fund is not enough? Many workers were not warned that their pensions would be at risk if their employer became insolvent. Indeed, it is worse than that: Government literature from the Financial Services Authority and from the Minister's Department said that pensions from companies were guaranteed. If workers had known that their pensions would be at risk if their employer became insolvent, they could, close to retirement, have got the money out to save their pensions, especially if their employer looked risky. But no one told them so.

Does the Minister accept that if a personal pension salesman did not tell people about the risks, he would be done for mis-selling? Are not the Government guilty of mis-selling occupational pensions?

Mr. Smith: Again, I accept the strong feelings of injustice and anger that members of these schemes will have expressed, and which the hon. Gentleman's remarks partly reflect. However, I have to say that there is not a legal liability here, so talk of compensation in the terms expressed by the hon. Gentleman is not appropriate. I felt—as did hon. Members on both sides of the House—that, because of these workers' plight, it was right to do something about it. That is why we announced the scheme and why we pledged £400 million, plus such help as could be obtained from the industry. It is not an insignificant sum and it will make a real difference to those affected. The hon. Gentleman should be warmer in his welcome for it.

John Robertson (Glasgow, Anniesland) (Lab): My right hon. Friend should be congratulated on the work that he did with the PPF and on supplying the £400 million. However, the criteria governing who does and who does not receive the money have to be simple and clear. Does he agree with that?

Mr. Smith: I thank my hon. Friend for his welcome and kind remarks. Yes, I agree that we must make it as simple and clear as possible, though bitter experience teaches us that little in the field of occupational pensions is quite as simple or straightforward as we would like. In terms of the way forward, we have clearly set out how we intend to proceed. We are already engaging key partners—both stakeholders and expert groups—in consultation on the scheme's development. By the end of this month we will lay a report on the scope of the problem before the House. By the end of November, we will start consulting on regulations. We are working towards the legislation being in place for spring next year, so we are moving as quickly as we can.

Mr. David Willetts (Havant) (Con): Can the Secretary of State assure the House that any payments that victims of pension wind-ups receive from the Government's compensation scheme will not lead to a reduction in means-tested benefits?

Mr. Smith: I am not going to give a blanket assurance on that, but our aim is certainly to try to ensure that people will not be worse off as a consequence of having received this help than they would otherwise have been.

Mr. Willetts: May I press the Secretary of State a little more on that? As we know from a figure that he gave to the House when answering one of my questions in a debate, 60,000 people are affected. We have heard about a scheme that provides £20 million a year—about £400 million in total. That amounts to about £7,000 per person affected, which might be worth £350 a year—a very small sum compared with the size of the losses that many constituents of Members on both sides of the House are facing. It would add insult to injury if those

people were then told that they would have reductions in their means-tested benefits because of the Government's assistance. I very much hope that the Secretary of State will consider the matter further and give the House an assurance that there will not be a loss of means-tested benefits.

Mr. Smith: Of course we will be looking very carefully into all those aspects and their impact on individuals. I would not want to accept—and I would not want the record to show that I had implicitly accepted—the basis of the hon. Gentleman's calculations, by which I mean neither the average amount nor the means by which he arrived at it. The precise means by which help will be provided—and, indeed, any additional contributions—will depend on the definition of eligibility for the scheme.

If the hon. Gentleman thought for a moment about the interaction with the pension credit system, he would realise that if people had the occupational pension that they had previously expected, it might well have taken them out of eligibility for assistance from the pension credit. In those circumstances, and to the extent that that credit is replaced, it would be illogical—and, indeed, unfair to those who were not in the scheme—if no account were taken of it.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Is my right hon. Friend aware that I am astonished at the churlishness of the Tories, and especially the hon. Member for Southend, West (Mr. Amess) in his attack on my right hon. Friend? My constituents believe that he and the Minister of State did an excellent job arguing for the scheme, obtaining the £400 million and getting the Prime Minister to intervene. Can my right hon. Friend give us the further assurance that my right hon. Friend the Member for Birkenhead (Mr. Field) was seeking—that in implementing the scheme, he will be as flexible as possible and will ensure that no one is excluded on a technicality?

Mr. Smith: As I said, we will certainly be looking very carefully at the views that have been expressed. There is no point in misleading people on that. However a scheme is defined, and whatever the eligibility conditions, there are bound to be some people who will be disappointed. That has been in the nature of things since the beginning. It is important, as I have said all along, that we can look people straight in the eye and that they know that we have been straight with them. As to the churlishness of the Conservatives, I am never surprised at how churlish they are, any more than I am surprised by the loyalty and enthusiasm of my right hon. Friend, which is greatly appreciated.

Andrew Selous (South-West Bedfordshire) (Con): Will the Secretary of State now answer the excellent question asked by my hon. Friend the Member for Southend, West (Mr. Amess) about the unclaimed assets fund? The right hon. Gentleman is aware that people will receive only between £350 and £500 a year. Why cannot a claim be made on the unclaimed assets fund to help those 60,000 people?

Mr. Smith: There is no unclaimed assets fund on which to make a claim. If there were, and if funds were available to help with the scheme, it would be very welcome.

Mental Health

8. **Ann Coffey** (Stockport) (Lab): What assessment he has made of the contribution of Work Link in Stockport to supporting people with mental health problems to move back into work. [177318]

The Parliamentary Under-Secretary of State for Work and Pensions (Maria Eagle): Stockport council's Work Link initiative has been providing a well regarded, work-focused service to people with mental health impairments since 1998. I am pleased that Work Link is working closely with Jobcentre Plus and I am confident that their partnership will continue to deliver the intense one-to-one support that has been successful in helping 68 people with mental health impairments into work since 1999.

Ms Coffey: I thank my hon. Friend for that reply. Work Link has been providing employment services to people with severe learning disabilities and mental health problems for several years and has had a remarkable success rate in placing people in work. However, because of changes in the structure of bidding for the European social fund, the long-term financial support for the project is now in doubt. Will my hon. Friend visit Work Link in my constituency, see for herself the excellent services that are being provided, and discuss the possibilities for sustainable, long-term funding to assure the future of the project?

Maria Eagle: I am keen to continue successful partnerships with organisations such as Work Link, which has developed specialist expertise to help many people who have traditionally been ignored by society and written off as incapable of work. I am more than happy to visit Stockport and Work Link as soon as I have the opportunity to do so to discuss those issues with the project's staff.

Jobcentre Plus

10. **Mr. Tam Dalyell** (Linlithgow) (Lab): Pursuant to his oral answer of 26 April 2004, *Official Report*, columns 631-32W, on Jobcentre Plus (Scotland), how much has been invested in Jobcentre Plus in Scotland in the most recent convenient period. [177320]

The Minister for Work (Jane Kennedy): In Scotland in the last financial year, £48.8 million was invested in welfare-to-work programmes and more than £31 million in the roll-out of new Jobcentre Plus offices and new contact centres. Forty-five of the new Jobcentre Plus offices are now open in Scotland, including the Bathgate office in my hon. Friend's constituency.

Mr. Dalyell: How successful has Jobcentre Plus been in bringing the hitherto economically inactive back into productive work?

Jane Kennedy: Nationally, more than 276,000 people have been helped into work through the new deals for lone parents and disabled people, who are some of our hardest to help customers. In Scotland, the new deal for lone parents has assisted 26,780 people back into work since its introduction in 1998.

Mr. John McFall (Dumbarton) (Lab/Co-op): The question for my right hon. Friend the Minister is whether that investment has been worth while. In the review of district structure, the new Highlands, Islands and Clyde coast district includes Dumbarton. The new headquarters for that district is 182 miles away in Inverness. Kevin Doran, the director for Scotland, has confirmed in a letter to me that the new structure is about economies of scale, but I would like reassurance from my right hon. Friend that it is also about efficiency, convenient access and customer care. Can I have such guarantees on behalf of my constituents?

Jane Kennedy: The development of Jobcentre Plus is about building on the high quality service already provided by social security offices and jobcentres by delivering a single integrated service to all people of working age, with a clear focus on work. It is about delivering more flexibility to the staff who are in the closest contact with my hon. Friend's constituents. I undertake to ensure that we continue to work with Jobcentre Plus to keep assistance to customers and customer service at the forefront of our targets.

Income Support

11. **Mr. David Tredinnick** (Bosworth) (Con): How many people he estimates are not claiming the income support to which they are entitled; and if he will make a statement. [177321]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): We want all people who are eligible for benefits to take up their entitlement. Our most recent estimate is that between 86 and 95 per cent of people who are entitled to income support are receiving it, leaving between 110,000 and 350,000 working-age adults not receiving it. Among claimants with children, take-up is higher at between 93 and 99 per cent.

Mr. Tredinnick: I thank the Minister for that reply. Can he tell us whether the number of people claiming housing benefit, council tax benefit and income support is going up or down overall? If the overall number is going up, does not that show the Government elected in 1997 as a dismal failure?

Mr. Pond: No, it shows considerable success across the board. The hon. Gentleman will have heard my hon. Friend the Minister for Pensions talking about what we are doing and about our great success in extending access to the pension credit. He will know that we have launched a campaign on council tax benefit. Because the eligibility limits for many of those benefits have been increased generously, it is true that more people have become entitled and we are working hard to ensure that those newly entitled people get the benefits to which they are entitled and make claims as appropriate.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Are some people who are in receipt of child support allowance missing out on income support? I have a letter sent on behalf of the chief executive of Jobcentre Plus. It shows that the change that came in on 12 April means that:

> "As the children will not be included in the calculation for Income Support, any income they receive, including maintenance payments, will not be taken into consideration".

That is being countermanded by local provision. The Chesterfield manager states that it is misleading because maintenance payments are made not to the children but to the parent. Can the matter be clarified? Are some people missing out on income support because they are on Child Support Agency money?

Mr. Pond: As my hon. Friend will know, we have made an important change in saying that maintenance payments will not be taken into account in the child tax credit, but I shall look into the specific issue he raised and the confusion that has arisen as a result of the fact that support for children has moved from income support across to a seamless system of child tax credits.

Mr. Tim Boswell (Daventry) (Con): On the operation of the benefits system generally, with particular reference to income-related benefits, has the Minister had a chance to read the annual report of the Daventry welfare rights group for the last fiscal year? It reports a staggering 50 per cent. increase in the work load and comments simply that new benefits are introduced and the common factor is chaos. Would not Ministers be better advised to stop tinkering with the system and to make a real effort to reduce its complexity and its over-dependence on means-testing?

Mr. Pond: I have to say that that particular publication did not form part of my weekend's reading, but I shall make sure that it is part of my next weekend's reading. However, I am absolutely sure that the publication will have included reference to the fact that we are the first Government ever to have set ourselves a target of, first, halving and then eliminating child poverty and that we are determined to deal with pensioner poverty. That is why we have had to sort out much of the benefits mess left to us by the previous Government and why we have had to introduce benefits such as the pension credit, which assists many thousands of pensioners in the hon. Gentleman's constituency, as it does elsewhere in the country.

Housing Allowance

12. **Siobhain McDonagh** (Mitcham and Morden) (Lab): What progress has been made in piloting the standard local housing allowance in the private rented sector. [177322]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): We are making excellent progress on the local housing allowance pathfinders. All nine pathfinder local authorities have implemented the reforms smoothly and we have put in place a comprehensive and independent evaluation. Although these are early days, the indications are that the local housing allowance is working well.

Siobhain McDonagh: I thank my hon. Friend for that answer. With specific reference to London, what are the

early findings? Although the pilot on the standard local housing allowance is welcome, I foresee problems in London where demand for accommodation of all sorts is huge.

Mr. Pond: In choosing the pathfinders, we wanted to ensure that we were able to cover high demand areas as well as low demand areas. That is why one of the nine pathfinders is based in London, and we shall look carefully at the implications of that for the working of the scheme. In Lewisham, 2,000 people are already in receipt of the local housing allowance, and it is working well at present. As I said, these are early days and we have announced that a further wave of local authorities will be included in a local housing allowance scheme to see operationally how it will work in practice. We have received a tremendous response from local authorities that would like to be involved and we shall announce which of them will be included in the near future. We hope that one of them, too, will be in London.

Miss Anne McIntosh (Vale of York) (Con): Is this the best time to be transferring the new scheme to the private rented sector, bearing in mind the tremendous pressure that that sector of the housing market is coming under, particularly in north Yorkshire, and the lack of affordable homes in that area? What discussions has the Minister or his Department had with the Office of the Deputy Prime Minister to try to alleviate the situation by getting more homes from the private rented sector on to the market and by providing more affordable homes?

Mr. Pond: The hon. Lady makes an important point, and I can tell her that we have had extensive discussions with the Office of the Deputy Prime Minister. We need to tackle the issue from both ends. We need to make sure that more affordable housing becomes available and, at the same time, that tenants have more choice and more ability to make decisions about how they spend their incomes. That means ensuring that they make the decisions about quality in terms of the housing available.

Vera Baird (Redcar) (Lab): Can my hon. Friend tell the House how the local housing allowance pilots—which, on the face of it, should permit people to make choices about the type and quality of their accommodation—are working and whether, in particular, in poorer areas such as mine there is evidence that people are exercising their power of choice to trade up or to trade down?

Mr. Pond: Yes, I can say that, in the pathfinders, the overall effect—whether it be in the high demand or low demand areas—seems to be generally very positive. We are not seeing great problems in terms of the extension of choice to tenants. In areas such as that of my hon. and learned Friend, the available evidence seems to suggest that when people have the choices and the income to make those choices a reality, they tend to trade up in the quality of their accommodation. That would be our expectation.

Child Support Agency

14. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): If he will make a statement on the operation of the Child Support Agency. [177324]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): The new scheme of child support was introduced for new cases and for those connected to the new scheme in March last year. My right hon. Friend the Secretary of State has made regular progress reports to the House. Following his last report on 21 April, I can tell the House that more than 180,000 cases have now been cleared and more than 22,000 of the poorest families are already benefiting from the new child maintenance premium.

Mr. Carmichael: I thank the Minister for that answer, but the stream of complaints made in my surgeries by constituents who continue to have their liability for child support assessed according to the old rules continues unabated. Have the Government set a date for the complete migration of all cases in the CSA from the old system to the new? What is that date?

Mr. Pond: No, we have not set a date. Overall, the number of complaints is falling and those that are made are being resolved more quickly by the agency. We have been straightforward with the House in saying that we cannot and will not transfer cases to the new system until we are absolutely sure that the new system and the IT are working properly. We cannot give a date on that, and my right hon. Friend the Secretary of State has made it clear that, in his view—and, I am sure, in the view of the House as a whole—it would be irresponsible to make that transition until we are sure that the IT is working properly.

David Taylor (North-West Leicestershire) (Lab/Co-op): Has my hon. Friend looked at the proportion of the old case load that will be affected by the 15 per cent., 20 per cent. or 25 per cent. change and considered what the number of winners and losers might be? There is a great deal of anxiety out there and much pressure for the rollback to take place as early as possible. In particular, in the case of CSA clients in North-West Leicestershire, who are largely dealt with by staff in either Dudley or Belfast, the number of caseworkers that individual resident parents have to deal with over quite a short time is excessive. Will he look at the stability and training of staff there?

Mr. Pond: Certainly, that is an issue that we are looking at to make sure that staff have the right and adequate amount of training. We understand the anxieties that people feel in waiting for the new system to come fully into operation. Everybody will accept that it is a much better system than the one set up by the Conservative party: it is simpler, fairer and more straightforward. However, as I have said, it would be irresponsible of us to try to make that transition until we know that the IT is working smoothly to ensure that payments go to the children who need the support.

Pension Payments

16. **Dr. Brian Iddon** (Bolton, South-East) (Lab): How many pensioners are receiving payment of their pensions at post offices in the Bolton, South-East constituency. [177327]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): As at 17 April 2004, 6,000 pensioners in Bolton, South-East received their payments by order book, which they cash at the Post Office. Almost 5,500 pensioners have had their money paid directly into an account. Many of those pensioners can access their payments in cash at the post office through the wider range of banking services now available at post office branches.

Dr. Iddon: All of us are being asked to remember more and more personal identification numbers and passwords, the latest example being the Fees Office, but at least it gives Members of Parliament clues to help us out. Is my hon. Friend aware that some pensioners find it extremely difficult to remember their PINs for the post office and that as a consequence some post offices are keeping lists of those PINs behind the counter? Will he discuss that problem with Post Office Counters Ltd. the next time he meets its representatives?

Mr. Pond: I certainly will. We understand that some people may have difficulty remembering their PINs, and my hon. Friend suggests that he might be one of them. I do not know whether he has taken out a Post Office card account, but I can tell him that he will not be entitled to it. It is not good banking practice for anyone, including sub-postmasters, to keep PINs behind the counter. I am not sure that that is good for the system's overall security. Of course, customers have the opportunity to change the PIN originally allocated to a number that they can more easily remember—perhaps their date of birth—and it is the job of staff and sub-postmasters to remind them of that. However, we have always recognised that a small number of people will not be able to operate the PIN system effectively, which is why we have announced a cheque-based system of payment, to begin from October this year.

Miss Anne Begg (Aberdeen, South) (Lab): I congratulate the pensioners of Bolton, South-East on getting a PIN because that means they have managed to open a Post Office card account, which is still proving very difficult and a bureaucratic nightmare. Will the Minister consider the various stages that a pensioner has to go through to open a Post Office card account to ensure that the system is much easier to use and that some of the silly rules, which act as a barrier to people opening such accounts, are removed?

Mr. Pond: Already, 3 million customers have said that they want to open a Post Office card account and 2 million have done so. We recognise that some customers may find the process difficult, but we have made it as simple as we can. We are considering ways to make the process more customer friendly and simpler to operate. We are in discussions with the Post Office on how best to do that.

Pension Credit

17. **Paul Flynn** (Newport, West) (Lab): If he will make a statement on the take-up of pension credit. [177328]

The Minister for Pensions (Malcolm Wicks): As the progress report published today shows, 2.5 million households—including 3 million individuals—are now receiving the pension credit. This includes just short of 4,000 pensioner households in my hon. Friend's constituency.

Paul Flynn: That is a very good story, but there is one curious aspect to it, as reflected in the answer that my hon. Friend gave to me a few months ago—and that is the percentage take-up between urban and rural areas. In the prosperous rural areas, the increase in the take-up this year was 43 per cent., but in the poorer rural areas it was a mere 31 per cent. and just 19 per cent. in London. Has the Minister given some thought to that and to how he will conduct future campaigns to concentrate on the urban areas, where the need is almost certainly greater?

Malcolm Wicks: We are studying reasons for variations of the sort illustrated by my hon. Friend and I shall report back when we have some firm conclusions. However, a local pension service allows us to tailor the campaigns to local circumstances. I am happy to talk to him about how we might better do that, although the local pension service is doing an excellent job in his constituency.

Stockline Plastics Factory Explosion

18. **Ann McKechin** (Glasgow, Maryhill) (Lab): If he will make a statement on the Health and Safety Executive investigation into the Stockline Plastics factory explosion in Glasgow. [177330]

The Minister for Work (Jane Kennedy): The Lord Advocate, Colin Boyd, and the chair of the Health and Safety Commission, Bill Callaghan, agreed that there should be a joint investigation into the factory explosion in Glasgow on 11 May 2004, involving the Health and Safety Executive, the Crown Office and Procurator Fiscal Service, and Strathclyde police. That joint investigation is now proceeding in a co-ordinated and co-operative manner, but it is too early to speculate on the cause of the explosion.

Ann McKechin: I thank my right hon. Friend for her reply. I take this opportunity to give credit to the emergency workers, the voluntary sector and the local community in Maryhill for their marvellous response to this tragedy. Clearly, as my right hon. Friend stated, we need to wait until the full evidence is available before making any judgment as to the cause of the tragedy, but will she assure the House that if the inquiry should show evidence of a health and safety failure, there will be a full, independent investigation of the role of the Health and Safety Executive in its earlier visits to the factory?

Jane Kennedy: I, too, want to add my words of congratulation not only to the members of the emergency services, but to the staff of the Health and Safety Executive who were on site very quickly after the incident. The HSE has visited the site of a number of occasions in the past 30 years; indeed, it has done so twice in the past four years. Following standard procedure, it will be conducting a prior role inquiry to determine whether there are lessons to be learned, both for the employer and for the HSE.

Iraq

3.31 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): With permission, Mr Speaker, I should like to make a statement on political and diplomatic developments relating to Iraq.

Under a revised and accelerated timetable agreed on 15 November last year, and endorsed by the Security Council in resolution 1511, full authority will transfer from the occupying powers, the United States and the United Kingdom in just three weeks' time, by 30 June, to a sovereign interim Iraqi Government. That Government will be in office until 31 January next year, by which time national elections for a transitional Government and constituent Assembly are due to have been held. The transitional Government and Assembly will oversee, among other things, the drafting of a new constitution, with a view to its agreement and elections for a Government on the basis of the new constitution by the end of next year.

To facilitate that process, the UN Secretary-General, Kofi Annan, appointed Ambassador Lakhdar Brahimi to nominate the interim Government. On 1 June, Ambassador Brahimi announced the appointment of Sheikh Ghazi al-Yawir as the new President; two deputy Presidents, Dr. Ibrahim al-Jafari and Dr. Rowsch Shaways; and a new Prime Minister, Dr. Iyad Alawi.

Dr. Alawi's Cabinet was also announced on 1 June in a joint press conference with Ambassador Brahimi. Twenty-two of its 31 members are newcomers—that is, not former members of the Iraqi Governing Council—and six are women. In an address to the nation last Friday, Dr Alawi identified his Government's priorities as the restoration of Iraqi sovereignty; security; economic revival; national unity; and preparations for elections.

Immediately following the announcements on 1 June, the Iraqi Governing Council dissolved itself and handed over its responsibilities to the new Government, including control of the 14 Ministries already under full Iraqi authority. The remaining 11 Ministries will be transferred by 30 June, at which point the coalition provisional authority will dissolve and the occupation will come to an end.

It is appropriate at this moment for me to record the British Government's appreciation of Ambassador Bremer, who heads the coalition provisional authority, and particularly of Ambassadors Greenstock and Richmond and all the staff in the British part of the coalition provisional authority for the contribution that they have made.

The announcement of the new interim Government was the fruit of many weeks of wide-ranging consultations conducted by Ambassador Brahimi and his team. The result is, I believe, a competent, professional and broad-based Government acceptable to the widest possible range of Iraqis and reflective of Iraq's diversity. The new Government have been welcomed by the United Nations, by the European Union, by many Governments in the region and by key figures in Iraq such as Ayatollah al-Sistani, the leading Shi'a cleric. I am sure that the House will wish to join me in paying tribute to the outstanding work of Ambassador Brahimi and his staff; in congratulating all the members of Iraq's new Government on their appointment; and in offering the Government our full support.

Meanwhile, Ambassador Brahimi has made recommendations for the membership of a supreme commission, to be formed within days, to prepare a national conference to be held this July. The conference will include a diverse range of Iraqi voices in the political process, thus providing for the broadest possible representation. It is expected to elect an interim national council of about 100 members, whose role will be to promote constructive dialogue and national consensus; to advise the presidency and the Council of Ministers; to monitor the work of the Executive, including the implementation of laws; to have the power of veto over Executive orders; and to approve the national budget.

The United Nations will advise on the organisation of the national, regional and local elections, which are to be held no later than 31 January next year. We welcome the formation of an Iraqi independent electoral commission to prepare for those elections, with UN assistance. The commission's members have been recommended by the UN. I pay tribute to the work of Carina Perelli, head of the UN electoral assistance division, and her team for making all that possible.

As the House will be aware, the United States and the United Kingdom have proposed that there should be a new Security Council resolution to facilitate the transfer of sovereignty by 30 June. Drafts have been under discussion in New York and between capitals for some weeks. Those discussions with our Security Council partners have taken place in a constructive atmosphere, and I hope that the process may be brought to a conclusion very soon.

Key elements of the resolution affirm the full sovereignty of the interim Government and give the United Nations a lead role in support of the political process. The mandate of the multinational force is dealt with both within the text of the resolution and in an exchange of letters to the President of the Security Council from, on the one hand, the Prime Minister of Iraq and, on the other, the United States Secretary of State Colin Powell on behalf of the multinational force. The draft resolution provides that the mandate of the multinational force will expire in any event by 31 December 2005, but the Iraqi Government will have a clear right to review or to terminate it earlier if they so wish. The draft resolution and the letters lay down in some detail the nature of the relationship between the multinational force and Iraq's own security forces, and state the need to reach agreement on fundamental security and policy issues, including policy on sensitive offensive operations. I am placing the text of both letters in the Libraries of both Houses.

The Iraqi Foreign Minister, Hoshyar Zebari, addressed the Security Council last Thursday 3 June in New York. He asked that the international community endorse and support the Iraqi interim Government as quickly as possible, made clear his support for the resolution and made a number of points about the provisions of the resolution, which are now being dealt with. The Security Council has been holding further discussions about the resolution over the weekend and will resume those discussions later today in New York. A revised draft text is due to be circulated to Security

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Council members later today. If it is—and, in any event, as soon as it is—circulated, I shall lay it before the House and place a copy in the Library of the House of Lords.

The biggest challenge that the new Government of Iraq will face is to build security. There will be those who will continue to seek to disrupt the transition to successful democracy in Iraq and to force decisions by the bomb, not by the ballot box; but the Iraqi Government are firmly resolved to defeat the men of violence, and we are resolved to help them to do so. The multinational force, including British troops, continues to work with the Iraqis to stabilise the country and to assist the process of reconstruction and political transition. The force is helping Iraq's own security forces to build their capacity. The Iraqi police force now numbers some 89,000 men, the Iraqi civil defence corps 29,000, the border police 8,000, and the facilities protection service some 74,000.

I pay tribute to the courage and bravery of all those in Iraq who are working to build peace and democracy. The British troops of the multinational force, along with many British police and civilians, are giving them vital and courageous help. There will be some difficult times ahead, but the path to a free and democratic Iraq is now clear, and the British Government will remain committed to helping the Iraqi Government and people to achieve that historic goal.

Mr. Michael Ancram (Devizes) (Con): May I thank the Foreign Secretary for his statement and for giving me advance sight of it? I am sure that he will join me in paying a brief tribute to the late President Reagan, of whom it can truly be said that he left an indelible mark on history, and that he challenged the seemingly inevitable march of communism and won. We have lost a champion and a friend.

Recent events in Iraq have at last provided the basic elements of a working plan to deliver a representative and democratic Iraq, run by Iraqis, before the end of the year. This plan is long overdue and there is already a feeling of time lost, which has in turn led to increased tension and hostility on the ground. History will judge critically, as we have consistently from the Conservative Benches, the political incompetence of the Government and the instability that has flowed from their failure to plan adequately and early enough for the post-war reconstruction of Iraq and its return to democracy.

However, progress has been made over the last two weeks. We welcome the appointment of Prime Minister designate Iyad Alawi, President designate Ghazi al-Yawir, and the rest of the interim Government. We also welcome the endorsement of the United Nations for those appointments, which is something that we have long called for. The interim Government in waiting have made a good start, but they must establish their credibility by being genuinely representative of the people of Iraq. They must secure and retain the backing of the mainstream Sunni and Shi'a communities, and of the Kurds in the north. They must not be seen as placemen of the coalition, and the coalition must never act in such a way as to suggest that they are. I also welcome the latest draft of the United Nations Security Council resolution. It certainly reflects our desire for a clear and comprehensive plan that includes the United Nations, and we wish it a fair wind.

There remain, however, a number of crucial questions to which we seek full answers today. What is the distinction highlighted in the latest draft resolution between international law and what is called "international humanitarian law", and what implications could this have for the actions of our troops on the ground? Then there are the vital questions about the relationship between the interim Government and the multinational force after 30 June. The answers to some of these questions might be in the letters that the Foreign Secretary is placing in the Library of the House, but that is no reason for him not to answer them himself this afternoon, when he can be questioned further on the detail.

Apparently the interim Government can ask us to leave, but will they have a veto over what the multinational force can undertake operationally on the ground? If, for instance, the interim Government were to say that there could be no further deployments in Falluja or Najaf, would that be an end of the matter? Conversely, do they have a right to request that our forces should be deployed in particular places for particular purposes and in particular ways? What veto would our commanders have on such requests? Can we be assured that these vital outstanding issues will be settled and clear before the resolution is passed by the Security Council, so that there can be no arguments afterwards? I am sure that the Foreign Secretary will agree that absolute clarity on the chain of command is essential to the safety and security of our troops.

What chances are there of engaging further armed forces, with the backing of the United Nations, particularly from Arab or other Muslim nations, to help to provide security and training in Iraq? Where have we got to in the hunt for weapons of mass destruction? Given the accusations being made in America, and the recent resignation of the director of the CIA, George Tenet, would it not be wise, in the interests of public confidence, to put on hold the appointment of John Scarlett as head of MI6, at least until the Butler inquiry has reported?

Finally, on the question of further British troop deployments, given the damaging uncertainties caused by persistent Government briefings and counter-briefings over recent months, and given the suspicion that the Government, for party political reasons, are withholding announcements of bigger deployments outwith our area of control until after Thursday's elections, can the Foreign Secretary categorically assure the House that between 11 and 30 June no further deployments will be announced for outside Multinational Division (South East)? It would be unforgivable were the Government, for party political and electoral considerations, to play fast and loose with the interests of our armed forces.

Once again, I commend our armed forces for the remarkable work that they are doing with such courage, skill and dedication, on our behalf, in Iraq. We wish them well. On their behalf, however, we want answers to these questions, not in prime ministerial press conferences, lobby briefings or lengthy, rambling interviews by the Foreign Secretary on the "Today" programme, but here in the House of Commons, and we want those answers today.

Mr. Straw: Of course, I am happy to associate myself and the Government with the remarks made by the right

hon. and learned Gentleman about the death of President Reagan, who was a historic figure in the United States and the west.

I listened with great care to the right hon. and learned Gentleman. It would have been altogether slightly more impressive and consistent with his earlier position of supporting military action had he adopted a rather less cavilling and churlish approach. He was so anxious not to talk about the subject that for one moment I thought that he was going to talk about Europe, until I remembered the United Kingdom Independence party and the difficulties that that is causing the Conservatives.

The right hon. and learned Gentleman asked me some questions about the amount of time that has been spent on developing this approach. I remind him that with the agreement of the Iraqis, we accelerated the whole time scale. Originally, the transfer of power was going to be made much later this year, running into next year. Following decisions that were made with the coalition provisional authority and the Iraqi Governing Council on 15 November, the current time scale was agreed. There was a lot of scepticism about whether it could be met in time, but it has been, and it was endorsed by resolution 1511. The right hon. and learned Gentleman asked me about what he says is the crucial distinction between international law and international humanitarian law—there is no distinction. At one point, international law is talked about generally, while at another, international humanitarian law is talked about because it is specific to the context.

On the circumstances in which the Iraqi forces and multinational forces will co-operate, the letter from Dr. Iyad Alawi to the Security Council, which is also referenced by the letter from Colin Powell, deals with that in the second main paragraph on page 2—I provide that detail for the benefit of colleagues in the House who wish to look at it after this statement. It states:

"The structures I have described in this letter will serve as the fora for the MNF and the Iraqi government to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between Iraqi forces and the MNF, through close coordination and consultation."

It continues:

"Since these are sensitive issues for a number of sovereign governments, including Iraq and the United States, they need to be resolved in the framework of a mutual understanding on our strategic partnership."

What we sought to do in these letters was to specify the framework of principles that should apply. By definition, since we are dealing with what will happen in the future, we cannot specify every single circumstance, but I do not believe that some of the difficulties that have arisen in recent months will arise under the arrangements. In any event, the Iraqi interim Government, as well as the transitional Government, after 31 January, have an absolute right both to call for a revision of the terms under which the multinational force operates and a right to call for its withdrawal. Taken together, those will be adequate protections to ensure that the Iraqis are fully involved in this partnership, but that commanders on the ground from the multinational force have proper operational control when they are involved in an operation.

A further report is awaited from the Iraq survey group, and my statement does not relate to it directly.

My right hon. Friend the Secretary of State for Defence made a statement about the deployment of British troops just two weeks ago. If there are to be any further deployments—and for the moment it is a big if—my right hon. Friend will make a statement at the appropriate time.

Donald Anderson (Swansea, East) (Lab): I congratulate my right hon. Friend on the progress that has been made in building consensus, both in the United Nations Security Council and internally in Iraq. It is surely imperative that we give the new Iraqi interim Government the greatest possible degree of sovereignty, even if that means taking some risks.

Can my right hon. Friend comment on Mr. Alawi's statement to al-Jazeera over the weekend that there should be greater progress towards finding places in the new Iraq for former Ba'athists who are not guilty of human rights abuses? Is that supported by our Government and, perhaps more particularly, by the United States Government?

Mr. Straw: I am grateful to my right hon. Friend for what he has said. I should make it clear that no degrees of sovereignty are being transferred by 30 June; authority and sovereignty are being transferred, full stop. As for progress on the absorption of former Ba'ath party members who are not implicated in the excesses of the regime, we strongly agree with Prime Minister Alawi, and that view is now shared by the United States Government.

Sir Menzies Campbell (North-East Fife) (LD): It would be ungenerous not to acknowledge that there has been real progress in recent days, but does the Foreign Secretary accept that the ultimate verdict will depend on the final terms of the resolution, on effective and credible implementation of its provisions and, in the end, on its acceptability to the Iraqi people as a whole?

Can the Foreign Secretary tell us whether there are any differences of substance or nuance between Her Majesty's Government and the United States Government on security issues? Why is it necessary for matters concerning sensitive operations to be incorporated in letters rather than in the resolution itself?

The Foreign Secretary will recall telling me in correspondence that he expected the resolution to restore control of all Iraqi resources and assets to the Iraqi Government. Will that be achieved in the new draft resolution, or are there any exceptions? In particular, will the interim Government have power to renegotiate any contracts relating to oil or oil exploration in Iraq?

Finally, when does the Foreign Secretary expect the last British soldiers to leave Iraq?

Mr. Straw: I am grateful to the right hon. and learned Gentleman for the spirit of his remarks.

I think that an interim verdict will depend on the terms of the Security Council resolution and its acceptability in Iraq. I think that the ultimate verdict will depend on whether the process leads to a

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democratic, stable and secure Iraq; but it is my solemn hope and, now, my cautious expectation that that will be the case. Speaking for myself and, I believe, for many colleagues on both sides of the House, I think that if that happens—as I hope and expect it will—it will mean a great new beginning for the country that was so ravaged by three decades of tyranny under Saddam Hussein, in which hundreds of thousands of people died.

The right hon. and learned Gentleman asked whether there had been any differences of substance or nuance on security issues. There have been no fundamental differences. It will come as no surprise to the House that there has been extensive discussion, not only with other Security Council partners but with our friends in the United States Administration, about the precise wording of the resolution.

The right hon. and learned Gentleman also asked why it had been necessary to include the details of the security arrangements in letters rather than in the resolution itself. That is because the agreement needs to be between the multinational force and the Iraqi Government rather than the Security Council, on which the Iraqi Government do not happen to sit and on which, in any case, they would sit in a different capacity. However, the letters themselves are annexed to the resolution. They are public, and we readily conceded to Security Council partners that they needed to see the text of the final version of the letters, as signed, before it was reasonable to ask them to vote for the resolution because, in practice, they form an integral part of the overall decisions that we hope will be made in the Security Council shortly.

The right hon. and learned Gentleman asks about the renegotiation of contracts. Oil has always been the property of the Iraqis, none of it has been used to pay for the coalition and it will continue to be the property of the Iraqis. He asks whether there will be the power to renegotiate any of the contracts. The Iraqi interim Government have accepted under the transitional administrative law a self-denying ordinance—it has not been imposed on them—meaning that they will not take actions that are irrevocable and that would tie the hands of the elected Government who will be in place after 31 January. I think that that is right, but subject to that—and it is quite a big subject—they will be free to negotiate their own contracts.

The right hon. and learned Gentleman's last question was what will be the last date on which British forces will be in Iraq. The last date under the mandate, if it is passed, will be 31 January 2005. Whether any troops will remain after that period will obviously, above all, be a matter for the Iraqi Government at the time, who, by that stage, will be fully elected and operating under their own constitution.

Mr. Robin Cook (Livingston) (Lab): May I welcome the broad thrust of my right hon. Friend's statement, especially the strong stress that he placed on the role of the United Nations? Many of us in the Chamber—I suspect himself included—would have welcomed such a central role for the UN from the start. Those of us who have been critical of the occupation should recognise that the events of recent months have obliged the United States to accept a much bolder transfer of sovereignty than it had been contemplating. Given the extent to which nudging from Britain has moved it in that direction, I congratulate my right hon. Friend and the Foreign Office.

Will my right hon. Friend clear up one point? A month ago, Ambassador Bremer said that the interim Government would not have the power to vary the laws that he brought in as presiding genius of the coalition authority. Will my right hon. Friend give me the further good news that the United States has also given ground on that point and that the interim Government will be able to amend the directives that they inherit from the coalition authority should they wish to do so?

Mr. Straw: I thank my right hon. Friend for what he said, especially about the importance of the United Nations—I know that he has always subscribed to that view. May I make a correction to an answer that I gave a moment ago? It has been drawn to my attention that I talked about the mandate of the multinational force expiring on 31 January, but I should have said 31 December.

My answer to my right hon. Friend is the same as my answer to the right hon. and learned Member for North-East Fife (Sir Menzies Campbell). The transitional administrative law was negotiated between the appointed Iraqi Governing Council and the coalition provisional authority. The interim Government have said that they have no intention of disturbing key elements of that because they do not want to pre-empt the rights of the transitional Government who will be in place, God willing, after being elected within a seven-month period. Subject to that, however, if they wish to make changes, they may do so because they are the sovereign Government of Iraq. The self-denying ordinance is not required by the Security Council and nor could it be required by the coalition, the role and authority of which finishes, full stop, on 30 June. As I made it clear in my statement, there will be laws passed by the interim Government that will go to the consultative council for supervision.

Mr. Francis Maude (Horsham) (Con): Whatever the imperfections in planning and the difficulties of implementation, the coalition's objectives behind what it has done and tried to do in Iraq are the promotion of stability in the middle east, the enlargement of freedom and the promotion of the Iraqi people's ability to govern themselves rather than being subject to an unelected tyranny. Does the Foreign Secretary acknowledge that the insurgency and insurrection that is currently going on in the middle east—not only in Iraq—is cynically designed to frustrate those objectives and to unnerve and divide those throughout the world who promote them? Will he assure the House that the Government will hold their nerve and draw the right lesson from President Reagan's life: when the free democracies show sustained strength in the face of an international threat, they eventually win?

Mr. Straw: I am grateful to the right hon. Gentleman. It is clear, tragically, that there is a degree of insurgency—much of it fanned from outside Iraq, some from within—that is seeking to cause instability across the region without discrimination as to whether the people concerned supported or opposed the military

intervention in Iraq. Saudi Arabia has taken the brunt of some of the attacks and I am sure that I speak for the whole House when I place on record our deep sadness at the news overnight of the killing of Simon Cumbers, a BBC cameraman whom I knew personally and respected. I am sure I speak for the whole House when I express our condolences to his family, his colleagues at the BBC and his friends, and in wishing Mr. Gardner the speediest of recoveries in the very difficult circumstances in which he finds himself.

Sir Stuart Bell (Middlesbrough) (Lab): The House will welcome the Foreign Secretary's confirmation that 11 of the 26 Government Departments are already in Iraqi hands and that the rest will be by the end of the month. Will he confirm that one of these Government Ministries is a Ministry of Human Rights, the only such Ministry in the entire middle east? Does he agree that the UN resolution will assist enormously in the 30 January passage of sovereignty, the 31 January elections in Iraq and the 31 December expiry of the mandate? Should not this House give its best wishes and say Godspeed to the United Nations in the hope that these things come about and that the insurgency and insurrection do not disrupt democracy for all the people of Iraq?

Mr. Straw: I agree with my hon. Friend and I can confirm that there is a Ministry of Human Rights—the only one, I think, in the middle east—which sits alongside the Ministry of the Interior and the Ministry of Justice to proselytise and establish human rights of a kind that Iraqis have never known.

Hywel Williams (Caernarfon) (PC): Will the Government take heed of publicly stated opinion in Wales and Scotland in favour of a timetable for the withdrawal of British troops and their replacement by troops of useful countries, particularly from the Arab League?

Mr. Straw: Everybody, particularly the new Government of Iraq, believes that it would be utterly and wildly irresponsible to seek to withdraw British troops now from Iraq. There is no possibility of the British or other multinational forces being replaced by troop contributions from Arab nations. When the hon. Gentleman proposes that we withdraw troops from Iraq immediately, he needs to be aware that he is proposing the creation of a security vacuum that would come as a comfort only to the terrorists and insurgents and would be opposed by the overwhelming majority of Iraqis. In a formal letter to the Security Council, the Prime Minister of Iraq, Dr. Alawi, spelled out, in terms, that he believes that the multinational force is essential to the building of stability, peace and democracy within Iraq.

On the issue of a timetable, there is a timetable; it is the one before the Security Council, which makes it clear, in terms, that the mandate of the multinational force will end on 31 December next year unless it is determined by the Iraqi people to end it earlier.

Tony Lloyd (Manchester, Central) (Lab): May I assure my right hon. Friend the Foreign Secretary that many who opposed the war nevertheless accept that it would be irresponsible now to withdraw the multinational force, because that would lead to a power vacuum and almost certainly a civil war in a country that is already benighted with violence?

May I press my right hon. Friend, nevertheless, on the legitimacy of the new Government? In the end, what really matters will be whether that Government can show the Iraqi people the reality that it is in control of the situation. Although, as he told the House a few moments ago, the letters lay down in some detail the nature of the relationship between the multinational force and Iraq's own security forces, there is a need for that to be further fleshed out because we cannot afford any future ambiguity in that relationship. It must be quite clear that future Iraqi Governments will be able to condition the circumstances in which a multinational force operates, to save us from the kind of disasters that we have seen in recent months.

Mr. Straw: I am grateful for what my hon. Friend said at the start of his remarks. His view is widely shared, regardless of the original position that people took on the merits or otherwise of major military action.

I have the advantage of being familiar with every line of the letters that have been sent to the Security Council, in a way that other Members of the House are not, and I invite my hon. Friend to read through the letter from Dr. Alawi to the Security Council, which sets out—fleshes out, to pick up my hon. Friend's phrase—in as much detail as is possible in advance, the way in which the relationship between the Iraqi forces and the multinational force should operate. As I said in answer to the right hon. and learned Member for Devizes (Mr. Ancram), it is not possible to anticipate every conceivable circumstance, but it is possible to set up the framework for a partnership, have in mind what could go wrong—frankly, we have seen some things go wrong—and learn from those lessons. Also, overriding all the day-by-day arrangements should be the simple imperative fact that, if necessary, the Iraqi Government—the interim as well as the transitional Government—can decide to require the multinational force to withdraw altogether before 31 December next year. It is that fact alone, that they have a veto on the forces remaining, which will change the nature of the relationship, in addition to the detailof the letters.

Mr. John Maples (Stratford-on-Avon) (Con): I am sure that the Foreign Secretary shares my deep concern at the damage that has been done to the Atlantic alliance during the past 18 months by the Iraq war. In negotiating the new United Nations Security Council resolution, will he emphasise strongly to his counterparts in France and Germany the importance of using it as an opportunity to start to rebuild the unity and cohesiveness of the alliance, and the fact that if they do not do that, but continue to milk the situation and its difficulties for short-term domestic political advantage, they are likely to turn a short-term problem of the alliance into a long-term one?

Mr. Straw: It is the case that the transatlantic alliance has been under strain as a result of Iraq, as has the alliance within Europe—because this was not an argument between the United States and Europe but, fundamentally, an argument in Europe between those who took differing views. However, I have found in my

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dealings with my French, German and Spanish counterparts as well as with the Russian Federation, the Romanians and many others that there is real understanding about the need to come together. There is a sense of catharsis in the international community, and it was striking that President Chirac of France said yesterday in his address at the international ceremony to commemorate D-day:

"France is keenly aware that the Atlantic Alliance, forged in adversity, remains, in the face of new threats, a fundamental element of our collective security."

I could not put the view of the British Government and Parliament better than that. We are going to see a new spirit of co-operation and cohesion in the transatlantic alliance once we have got this resolution through.

Mr. Tam Dalyell (Linlithgow) (Lab): On 18–19 May, there was a tragic attack on the village of Makr al-Deeb, where some 42 victims, mostly women and children attending a wedding, were killed. Has there been any follow-up, who was responsible, and how in heaven's name can the Foreign Secretary praise Bremer, who made the catastrophic mistake of disbanding the Iraqi army and who was responsible for much of the difficulty in Falluja? Incidentally, that praise of Bremer is not in the script that has been given out to Members of the House, so it has obviously been added.

Mr. Straw: The latter point is true—I added that part out of my head, so my hon. Friend can see that I write my own statements. On the more serious—the very serious—point that he raised about what happened to these poor souls who died in this village where there appeared to be a wedding party taking place, that was in the area of American operations. The American Administration are investigating it, and I believe that they are doing so very fully.

Mr. John Wilkinson (Ruislip-Northwood) (Con): I associate myself with the tribute to the late Ronald Reagan, who set an example of courage and political leadership that we should not forget today.

Can the Foreign Secretary explain a little more fully what he meant when he said that he hoped for cohesion in the Atlantic alliance once we have got this UN resolution through? Is not the important factor that it should be got through expeditiously and unitedly now? Is it not the case that Saddam Hussein was encouraged by the clear divisions among democratic countries in western Europe that ought to have known better? He was encouraged to hold out against UN resolutions that he ought to have obeyed long since, and we should not repeat or perpetuate that mistake. Should not all members of the Security Council approve the resolution expeditiously and promptly?

Mr. Straw: I hope that it will be approved expeditiously, but I was being cautious. There is no doubt that Saddam was encouraged by divisions in the international community. I do not lay the blame on one side or the other, as that would not be fruitful at this stage. It is important now to recognise that everybody, regardless of the position that they took in respect of the military action, has a very clear interest in giving full support to Dr. Alawi and his interim Government and in seeing these processes through and ensuring, through the support of the multinational force and the expanding Iraqi security forces, that security is developed and then enhanced and maintained in Iraq.

Andrew Mackinlay (Thurrock) (Lab): The Foreign Secretary will recall that the Iraq survey group reported to the Congress of the United States that it had discovered extensive UN sanctions busting not only by companies but with the collusion of Governments. Why does he feel unable to disclose the names of the perpetrators in public, to the House of Commons, rather than offering information in private to members of the Foreign Affairs Committee?

What are the ground rules for private security companies, paid for by the British taxpayer, after 1 July? What laws will they be subject to, and what will be the chain of command and the rules of engagement?

Mr. Straw: I have not felt able to make the information available about individuals and Governments under investigation because to do so could prejudice criminal prosecutions at a later date—that is a pretty standard reason why such information should be classified—but I have made it available in confidence to members of the Foreign Affairs Committee. My hon. Friend is himself a member of that Committee. The private—

Andrew Selous (South-West Bedfordshire) (Con): A distinguished member.

Mr. Straw: Indeed.

The private security companies operating in Iraq will be subject to the laws of Iraq. In some respects, where international crimes are involved, they are also subject to the laws of the United Kingdom. My hon. Friend, as a distinguished member of the Foreign Affairs Committee, will recall that I published a Green Paper on the operation of such companies from the UK and whether we should introduce legislation. We came down against legislation because of the difficulties involved, but there is no doubt that in countries such as Iraq the operations of such companies, be they UK-based or based elsewhere, should be properly regulated, and that will fall to the Iraqi authorities.

Sir Teddy Taylor (Rochford and Southend, East) (Con): Does the Foreign Secretary think that it would help the new Administration and the allied forces in dealing with hostility if a more significant role were given to Muslim nations in the vicinity? In particular, does he believe that Iran could play a meaningful role in helping Iraq to introduce democracy, given that for many years Iran has had an elected President and Parliament and has introduced many liberal measures, resulting, for example, in more than half of Iran's university students being women? Could not Iran play a really meaningful role in helping the situation in Iraq?

Mr. Straw: Each of Iraq's six neighbours, as well as other major countries in the region, has profound responsibilities in terms of helping with its stability and security. Iran—along with Turkey, its most populous neighbour—has a most important role, and I should like

to put on record our appreciation of the constructive approach taken by the Iranian Government before Saddam fell and in the subsequent months. We look forward to Iran continuing to play that role, along with the other countries.

Jane Griffiths (Reading, East) (Lab): May I welcome the commitment to UN-assisted elections taking place by next January? Can my right hon. Friend tell the House at this stage whether those elections will be subject to international monitoring by the Organisation for Security and Co-operation in Europe, the Council of Europe and other bodies that normally undertake such duties?

Mr. Straw: I am pretty certain that they will be, because they will be under UN auspices. I cannot be certain that the OSCE in particular will be involved, but I shall place more information about that in the record of the House.

Dr. Vincent Cable (Twickenham) (LD): Following the Foreign Secretary telling my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) that the oil is the property of Iraq, can he say whether the occupying powers have any residual responsibility for maintaining the production and transportation of oil, given that Iraq is now producing less oil than in the days of Saddam Hussein and sanctions?

Mr. Straw: What the hon. Gentleman describes as residual responsibilities will arise principally under our responsibility within the multinational force to assist the Iraqis in maintaining security of oil supply—that is of paramount importance—and in respect of international contracts that have been signed by the coalition provisional authority, the Iraqi Government and various international companies to help to provide the oil. I should make it clear that flows of oil would be significantly higher were it not for the fact that terrorists have sought to attack the infrastructure and those working within the industry.

Alan Howarth (Newport, East) (Lab): Although this issue understandably might not be in the forefront of my right hon. Friend's diplomatic thinking, will he—along with my right hon. Friend the Secretary of State for Culture, Media and Sport—do what he can to enable British archaeologists and other scholars to make the best possible contribution to the international effort to support Iraqis in conserving the heritage of ancient Mesopotamia and of the early centuries of Islam? That heritage is not only theirs but ours, so it has great symbolic importance in terms of reconciliation.

Mr. Straw: As a matter of fact, that issue is in the forefront of my mind; indeed, I discussed it over the weekend with my right hon. Friend the Secretary of State for Culture, Media and Sport. As my right hon. Friend says, the preservation of these archaeological sites is of huge importance to our understanding of our culture and history, as well as that of the middle east. We are concerned about reports of damage to some of these sites, and I should make it clear that they are being investigated urgently and thoroughly.

Mr. David Heathcoat-Amory (Wells) (Con): Given that we attacked Iraq not to change its Government but because we were told that it possessed weapons of mass destruction that were a threat to us and our allies, the continuing search for such weapons is obviously a matter of great importance. What arrangements have been made for continuing the search after the Iraq survey group report to which the Foreign Secretary referred, who will control the inspectors in the longer term and to whom will they report? Can the Foreign Secretary assure us that the search—although currently fruitless, it is nevertheless very important—will continue in all eventualities after sovereignty has been transferred?

Mr. Straw: The mandate and the reporting chain for the Iraq survey group after 30 June remain something for discussion with the Iraqi interim Government. However, we expect the work of the survey group to continue.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Would the Foreign Secretary risk speculating why some of the Jonahs, with honourable exceptions such as my right hon. Friend the Member for Livingston (Mr. Cook), are not prepared to acknowledge the remarkable political progress that is taking place, with a widely representative Government, including six women? Is it because that is more women than are on the Front Bench of either of the two main Opposition parties, or is it because they just cannot bring themselves to come round to the view that the coalition might actually be succeeding?

Mr. Straw: It may be both, but I hope that if this process works out, in six to nine months' time we may—we have to be cautious about this—see a democratically elected Iraqi Government. That will contrast with what would have been if no action had been taken, because for sure, Saddam Hussein would have still been there, re-emboldened and re-empowered to wreak his havoc and his terror on not only his own country, but the rest of the region.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Given that even under Saddam Hussein there was a degree of self-determination for the Kurdish part of northern Iraq, will it be open to Dr. Alawi's interim Government to come up with a suggestion of a devolved or federated Government for the future of Iraq?

Mr. Straw: The drafting of the constitution is, and will be, a matter for the Iraqi people as a whole, through the processes that will, I hope, be endorsed by the Security Council. How the Iraqis develop their internal devolution arrangements is entirely a matter for them, subject only to the overriding international requirement of the Security Council that the territorial integrity of Iraq be preserved.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): On the question of security, the Foreign Secretary has said that the draft resolution and the letters set out the need to reach agreement on the fundamental security and policy issues, including policy on sensitive offensive operations, but he does not make clear what happens if the two parties do not reach agreement. If there is no agreement, will the British and

[Ms Diane Abbott]

American troops be able to overrule the sovereign Iraqi Government? How sovereign is a Government who do not have the last word on military operations within their borders?

Mr. Straw: Not very sovereign—but that is not the case, because that Government will have the last word on military operations and, indeed, on the military presence, within its borders. Because of the way in which the arrangements have been developed, and the fact that the multinational force and the Iraqi Government have the same interest—that of establishing security and defeating terrorists—we do not anticipate that, in practice, there will be the kind of visceral disagreement that my hon. Friend describes. However, were there to be such disagreement, the last word would absolutely rest with the Iraqi Government, because under the terms of the draft resolution the Iraqi Government have the power not only to seek a revision of the mandate of the multinational force, but to seek to eject the multinational force altogether, in advance of the normal expiration of its mandate on 31 December next year.

Mr. Crispin Blunt (Reigate) (Con): Does the Foreign Secretary acknowledge the disproportionate share of responsibility that the United Kingdom is seen by the rest of the world as having for events in Iraq, in the light of the importance of our political and diplomatic support for the United States? Given that, and given the revelations by Sir Christopher Meyer that the Prime Minister fails to make Britain's case in private, as well as in public, with the United States, what confidence can we have that Britain will exercise satisfactory influence over the United States after 1 July, when we have so far signally failed to help it to avoid some of the more obvious mistakes that it has made in the conduct of the occupation?

Mr. Straw: We accept our responsibilities, because under the terms of the Security Council resolutions we were one of the two occupying powers under the coalition. We have always accepted our responsibilities and we have worked in a spirit of partnership with the United States and other Security Council partners.

Mr. Jon Owen Jones (Cardiff, Central) (Lab/Co-op): Any Foreign Secretary's role is, inevitably, to sell various mixed messages, but can the Foreign Secretary help me, as one whose mental agility is not as great as his, to understand this: if we succeed, as we hope we shall, in setting up a democratic Government in Iraq, which will be a beacon of democracy in the region, why would it be in the interests of near-neighbouring countries to help to set up something that would, inevitably, help to undermine their own oppressive regimes? Given that some of the countries with the most oppressive regimes are those to which we are most sensitive, can the Foreign Secretary explain for me the overall strategy?

Mr. Straw: Well, my hon. Friend will be familiar with what is coming as he and I attended similar schools in the days of President Reagan and before. We face in the middle east a transitional situation, to use that term precisely. The simple truth is that it is a parody to suggest that there would be an Iraqi democratic Government while all the surrounding Governments were dictatorships; that is simply not the case. A process of democratisation, of building representative government, has already taken place across the whole Arab region. Different countries in the region, such as Bahrain and other Gulf states, now have elections that are recognisably democratic by any standard. Jordan has recently had elections. We have arguments with Iran, but however else one might describe the Iranian situation, it is certainly not a monarchic autocracy. Among other countries, Egypt is in a state of transition, as, even, is Saudi Arabia; they are at different stages. I get no sense from my colleagues in Arab Governments that they are opposed to the democratisation of Iraq: they know that democracies have a much higher propensity to being peace-loving than authoritarian regimes ever have; and what they want, above all, after three decades in which they have been threatened by Iraq—some have had missiles fired at them and two countries have been invaded by Iraq—is a peaceful Iraq, which means a democratic Iraq.

Alistair Burt (North-East Bedfordshire) (Con): Does the Foreign Secretary have any evidence to suggest that the good will that will surround 30 June will be used by the United States or ourselves to encourage serious progress on the middle east peace talks, given that the road map was so important to us all before the decision to take action against Iraq was announced?

Mr. Straw: I very much hope that it is, although the hon. Gentleman will be aware of what has stalled progress on the middle east peace process, including, tragically, disagreements inside the Israeli Cabinet.

Paul Flynn (Newport, West) (Lab): Those of us who believe that Britain's involvement in the Bush-led war was unnecessary and has cost us dearly through the loss of 70 lives and financially, none the less accept that our involvement imposes certain obligations to stay in Iraq until peace is assured. How does my right hon. Friend react to the statement made by Plaid Cymru this morning that its policy is now immediate withdrawal of troops? Should not that be dismissed as a piece of cheap, opportunist electioneering?

Mr. Straw: Yes, it should, and I note that no Plaid Cymru representative is present in the House. It would be utterly irresponsible for British troops suddenly to withdraw. The people most at risk and who would suffer most would be the Iraqi people. Many more would be killed or injured as a result of peremptory withdrawal, and we shall not do it.

Jeremy Corbyn (Islington, North) (Lab): On what date does the Foreign Secretary expect all British and American occupying forces to withdraw from Iraq? Have there been any discussions at any level regarding a permanent base in Iraq for regional purposes for either Britain or the United States after withdrawal of the occupying forces?

Mr. Straw: I answered my hon. Friend's first question earlier, when I said that the mandate of the multinational force would terminate on 31 December 2005. I cannot anticipate—I simply cannot—whether a fully elected Government of Iraq will ask multinational forces, including the UK, to remain or in what numbers,

except to say that if they were to do so, I would anticipate that the numbers would be many fewer than today. On my hon. Friend's second question, speaking for myself, I have seen no proposals for any kind of permanent base.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Is there not a distinction between legal authority, which should be transferred to Iraq on 30 June but may still have elements of the rubber stamp about it, and genuine political sovereignty, which will hopefully be achieved by 30 January next year? In achieving that, is not the role of the Iraqi independent electoral commission of considerable importance? What will be the United Nation's position in respect of achieving that goal? Will the UN be in sole control of the advice? That is a crucial role for the UN to play.

Mr. Straw: My hon. Friend is right to say that overall legitimacy of the Government of Iraq will be much greater once they are properly elected. Everyone recognises the need for that, but we need a process for getting from where we were with the country under Saddam to where we want to be. The UN is playing a crucial role, particularly regarding the political process. The UN ran the arrangements—more than 1,400 candidates were involved—for the verification teams and the electoral commission, which will supervise the electoral process within Iraq. It is their call, not that of the coalition.

Chris Bryant (Rhondda) (Lab): Every hon. Member in the House will be delighted to see fair and democratic elections taking place in Iraq in January next year, but fair and free elections will depend on the paraphernalia of civil society being in place. That means active trade unions, active political parties, independent media and, of course, an accurate electoral register. Does the Foreign Secretary anticipate Britain providing significant support for putting all those in place?

Mr. Straw: We have already provided a good deal of support and we are happy to do so. Altogether, the British Government have provided £287 million worth of assistance to Iraq, covering all sorts of activities, including the sort of support that my hon. Friend mentioned.

Mr. Stephen McCabe (Birmingham, Hall Green) (Lab): Does my right hon. Friend share my sense that we are now at a crossroads on this issue? Whatever the differences of the past, we can now all unite around the interests of the Iraqi people and the reconstruction of Iraq. Does that not mean that we all have to give support to the fledgling Government? Is it possible to do so while simultaneously using Iraq as part of the domestic political agenda—as just another football?

Mr. Straw: I entirely share my hon. Friend's views. It is impossible to do both and we all have a responsibility to back the new Government. As my hon. Friend says, we are at a crossroads. What lies ahead, if we all get behind it, is something that we have all dreamt about, regardless of our view on the military action—a stable, democratic and peaceful Iraq, able to take its place within the international community.

Point of Order

Mr. Tam Dalyell (Linlithgow) (Lab): On a point of order, Mr. Speaker. May I appeal to your theological erudition and ask whether "Jonah" is a proper parliamentary term? While you are thinking of the answer, Mr. Speaker, may I point out to my right hon. Friend the Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) that, under the previous Saddam regime, there were, for all its faults, substantially more women in the Iraqi Parliament than in the House of Commons?

Mr. Speaker: May I tell the Father of the House that I leave my theology to the Speaker's Chaplain?

Orders of the Day

Patents Bill *[Lords]*

Order for Second Reading read.

4.28 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Gerry Sutcliffe): I beg to move, That the Bill be now read a Second time.

In his foreword to the Government's innovation report at the end of last year, the Prime Minister stated:

"The creativity and inventiveness of our people is our country's greatest asset and has under-pinned the UK's economic success".

Unsurprisingly, I agree with him. That creativity and inventiveness was vital to the emergence of the UK as the first industrialised nation in the 19th century and it remains the key to maintaining the UK's position as one of the G8 leading industrial and economic powers in the 21st century.

A mature economy like ours cannot compete with the newly emerging economies of the far east in terms of cost of labour or production. As my noble Friend the Minister for Science and Innovation reminded us in the other place, wages in China are 5 per cent. of what they are in the UK. In South Korea, which has an equivalent proportion of university graduates in the work force, the labour costs are about 50 per cent. of those here in the UK.

Our future prosperity is dependent on how effective we are at using our knowledge, or in other words our intellectual capital, to compete in the ever more rapidly changing global marketplace. Creativity and inventiveness are essential if we are to deliver more high value, high quality sustainable jobs. Those factors are also important if we are to continue to reduce our environmental impact. Innovation will help to build further successful businesses and provide even better services and products for consumers.

The most important assets for today's company are the knowledge and expertise of its work force. That knowledge and expertise represent the intellectual capital of the company. In exactly the same way that financial capital must be managed effectively to ensure the survival of the business, intellectual capital must be developed. That will ensure that a company can create new products and develop existing ones. In the 21st century economy, successful UK businesses are increasingly characterised by a high investment of intellectual capital. Such investment permits them to create high value knowledge-intensive products or services.

It is no coincidence that the computer and office equipment industry, which showed average annual growth of 16 per cent. between 1991–2001, is also one of the highest employers of graduates. More than a quarter of the employees in companies in that industry have university or college degrees. Every time that a company applies new knowledge, or uses existing knowledge in a new way, to solve a business problem, it is making effective use of its intellectual capital. Protecting those unique knowledge-based solutions will be an increasingly important part of a company's business activity.

Worldwide there has been a rapid rise in the use of patents, and other forms of intellectual property rights, by companies to protect their intellectual assets—the fruits of their intellectual capital. For example, applications for patents using the international route under the patent co-operation treaty have grown from just over 7,000 in 1985 to almost 104,000 in 2001, representing a nearly 15-fold increase in as many years.

A patent provides a company with a legally enforceable means to prevent others from taking advantage, without its agreement, of the unique solutions, products or services that it has developed. The holder or owner of such a patent has the exclusive right, for up to a maximum period of 20 years, to recoup the investment he has made in developing the invention. The recovery of investment can take a number of forms. For example, the patent holder may grant a licence to a third party to use his invention, and be paid a licence fee by them for doing so. On the other hand, the patent holder could decide to use the patent as a means to prevent competitors from entering the market, while he establishes his business manufacturing the product, or performing the process, protected by the patent.

I would be the first to admit that the whole area of patents is not one that I was especially acquainted with before being asked to present the Bill to the House. I am sure that many hon. Members are in a similar situation. The Government's innovation review has identified a similar lack of awareness about all aspects of intellectual property amongst UK businesses. However, after only a brief involvement with this topic, I have come to appreciate just how important it is for UK businesses to safeguard their intellectual assets.

UK businesses have to compete in national, regional and global markets. As a result, they need a system that will deliver protection of their valuable intellectual property assets in all those markets. The Patents Act 1977 is key legislation in the area and, in its nearly 30-year existence, it has fulfilled two functions. First, it delivered the modernisation and reform of UK domestic patents law. Secondly, it allowed the UK to ratify a number of international patent agreements, which provide UK businesses with regional—that is to say, European—and global routes to patent protection for their inventions.

Ratification of the 1973 European patent convention has allowed UK applicants to obtain patents that are effective in any combination of up to 28 European countries using a single one-stop procedure. That includes nearly all our EU partners, as well as the UK. That one-stop approach provides what is in effect a bundle of national patents, which provide enforceable protection in each country, once an official translation has been filed and the appropriate fee paid.

Following an intergovernmental meeting in November 2000 of representatives from all the European states that had ratified the convention, a significant updating and streamlining of the 1973 European patent convention was agreed. All the states represented agreed to implement the changes into their domestic law as soon as possible.

As a consequence, the first objective of the Bill is to amend the 1977 Act to give effect in UK law to the changes to the 1973 European patent convention agreed in 2000. Failure to ratify the revised European patent

convention would mean that the UK would have to leave the European Patent Organisation, the body set up to provide a single one-stop procedure for obtaining European patents. The consequences of such a failure for UK businesses would be unacceptable.

By bringing UK patent law into line with those revisions to an international treaty, we will ensure that UK businesses can continue to use that single one-stop procedure to obtain European patents valid in the UK and Europe. In 2002, UK businesses were the third largest users of the European patent system, both in terms of patents applied for and patents granted. On average, each patent provided protection in 10 countries. If we had to leave the system, UK businesses would experience increases in bureaucracy and costs. They would no longer be able to obtain patent protection that included the UK and all other European countries, using a single application and one set of fees.

As one of the prime movers in setting up the European Patent Organisation, it is important that the UK is seen to take a leadership role in its ongoing improvement. In meeting our obligation to ratify the revised European patent convention, we can continue to influence future developments for the benefit of UK business.

Clauses 1 to 5 deliver the required changes to the 1977 Act to honour our undertaking to implement the revised European patent convention. Clause 1 does two things. It makes it clear that a patent cannot be obtained for a method of medical treatment or diagnosis, such as a new surgical technique. It also gets rid of the need to use a rather specialised and complex form of language when obtaining patent protection for a new medical use of a substance that already has a known use in medicine. Patent protection will be easier to obtain if, for example, someone discovers that a substance that has already been patented for use as a painkiller can be used to treat heart disease.

Clauses 2 to 4 cover various issues arising from the new procedure, referred to as central limitation, which will be possible under the revised European patent convention. The procedure offers a new way for the patent holder to limit or reduce the scope of protection given by the European patent, through a single process at the European Patent Office based in Munich. It will avoid the patent holder having to go through the expensive and time-consuming process of amending his European patent separately in each of the countries where it is in force.

Clause 2 ensures that existing procedures for amending patents in the UK are aligned with the relevant procedures for doing so under the revised European patent convention. It does that by ensuring that the courts and the Patent Office take account of

"any relevant principles applicable under the European Patent Convention".

That will ensure that consistent standards are applied to the amendment of patents that are in force in the UK, regardless of the route chosen to make those amendments. The proposal was strongly supported by UK users of both the domestic and the European systems. Although it may restrict the current discretion of the courts or Patent Office on the issue, which is exercised to protect the public from patent holders who act in bad faith, clause 2 contains new measures to ensure that the public remain protected, but in a different way from that used at present.

In proceedings before the courts or the UK Patent Office, a problem may be identified as to the scope of a European patent that is in force in the UK. Clauses 3 and 4 ensure that in such circumstances the holder of the patent can use the new limitation procedure to address the problem, thereby preserving the validity of his patent. He will be able to limit, or reduce, the scope of his European patent centrally, in one step, at the European Patent Office. That change will then be effective in all the countries in which the European patent is in force, including the UK.

Schedule 1, which is introduced by clause 5, covers all the other changes to the 1977 Act necessary to meet our international obligations. It is worth noting that some of those changes involve updating the relationship between UK domestic patent law and the patent co-operation treaty, which provides a system for obtaining patent protection in up to 123 countries based on a single patent application.

The second part of the Bill is concerned with amendments to the 1977 Act, which will improve the handling of disputes over patents and make the UK patents system more responsive to the needs of its customers. The Patent Office has jurisdiction to consider a wide range of disputes over patents.

Issues that can be dealt with at the Patent Office include whether the patent is valid; in other words, does it meet the legal requirements for granting a patent? Is there confirmation, for example, that a certain act using process y or making product x does not fall within the scope of a particular patent and does not thereby constitute infringement of that patent? Has an employee who made an invention received just and fair compensation from his employer who holds the patent and has successfully exploited it? Are all the people listed as applicants on the patent entitled to be so?

The Patent Office has built up a large reservoir of relevant experience in dealing with many of the issues that arise in patent disputes. We feel that this experience is not being exploited to its full potential. At the same time, we are aware that some users of the patent system are becoming increasingly concerned about the enforcement of their patent rights. This concern has focused on the cost and time taken for patent litigation. A report on a patents case in the *Financial Times* on 28 November 2003 brings this point home. The judge hearing the case was sharply critical that a four-day hearing had involved costs of £850,000.

A consequence is that many companies, especially those in the small and medium-sized sector, which are so important in terms of creating jobs and are often the most forward thinking and innovative, may find it too difficult to support the financial and time requirements to enforce their patent rights. It is argued by some—although it is by no means a universally held view—that this leaves some companies unable to gain any real advantage from their inventions and acts as a disincentive to innovate.

That has been an important driving force behind recent efforts to update the patents county court to provide a more flexible, user-friendly and less expensive forum for the litigation of patent disputes. Following extensive consultation and the involvement of users, a new streamlined procedure for handling such disputes

[Mr. Gerry Sutcliffe]

has just been implemented under the able guidance of the patents county court judge, his honour, Judge Fysh. Early signs are encouraging that these efforts are starting to bear fruit, although patent litigation is still likely to involve a cost that small and medium-sized companies would find difficult to bear. As in any area, litigation should be embarked upon only after very careful consideration of the costs and alternatives.

With those issues in mind, the Government have decided, in the Bill, to make a number of improvements to how patent disputes can be handled and to make greater use of the acknowledged expertise of the UK Patent Office. Clause 13 provides the framework for a new procedure whereby the Patent Office can provide, on request, an impartial opinion on certain issues that are likely to arise in a patent dispute. The two most common questions in such disputes are, first, whether a certain act, such as making product x or using process y would fall within the scope of the invention defined by the patent and so result in an infringement of that patent and, secondly, whether new evidence, such as an article published in a scientific journal, that was not considered at the time that the patent was applied for means that the patent should not have been granted—in other words, does that mean that the patent is not valid?

A realistic assessment of the answers to such questions is essential for anyone considering or facing patent litigation. The earlier such an assessment is made the better, as the more helpful it can be in deciding the best course of action. A patent holder may ask himself, "Should I litigate? Should I seek a licence? Do I need to think about amending my patent? Should I seek a settlement?" Such opinions will not be legally binding on any party, but they will provide an affordable and prompt assessment generally based on a consideration of both sides of the argument—for instance, that of the potential infringer and of the patent holder. The details fleshing-out this framework will be laid down in secondary legislation, following consultation with users and stakeholders on how best to implement this new procedure. We believe that such a procedure, with its emphasis on balance, affordability and timeliness, will be useful to any party, but especially to those, such as small and medium-sized enterprises, that must decide how best to enforce their patent rights.

Clauses 11 and 12 provide useful improvements in the area of infringement disputes. Following the spirit of the widely adopted reforms proposed by Lord Woolf some years ago, clause 12 would make changes to help a patent holder who is genuinely interested in settling a dispute. An approach to those whom he believes are carrying out the infringing act—for example, making or importing a product that is covered by the patent—will be easier. In situations where that person is not easy to identify, an approach could be made, under this clause, to a retailer supplying the suspected infringing goods or services in order to find out from where or whom he is obtaining his supply. If such an approach is made in the manner consistent with clause 12, the patent holder will not leave himself open to legal action from the retailer for making a groundless threat to launch infringement proceedings.

As a result, provided that a patent holder behaves in an appropriate manner, he will find it easier to identify the source of material that he suspects is infringing his patent. Once that source is identified, the patent holder will be able to seek to negotiate a settlement of the dispute. If the manufacturer or importer cannot be discovered, after the patent holder has made "best endeavours" to do so, the patent holder will be able freely to approach the retailer and seek a settlement without fear of an action for groundless threats. Following successful infringement proceedings before the Patent Office, clause 11 makes it easier for the patent holder to enforce an award for damages.

A group of improvements deals with disputes on issues other than the validity or infringement of a patent. The 1977 Act recognised for the first time that an employee should have certain rights to compensation in relation to inventions made by him that have been successfully developed by his employer. Analysis of responses to the public consultation that preceded the Bill concluded that there was no appetite for a major change. There is concern that the provisions do not serve a useful function, based mainly on the fact that there have been no successful claims for compensation to date from employees. However, the provisions have provided companies with a strong incentive to put in place their own arrangements to reward employees who make important contributions to their businesses. One such contribution is, of course, inventing a new product or process that the employer has patented and successfully exploited commercially.

The modest change proposed in clause 10 will allow an employee who is seeking compensation to include benefits that flow from the invention itself, in addition to those benefits that flow specifically from the patent, when required to show that a patented invention is of outstanding benefit to the employer. That will provide the employee with a limited increase in the range of benefits he can suggest as evidence to meet the outstanding benefit threshold. The change does not upset the careful balance that has to be maintained between the rights of the employee on the one hand and those of the employer on the other.

Clause 6 ensures that in disputes over who should be named as the applicant for a patent—usually referred to as entitlement proceedings—the unsuccessful party cannot reduce the patent protection available to the successful party by making details of the patent application public.

The final change to disputes is set out in clause 14, which lays down the circumstances in which a party is required to provide a security for any costs that they may be required to pay at the end of the proceedings in the Patent Office. In that respect, it brings the law on patents into line with the more recent law on trade marks contained in the Trade Marks Act 1994, and will also ensure that the rules are consistent with those governing civil procedures in the courts.

The second part of the Bill also provides for a group of changes to the 1977 Act to improve the service offered by the Patent Office to users in practical and useful ways. Clause 8 gives users more flexibility when paying the fees to renew their patents. The deadline for paying such a fee will be changed to the last day of the relevant month in which the fee is due. That has two advantages. First,

it simplifies the record keeping required to manage a UK patent portfolio. Secondly, it brings the UK into line with practice in the other countries in the European patent system.

If a patent is held or owned by more than one person, clause 9 makes clear the relationship between the co-owners in situations in which they have made no agreement or contract between themselves on how to act.

Clause 7 limits the occasions when a UK resident who wishes to apply for the patent in another country must seek permission from the UK Patent Office to do so. In future, only the small proportion of UK residents who apply for a patent that relates to military technology or to an invention that raises national security or public safety concerns will need to ask for or seek such permission.If the application relates to any other subject, the applicant will be free to file it abroad. However, a criminal offence will still apply to a deliberate or reckless failure to seek permission, when required.

Schedule 2 completes the group of changes and contains some more minor improvements. For example, it will be possible for the Patent Office to agree to a request from an inventor who wishes to keep his name and address confidential. It will also be easier for the Patent Office to change and update the application forms it uses, following feedback from customers. The schedule also deals with consequential amendments to the 1977 Act.

Although hon. Members may find the topic of patents technical and difficult to follow, we must all appreciate the importance to the UK economy of useful and effective legislation in the sector. Although the Bill is, thankfully, small, it is important. It is essential if we are to fulfil the undertaking that the UK gave in November 2000 to ratify the revised European patent convention. In doing so, we will be making clear our commitment, as its third largest user, to the development of the European patent system. At the same time, the Bill provides important improvements to patent disputes. It will permit UK business to make best possible use of its most important asset—its intellectual capital and knowledge resources. I commend the Bill to the House.

4.54 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): I largely agree with what the Minister just said and I hope that he does, because I would love to give him an exam on what he has just told us. There are some Bills that grab the attention of the British people and change the course of British history or even that of the world, but this is not one of them.

Mr. Ian Taylor (Esher and Walton) (Con): My right hon. Friend may be right in the narrow sense of the Bill, but he is certainly not right in the wider sense of the importance of patents, many of which have transformed British history.

Mr. Arbuthnot: My hon. Friend is way ahead of me, as always. However, the Bill does not change the law of patents very much. It is one of those Bills that tidies things up a little and brings things into line; there is nothing radical or far-reaching about it. There is, however, one very important matter that we need to clear up from the beginning: is it "pa-tent" or "pay-tent"? The Minister covered the ground adequately by using both pronunciations, but we need to work out which it is to be.

Mr. Sutcliffe: I took advice on this matter. The pronunciation depends on which part of the country people come from, so I thought it important to use both, so that I did not upset or offend anybody.

Mr. Arbuthnot: Wonderful—that is a Liberal Democrat remark really.

Paul Flynn (Newport, West) (Lab): The accepted wisdom among the 1,000 people in my constituency who work in the Patent Office is to say the word with a short "a" because it takes a nanosecond less and, as they use the word several hundred times a day, they get home earlier for their tea.

Mr. Arbuthnot: We have probably used up all the nanoseconds that we might have saved so far in the debate, so I had better move on.

The Bill attempts to improve an area that, as my hon. Friend the Member for Esher and Walton (Mr. Taylor) said, is of huge importance to the British economy—that of innovation and invention. It is therefore an important Bill in spite of its generally uncontroversial nature. I should like to express my gratitude and appreciation for the work that has been done by my noble Friend Earl Attlee and many others in another place. The Bill comes to us in pretty good shape because of that. I also thank the Minister for encouraging his Bill team to brief me, and I thank the team for its useful and clear information. I thank, too, several other professionals and professional bodies who have helped me with this very technical Bill.

The Minister explained that the Bill's purpose was to bring British law into line with the minor changes recently made to the European patent convention and to take the opportunity to make a few further minor changes to our patent law. I agree with his explanation.

Before I go into the detail of the Bill, I should consider the backdrop against which it stands. Patents are one method of protecting our intellectual property. I am delighted to say that the first known cause of letters patent being granted in England was in 1449 to John of Utynam for a method of making stained glass windows in Eton college. The whole purpose of patents is the protection of new and improved products and processes that are capable of industrial application. They allow the patent holder, in return for making public his idea—a very important concept—the benefit of a monopoly of exploitation of that idea for up to 20 years. For that reason, they are crucial to what we regard as one of the unique selling points of the British economy: our high-tech, highly skilled businesses.

Increasingly, businesses send offshore activities that can be done abroad equally well, less expensively and, I might add, with less Government interference and bureaucracy. If we are to compete we will have to do so in those areas where our skills and inventiveness make the difference, as the Minister said—I was listening to him. Patents are one way of protecting that

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inventiveness. The alternative is usually thought to be to keep the invention secret, but that deprives us of the knowledge of an invention that might spur further thought, inventiveness and innovation. Secrecy is antipathetic to the knowledge economy and bad for science.

At the Lisbon summit in 2000, the European Council of Ministers rightly expressed the wish for the EU to become

"the most competitive and dynamic knowledge-based economy in the world by 2010".

That is why we need a thriving patent culture in this country. Unfortunately, we do not have one. In an article in the *Financial Times* of 11 September 2001, we learned that although patent applications in the UK increased by more than 2 per cent. between 2000 and 2001, small and medium-sized enterprises in the UK used patents less than similar companies in other countries. The article noted:

"Bottom of the pile for patent enthusiasm was the UK, where only 23 per cent. had used the system. In contrast, more than half the Spanish SMEs were using patents."

Britain is falling behind within Europe, but there is also a widespread lack of patent use in Europe as a whole compared with the USA and Japan. There seem to be several reasons for that, one of which is that, in the USA, it is possible to take out patents for processes that, in Europe, are not patentable—for example, business methods. Of course, that leads to more patents being taken out in the USA. The Opposition do not suggest that the UK should go down that road, however, as the USA has run into considerable difficulties.

Other reasons why the USA and Japan have more patents than we do are more germane to the Bill. The first is costs. To obtain a patent in the USA costs about £10,000; in Japan, it costs about £16,000; but in Europe, it costs £50,000. Little wonder that Europe is falling behind in the use of the patent system. A large part of the European cost—about £12,600, according to the House of Commons Library—relates to translation, but renewal fees and agents' fees in Europe are far greater than in the USA or Japan. There seems to be a similar discrepancy in the time required to take out a patent: one inventor told me that whereas it takes three years to obtain a patent in the UK, the same process can sometimes be completed in much less than one year in the USA.

The cost of translation is one of the greatest costs that fall on someone taking out a patent. In his winding-up speech, will the Minister say where we stand on that issue? In another place, Lord Sainsbury said:

"The cost of translation of patents is stupendous and we need to have one language for them all."—[*Official Report, House of Lords*, 26 January 2004; Vol. 657, c. 42.]

We agree with him, especially if that one language turns out to be the one most spoken in the developed world—English. Am I right in thinking that the prospect of reaching agreement on a single language has now receded? What has caused that breakdown and how are the negotiations to get back on track? What are the Government doing about a matter that causes inconvenience and expense not only to Britain, but to all the signatories to the European patent convention? How can Europe expect to compete with Asia and the Indian subcontinent if we cannot agree even on that?

The system in the USA is three times quicker and five times cheaper than the one in Europe. A survey last month by the Swiss business school IMD showed that the most competitive economy in the world was that of the USA and that the UK had fallen a further three places to 22nd. Not only are we not meeting the goal of the Lisbon summit, we are going fast in the opposite direction. To see at least the symptoms of that decline, we need look no further than the way in which we run our patent system. Yet here we have a Bill that deals with none of that—it is a steady-as-we-go Bill, but we are not very steady at all. The costs and the time taken could be shaved a little, which we welcome, but we need to see a step change, and we are not seeing one.

The Bill brings us into line with the revised European patent convention. Unless that happens, we cannot remain a signatory to the convention. That would be a bad thing for all manner of reasons that I shall not go into, but principally for the reason of commercial convenience. When an inventor takes out a patent in the European patent office, he takes out a bundle of national patents in different countries to protect his invention. If we ceased to be a signatory to the convention, the alternative would be for the inventor to take out lots of individual patents in those different countries or to forgo the protection that a patent would grant.

It might be worth our while to consider why the European patent convention needed changing at all in 2000. The changes were both substantive and procedural, but will the Minister explain why they were necessary? We accept, of course, that they have now happened, but was there some glaring lacuna in the previous convention that was holding Europe back? What was the commercial demand for the changes that were made at Munich in November 2000? Might it be said that, while the Munich convention dealt with some of those issues, it left a great deal still to be dealt with, including the issues of a single language, computer programmes—currently the subject of a review—and biotechnology?

If there is still much to be done, what is the prospect of a new patents Bill being introduced in the near future to put into effect any further changes to the European patent convention that might be needed? The Minister will be pleased to hear that it was agreed at the meeting in Munich in 2000 that there should be a meeting of patent Ministers every five years to review the convention. I know that the Minister will look forward to those meetings, as do I. It surely follows from that that we can now expect a patents Bill every five years, if only to allow this country to remain a signatory to the convention. Will the Minister confirm that he expects that to be the new pattern? After all, we have had only three Patents Acts since the 1940s.

One important aspect of patents that is barely covered by the Bill is enforcement. The enforcement of patents is extremely expensive. It involves the examination of technical processes and the use of expensive litigators, and cases can—and often do—go on for years at a cost of millions. It has been suggested to me—I stress that I do not know whether it is true—that large companies frequently steal the technical know-how of small and medium-sized enterprises, relying on the relative poverty of the SMEs and the huge enforcement costs in

time and money involved in fighting off any patent action. The Minister might suggest that there is no evidence for that, but will he tell us what surveys he has conducted to find out whether it is true? What evidence would he expect there to be? If SMEs are so daunted by the costs of enforcement that they simply do nothing, how does he propose to find evidence of that nothing?

The patent reform group is a pressure group that has come into being to take action on this issue and it described one of the most important reasons for there being fewer patents granted in the UK. In the normal course of a patent action, the patent holder first tries to communicate with the alleged infringer, and those communications are largely ignored. The patent holder then begins an action. The alleged infringer responds that the patent has not been infringed and that it is anyway invalid. Then, if the patent holder is an SME, the alleged infringer applies for security for costs, which could amount to hundreds of thousands of pounds. The patent holder is then precluded from applying for exemplary damages because he is suing for breach of patent, not breach of copyright. Finally, to add insult to injury, according to the patent reform group, any damages achieved by a successful patent action are subject to tax, while the infringer can get tax relief on the legal costs of even an unsuccessful defence. That may be so and I will be interested to hear the Minister's reaction.

One of the proposals of the patent reform group has been that a fighting fund should be set up to help small businesses finance infringement court cases. The Opposition are not sure whether such a fund could in practice do much more than scratch the surface of the problem. It could also be argued that such a fund, which would have to be paid for by all those who apply for patents, would be yet another burden on those applicants, who have enough to cope with already. Nevertheless, we recognise that for some businesses it is a problem of great seriousness and we intend to probe the Government's thinking in Committee. It is a huge issue and the Minister may tell us that this is too small a Bill and that it is too early to deal with so large a point, but let him take care not to fiddle while the patent system burns.

The patent reform group dismisses the effectiveness of the new patent county court, which was introduced by the Copyright, Designs and Patents Act 1988. It is true that it has taken a while to find its feet. In another place, Lord Sainsbury said that it had had a slow start. In recent months, however, it has been working well and perhaps ought for the time being to be given the benefit of the doubt.

The Government have taken the opportunity of this Bill to tidy up aspects of the law that consultations suggested required it. It seems to me that those tidying-up aspects are of considerably greater significance than those bringing UK law into line with the European patent convention.

One important issue addressed in another place as a result of amendments tabled by the Liberal Democrats and supported by the Conservatives was inventor confidentiality. Those working in bioscience have an understandable desire to keep their names secret, in view of the attacks that have sometimes been made on them, their families and their businesses. As a result, the Government amended the Bill, after initially refusing, as a result of the consultation, to do so, to allow the Patent Office to keep the inventor's name secret. But there is a new difficulty, which has been raised with me by the BioIndustry Association. It is concerned that, if inventors' names are kept confidential, the ability to search for, and challenge, UK patents will be restricted. How do the Government expect this to work? The BIA suggests that it would be preferable to withhold simply the inventor's home address. I do not know whether that is the right answer, but it may be.

In practice, how do the Government expect this to work within the jurisdictions of the other signatories to the EPC? Clearly, there is little point in concealing something in the UK Patent Office if it is readily available elsewhere, perhaps even readily available on a website that is accessible from the UK. Do the other countries have similar problems with the safety of bioscientists? Does the Minister believe that they would be prepared to adapt their rules to allow a confidentiality that does not currently exist?

On employee inventions, clause 10 amends the law to state that, when an employee has made an invention that belongs to the employer, and there is as a result an outstanding benefit to the employer, the employee shall be entitled to compensation. The amendment relates to the Government's view that that compensation should arise not just when the existence of the patent is of outstanding benefit to the employer but when the making of the invention—or a combination of the two—is of outstanding benefit to the employer. It may be that that is not a distinction of huge importance. In most cases, it probably will not be. Nevertheless, I am afraid that the Opposition simply do not understand it; at least I do not—my hon. Friend the Member for Esher and Walton (Mr. Taylor) understands all about these things, so he will probably be able to explain it to me. I would be grateful if the Minister could explain what is the thinking behind this change and why it is necessary. The whole rationale behind the employee compensation provisions in the Patents Act 1977 seems questionable and this extension appears to require some justification that we have not heard so far.

Let me present two cases to the Minister. In one, an employee has produced an invention for which the employer decides to apply for a patent. In the other, the employer decides not to apply for a patent. Am I not right in thinking that the compensation provisions apply in the first case but not in the second? If so, that strikes me as a silly anomaly. It may exist under current law, but it seems odd to extend the chances of its applying.

Most good employers already provide for such compensation in their workplace schemes because it is commercially sensible to do so. That may be why there has never been a successful case relating to it. I put that the other way round from the way in which the Minister put it, just to prove once again that I was listening to what he said. It seems odd to us that there should be a role for the law to play in what ought to be a very subjective area of the relationship between employer and employee.

Clause 13 introduces a new procedure, involving an opinion from the Patent Office on the validity or infringement of a patent. As the Minister explained, the new procedure will be non-binding. It has been the

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subject of much comment: indeed, in the Hen and Chicken in Froyle they talk of little else. Perhaps most people's reaction has been, "If it is not binding, who cares?" Some have said that the proposal is not as bad as it might have been, others that the Government had to think of something to help small businesses and this, unfortunately, was the best that they could come up with. It has been extensively damned with faint praise.

We think that that is a little unkind. The aim behind the proposal, taken with the new provisions on threats of infringement proceedings, was to provide some mechanism through which people in dispute over a patent could engage in some form of negotiation rather than heading straight for the courts. It remains to be seen whether these provisions will achieve that.

If the proposal constituted an excuse for the Government to fail to take proper and effective action to help small and medium-sized enterprises we would wish to hold them to account for that, but for the time being we are prepared to give the proposal the benefit of the doubt. Likewise, we are prepared to give the whole Bill the benefit of the doubt. I shall not be inviting my Conservative colleagues—either of them—to divide on it, because the thrust of the Bill, modest as it is, is largely benign. Our general approach will be to examine the Bill in Committee and improve it wherever possible. It is modest, however. It does not do much, although it may do a bit of good. It is workmanlike and, no doubt, useful but if I were the Minister, I would want a better epitaph than that.

5.18 pm

Paul Flynn (Newport, West) (Lab): It is a rare privilege for us parliamentarians to discuss a patents Bill. As they appear only every 25 years or so, an MP can experience a whole parliamentary career without having such an opportunity. While there will not be dancing in the streets of Newport, I believe that the whole city will be suffused with a pleasant glow at the news that the Bill has been given a Second Reading.

The Minister was magnanimous in his conclusions, but a little curmudgeonly in his opening remarks. He failed to see the romance of the whole business of patents, which stirs such passions in the inventor class. All human life is in the patents business. Fortunes are made, fortunes are lost, fortunes are missed out on. Humankind's genius and creativity are expressed at their most prolific and productive. The nations of the United Kingdom are especially adept at being innovative, but unfortunately we have not been so good at applying that.

A rather sad story, brought to my attention by Jeremy Philpott of the Patent Office, illustrates the near-tragedies of the patent business. It involved a man called Bill Frost of Tenby, who applied for a patent for a flying machine in 1894. He went to his death swearing blind that his design for an inflatable dirigible with wings had flown, but there was no record of it. If it were true, he would have beaten the Wright brothers, who flew in 1903. If we had had a Patent Office in Newport—put there by a benign, sensible and far-sighted Labour Government of the time—a Welshman might have been recorded in 1894 as the first person to make a powered flight. These dramas take place repeatedly on the journey down the M4 to Newport, with people having similar ideas simultaneously. There is often a rush to get the initial application in first.

We need a patent policy that is liberated and makes the most of our innovations. Patent protection is one of the cornerstones of our economy. The Bill is modest, but adds zest and a reviving stimulus to the situation described by the right hon. Member for North-East Hampshire (Mr. Arbuthnot), whose remarks on the various patents provided a snapshot of what is happening. Sadly, there has always been a large difference between the number of patents registered in the UK and in Japan and the United States. That says more about our lack of ability to use the applications of science in a practical form than about the ability of our inventors to produce the goods and genuine innovations.

I rejoice in the fact that the Patent Office is situated in Newport, West. It was located there in 1991 and it has a 1,000-strong work force. It deals with three areas: intellectual property; processing patents and trademarks; and design applications. Of the 1,000 employees, 208 are patent examiners, whose job is to process the 30,000 applications every year for inventions as diverse as a robot lawnmower to a ladder for helping trapped spiders out of the bath. The patent examiners are the intellectual aristocrats of the world of knowledge. In 1991, they all moved from south-east England to Newport, some very reluctantly. They are highly skilled and are the world experts in sometimes very narrow fields. They are people of great ability who are suitably rewarded for it.

It is encouraging that a number of local people have been recruited over the years and have developed the necessary skills. Some of my constituents are now patent examiners. The office has drawn its work force from a wide area and science graduates come from all over the UK, bringing their valuable expertise. That ensures that the Patent Office continues to be a habitat that blends rigorous scholarship with intellectual stimulation. It has been a huge success.

The world is very little understood, as hon. Members have pointed out, but it defines and chronicles all the ferment of activity and creativity in our country—all the original ideas, new notions, brainwaves and certain improvements and refinements to existing patents that are shaped into practical inventions and registered.

David Taylor (North-West Leicestershire) (Lab/Co-op): I was pleased to hear that one division of the Patent Office in Newport deals with intellectual property. Does my hon. Friend agree that if we do as the Bill suggests and comply with the revised European patent convention, there is a risk that software patents will become the rule in Europe, as they are in Japan and the United States? There are real risks to that, in that such matters are not the subject of intellectual creation; they are just different ways of doing things and obvious ways of using new technology. If we go down that path, we will chill innovation, damage our competitiveness and open programmers and the companies that employ them to legal challenge at every turn. To declare an interest, I speak as a former software developer.

Paul Flynn: My hon. Friend is right to draw attention to the harm that has been done by the tyranny of one or

two large companies in monopolising ideas and certain practices to the detriment of the worldwide development of patents and other advances in that field. We certainly do not want to see any change that would put such an obstacle in the way of those developments. I am sure that my hon. Friend will understand what is being said on that.

In a typical year, the Patent Office receives 30,000 patent applications and it is fascinating to look back into the past and see that in 1897 the number of applications was exactly the same. At that time, however, the dominant subject of patent applications was improvements to bicycles. The office now deals with telecommunications, nanotechnology and biotechnology, fields in which we all find great excitement. Nanotechnology, in particular, is the sort of field that will excite the wonder of our grandchildren.

The Government deserve congratulations on providing constructive legislation designed to encourage and assist parties to settle disputes over patent rights. I feel sure that small and medium-sized enterprises, in particular, will find that part of the Bill helpful. The work of small and medium-sized enterprises has been referred to, and we all recognise that they are the core of the economy, which will keep the economy healthy and provide the seedcorn for bigger enterprises. The Bill makes useful provision in that regard, and it is right to recognise that it is the nature of the SMEs themselves that has been inhibiting, rather than the activity of the patent business. Among the useful provisions are ones that will sharpen industry's incentive to innovate through an effective, flexible and up-to-date regime for patenting.

I have seen the Patent Office develop, and one of its characteristics is that when it first moved to Newport, it used a filing system that looked archaic, even in '91. It was quite rightly reluctant to move straight into a high-tech, sophisticated system, which many other Government offices have done disastrously. Having a passport office in the town, we are reminded of the problems that were caused there. The Patent Office moved with great caution from its old filing system to one that depended entirely on software, with all its problems.

David Taylor: Can my hon. Friend reassure the House that, as far as he is aware, future modernisation and use of technology in the Newport Patent Office will not incorporate the damaging concept of the private finance initiative and will not use the disastrous firm Capita?

Paul Flynn: I would like to, and I am sure that my hon. Friend the Minister will give my hon. Friend the Member for North-West Leicestershire (David Taylor) that reassurance.

Another interesting point is that the Patent Office is one of the few Government agencies or offices that has actually done some insourcing, rather than outsourcing. I should like to see it do a great deal more because in a number of fields, work is being done very expensively by patent agents and trade mark agents, at great cost to British industry. That work could be taken in-house by the Patent Office, and done more efficiently and at less cost to the customers. However, it has not gone that way because of Treasury rules. If we were looking to turn the Patent Office into an institution that was not rigidly tied in to Treasury rules but had a freedom to innovate and compete in the private sector, there could be major insourcing, as it took in those jobs. Already, a small number of Newport jobs that were outsourced have been drawn back in again.

Mr. Sutcliffe: While my hon. Friend is rightly complimenting the Patent Office, he may note that it has Investors in People accreditation and has achieved the international charter mark standards that it sought. It is certainly one of the best patent offices in the world.

Paul Flynn: Indeed. I was complimenting it on its caution in not rushing headlong into new technology in 1991, despite the attractions. It took a measured pace, while other patent offices ran into serious difficulties after plunging into the bewildering world of high tech.

We all want to see continued innovation. In my constituency, as in many others, sunset industries that resisted change have not developed, and we have a task in competing with the emerging economies in the far east. Industries that are more likely to succeed in the global marketplace are those that depend on and invest heavily in that mysterious, intangible, elusive product called knowledge. I understand that the European patent system is not a European Union system, but it is none the less a crucial European framework that benefits the UK's innovative businesses.

By delivering full compliance with the European patent system, I hope that the Bill will allow the UK to continue to be a top league player in future developments of that system. That is essential if we are to secure the most beneficial outcome for UK businesses. That is the core of the prosperity that is growing in my constituency, which, like many others, has gone through the trauma of losing sunset industries, which have been replaced by the dawning industries of high tech that have moved in.

The Bill's enforcement provisions will be especially helpful in surmounting the problems, but equally welcome are the modernisation and updating of patents legislation to respond to customer needs. The service is in intimate daily contact with its various customers. We think of it as dealing with individual inventors, but these days it often deals with huge corporations, often registering patents by the dozen. I understand that the Bill will allow the Patent Office to adapt its services the more easily to meet its customers' requirements. It already runs highly efficient and responsible services with full regard to its stakeholders' needs, but I have every confidence that its operations will benefit further from the regulatory provisions. This is a most welcome deregulatory measure, and one would have expected a warmer welcome for it from the Opposition.

I fully agree with the Minister's sentiments about innovation generally. He is right to tell us of the undesirable effect if the knowledge arising from innovation and creativity is not properly protected. It is tremendously important to have patent protection, so that businesses have the incentive to make the necessary investment in finding new and improved products and processes for the benefit of all.

The Bill will permit the Patent Office to provide non-binding options on whether certain activities or products infringe a patent and/or whether certain

[Paul Flynn]

information indicates the lack of validity of a patent. I certainly hope that such opinions can form the basis for negotiated settlements of disputes. That may take a change in the current culture, where litigation is seen as a quick fix for disputes—sadly, it is rarely that: in this complex area, apart from the translators, whom we heard about, the only people who benefit in the long term from long court actions are the lawyers. The Patent Office is dedicated to delivering high standards in all its services, but I have no doubt that it will use its vast experience to deliver first-class opinions on questions that can be so important to the inexpensive resolution of disputes. No one else is in the position to give such advice, and it seems rational to tap into that expertise in order to offer the customer a low-cost, specialist service of this type.

The Bill will also adjust the impact of provisions applying to unjustified threats of patent infringement. I listened to what the Minister said on this issue and I support his sentiment. It is crucial that the disincentive to settling disputes that the existing provision certainly creates be removed, and it is clear that we should support changes that encourage negotiation and lead to the early settlement of disputes. If we can do that while retaining the appropriate and necessary safeguards against the threat of litigation from retailers, the Bill will indeed provide a wormhole through which the interminable wasted space of litigation can be penetrated.

The Patent Office is an outstanding Executive agency that has done some excellent work, and I am delighted that the Bill will proceed through the House today without opposition—

Mr. Eric Forth (Bromley and Chislehurst) (Con): How do you know?

Paul Flynn: Well, one hopes that it will proceed with the support of the whole House.

The Patent Office's relocation to Newport was recently highlighted in the Lyons report as the ideal example of a relocation of company based in the south-east of England, and there are plans to relocate other civil service jobs outside the overheated south-east. As the Welsh proverb states:

"Hawdd cynnau tân arhen aelwyd",

which means, "It is easy to kindle a fire on an old hearth." The Office for National Statistics, the UK Passport Service and most recently the Patent Office have all found a very suitable habitat for their staff in Newport. The Patent Office immediately saved very large sums in rent, and its turnover was reduced to about one tenth of the original figure. Virtually all the staff who moved to south Wales have stayed there; indeed, many of those who are now retired have stayed in the area. It has been a huge success story.

Mr. Sutcliffe: My hon. Friend is right to point to the excellent work done by the excellent staff of the Patent Office in Newport, but, as he knows, Companies House, which is based in Cardiff, is another example of a DTI agency that works well in Wales.

Paul Flynn: Indeed. We enjoy this great success in Newport itself and in "Newport far west"—the Minister will not realise that that is how we refer to Cardiff—where Companies House is situated

Mr. Ian Taylor: I cannot restrain myself from pointing out that I had not realised that the previous Conservative Government had given such a blessing to Newport, West. Having visited the Patent Office when I was a Minister, I am delighted to see that things have worked out so well for the hon. Gentleman.

Paul Flynn: Yes, they have. I should point out that the previous Labour Government provided for other high technology relocations, such as the former British technological board. This is an ongoing process, and despite a certain political antagonism against the city, our magnetic attraction is such that it overcomes any such objections. I am very happy to thank Administrations of both colours for wisely relocating such agencies to Newport, West.

The Patent Office has achieved its fourth successive charter mark, and in order to maintain this award it has developed the dynamic approach that I mentioned. That approach not only builds on existing services; it also uses technology to offer new and more targeted services, including widening the consultation base to enable it offer a more personalised service.

Another example of achievement is the Patent Office's accreditation to the ISO 9001:2000. That accolade constitutes international recognition as a centre of excellence, and recognition of its patenting processes and the way in which it manages its business. Such recognition reflects the quality of services that the Patent Office is able to provide for customers, the development of its staff, and its reputation and influence. I am fortunate to have such an organisation in my constituency, and I have every confidence that it will meet the challenge of delivering the new opinions provided for in clause 13 to a very high standard. It also has a remarkably good record of dealing with a wide range of staff, including some who have problems with mobility, and some who have not attained high qualifications. It has been a good servant of the town, and a model employer.

Britain has a patent tradition that stretches over six centuries, and the Bill should set the framework for that tradition to continue. As we have already heard from the Minister, its origins can be traced back to the 15th century, when the Crown started making specific grants of privilege to manufacturers and traders. The Patent Office came into being on 1 October 1852, so it celebrated its 150th anniversary in 2002. However, the forward-looking office based in the city of Newport is not recognisable from the times of Dickens, when the offices were full of quill pens and mid-19th century gloom. We would not expect to find in Newport the Lord Chancellor's Purse Bearer, the Deputy Chaff-Wax or any of the other Victorian characters who at one time ran our patent system.

The current Act has been in existence for more than 25 years, but things have by no means stood still since 1977. Although the Act has been modified many times

by minor legislative changes, the patents rules are still the means by which many of the formal requirements and other details are set out. The current rules date from 1995—although those too, have been amended several times.

The only aspect of the patent system that seems to have remained constant throughout the past six centuries is the need for legislative change, with pressure for reform and improvement often coming from users of the system, who have been able to see its flaws all too clearly. The need for continuous reform is ever present, and the Bill follows in the worthy footsteps of many earlier legislative initiatives.Perhaps when it achieves Royal Assent, the patent system will finally, 400 years after the Statute of Monopolies of 1623, be a model of perfection—but possibly not. Perhaps in 20 years' time other MPs will come along to improve the system further.

Finally, in a spirit of rejoicing, I would like to quote a large advert that appeared last month in the glossy bits of all the Sunday newspapers, placed by a leading car manufacturer, Honda, which recognised the importance of intellectual property by focusing on the Patent Office. It drove home its slogan as follows:

"There is a place where dreamers go. Where crazy flights of fancy are valued above all else. Where the only good idea is an idea that's new born. Where dreams can become real. It's called The Patent Office, Concept House, the City of Newport — M4, junction 28, first roundabout, and fourth exit. Do you believe in the power of dreams?"

That dream has become a vibrant living reality for the city of Newport, and the Bill will give it new strength, order and opportunity.

5.43 pm

Brian Cotter (Weston-super-Mare) (LD): In introducing the Bill, the Minister rightly pointed out that the future strength of the UK economy increasingly depends on our ability to exploit our knowledge resources and promote innovation. Patently, it has also been established that we can pronounce "patent" whichever way we like. I am glad of that, in case I make a mistake; both sides of the House seem to have agreed that if I do, it will not be seen as such.

Patents are an important part of safeguarding the home-grown innovation from which we want UK businesses to benefit. The Bill is therefore welcome for its first aim—to update UK laws and ensure compliance with revised international agreements, so that British businesses can continue to exploit their new products throughout the globe.

However, in terms of the Bill's second objective, the proposed legislation seems to fall far short of achieving the Government's desired aim. The right hon. Member for North-East Hampshire (Mr. Arbuthnot) made some references to that.

In the Department of Trade and Industry press release announcing the Bill on 16 January, the Minister for Science and Innovation, Lord Sainsbury, said that the Bill's proposals would provide a more supportive framework, particularly for small businesses, to enforce patent rights and ensure that UK patent law continued to underpin and promote innovation. Yet that is exactly what the Bill does not do. Instead, it merely tinkers around the edges of the law, failing to address the fundamental point that the current patent system is stacked wholly against UK small firms.

In his report "Making Patents Useful to Small Firms", Professor William Kingston of Trinity college, Dublin, considered the value of the current patent system to small and medium-sized enterprises across the European Union, noting that in quite a number of cases use of the patent system left SMEs worse off than they would have been if it had not existed. He concluded that

"for every instance where it did provide benefit, there seemed to be several where it caused actual harm."

Professor Kingston further identified three specific groups of individuals and businesses that use the current patent system. By examining each group in turn, it is easy to highlight that system's failings.

The smallest group of patent applications identified by Professor Kingston are those of individuals and small businesses that are actually successful in securing a patent and going on to make money out of it. That group is by far the minority.

The second, largest, group is made up of those who make a patent application for reasons of vanity. They are mainly individuals who like the romantic idea of being an inventor or of being considered the next Einstein. Unsurprisingly, most such patents are never exploited commercially, often because they are unexploitable. None the less, that has not prevented the UK Patent Office from endorsing some of the more dubious inventions, and that raises some concern about how it operates.

The Minister spoke earlier about depending on the clear experience of the Patent Office in the past. Yet, in the 1960s and 1970s, a retired patent officer examiner, Arthur Pedrick, attempted to show how absurd the patent system was by taking out patents on a range of bizarre inventions. Shockingly, the Patent Office endorsed 162 of his madcap schemes, including UK patent number 1047735, which was his plan to get snowballs of 10 ft in diameter to run down mountains in Antarctica, attaining speeds of about 500 mph, then being piped to Australia where they could be used to solve the world's famine problems.

I could rest my case, but I will not. Patent number 1426698 was a plan for an automatic defence deterrent to solve the cold war problem. The United Nations would place nuclear bombs on three earth-orbiting satellites. If those satellites detected that one of the superpowers had been nuked, the bombs would automatically drop on Washington, Moscow and Peking, thus ensuring mutual destruction of all three. I am glad to see that London was not included; perhaps the gentleman lived here.

Those are examples of the folly of the Patent Office, if I may say so in the presence of the hon. Member for Newport, West (Paul Flynn). It has wasted a lot of time by taking on such things. I must not leave out Mr. Pedrick's vision of a chromatically selective cat flap, which would restrict entry to his home to just his ginger cat, not black, white or grey cats, by somehow barring those with differently coloured fur.

Mr. Ian Taylor: I am fascinated by all of this, but I wonder whether it is the duty of the Patent Office to decide whether or not an applicant is mad. If the Patent

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Office takes the fee, it is making a profit, which could benefit the constituents of Newport, West. If someone is mad enough to apply to patent such inventions, surely it is not the job of the Patent Office to reject them.

Brian Cotter: The hon. Gentleman makes a useful point so far as constituents are concerned, but there should be a certain level of examination of patents. The right hon. Member for North-East Hampshire said from a sedentary position that the idea of doors with the ability to detect colours was valuable, so I wonder whether, when the Conservative party opens its new offices in Victoria street, the door could detect whether the people coming through it were light blue, dark blue or not blue at all. The door might be slammed in certain people's faces, but I shall not go any further on that matter.

Paul Flynn: Fascinated as we are by the hon. Gentleman's examples—I welcome them—I believe that the Patent Office can take decisions only on whether the patent applied for is original and not covered by other existing patents. It cannot make a judgment on practicality.

Brian Cotter: As the hon. Gentleman says, examples are important and I could provide more, but I still believe that it is a bizarre way for an organisation to operate. All sorts of suggestions could clog up the system. I could think of two or three as I stand in my place, but I would not want to try your patience, Mr. Deputy Speaker, by rehearsing them now.

Before we go any further, it does not seem unfair to conclude that the current patents system can sometimes reach the point of being somewhat ridiculous—far from the image of an official department, spearheading the development of the latest cutting-edge technology.

The failings of the current patents system are no laughing matter when we turn to the last group of users identified by Professor Kingston. The last group is made up of individuals and small businesses that have been granted a patent for good and workable inventions. However, they are often prevented from enforcing their patents because they lack the resources to challenge larger companies that determinedly seek to infringe them. Just obtaining a patent in the first place can be costly enough for a small business, as the right hon. Member for North-East Hampshire mentioned. Official estimates suggest that it can cost as much as €50,000 to obtain a patent in the EU.

A small firm would first have to pay the Patent Office hundreds of pounds to endorse the invention. As already mentioned, one of the big issues is the length of time that it takes to establish a patent, which can be all of three years. If a small firm is successful in gaining a patent, it will probably have to pay a patent lawyer thousands to draft a patent for it professionally and to translate it into all of the relevant European languages. Then, after all that money has been spent protecting a small firm's product, a larger company often comes along to exploit the idea illegitimately. These are not flights of fancy; I am referring to the work carried out by Professor Kingston.

The small firm then has the option of issuing a licence to the larger company or politely requesting that licence fees are paid, following the infringement of its idea. At best, the large firm will usually ignore such a request. At worst, it will issue a lawsuit, questioning the validity of the patent, as, the inventor of the "anyway-up" children's drinking cup was dismayed to learn. If the small business loses such a case, it may be liable to pay the other side's costs. Unsurprisingly, most small businesses abandon their attempts to defend their patents in court.

One disgruntled small business owner recently summed up the frustration surrounding the current system, by saying that the Patent Office

"will grant you a patent at enormous expense, if you are clever enough to be able to beat the whole of the rest of the world technically. But if someone steals your patent, then the PO will do . . . absolutely nothing. If someone steals your car, then you call the police"—

there is no guarantee that they will get it back for you, but they try and they exist to do something about it—but,

"if someone steals your invention, then you have to go to the court to recover it. If you do, then the Inland Revenue will tax the patent holder his winnings and give tax relief to the thief. Patents do not do 'what it says on the box' and are essentially fraudulently sold to UK industry."

The Minister said earlier—it is on the record, I am sure—that patents were designed to give a 20-year monopoly to firms. I have to inform him that that is not the case. There have been previous attempts to reduce costly litigation and streamline the legal process to make it more accessible to small businesses, but many small firms claim that so far those have had little effect.

The patent county court was established in 1988 to provide a cheaper and more friendly legal recourse for small businesses to defend their patents. Yet in November 2003, the patent county court judge, Justice Laddie, complained that the case on which he was working, which dealt with a relatively simple issue, had been

"allowed to grow into a four day trial costing over £850,000".

He concluded:

"That cannot be an appropriate way of conducting litigation".

I know that my noble Friend Lord Razzall was given an assurance that the work of the patent county court would be kept under review, but I would again press the Government to ensure that they return to look again at the problem of enforcement, if the changes outlined in the Bill do not have the desired effect of helping to reduce legal costs for small and medium-sized enterprises. That is what I would maintain. It is imperative because, although the Government have recognised that costly litigation makes it impossible for small businesses to enforce their patent rights, some people believe that the system in the Bill will be of little more use to small firms than previous initiatives.

The Government claim that they will make it easier for firms to enforce their patent rights under clause 13, which provides a new procedure under which the Patent Office would issue, on request, an opinion on certain matters that might be relevant to a patent dispute. The system would allow a patent holder to bring arguments before the Patent Office rather than the courts, the idea being that it could obviate the need for costly litigation

in settling an infringement dispute between companies. However, it could be that in offering a non-binding opinion, the Government are offering a solution with no teeth.

Even if the small business owner chose to take advantage of the process and the Patent Office found in its favour, all that the business would have is a piece of paper suggesting that its larger rival ought to pay licence fees. A big company could be just as likely to refuse to pay up and go to court anyway, particularly given that the courts are under no obligation to take the view of an arbitrator on board. According to Noel Akers, partner at the intellectual property law firm, Howrey, Simon Arnold and White,

"the non-binding opinion is not going to stop a large company that says, 'we've got deeper pockets, we can take the other side as far as we need to break them'."

In addition, concern has been raised that the Patent Office will have neither the time nor the expertise to make judgment on cases of alleged infringement, particularly as it seems that it is so often busy endorsing madcap inventions such as the cat flap idea. Explaining its rationale for contracting out a number of patent examinations to Denmark back in March 2002, the Patent Office admitted that the decision was

"part of wider efforts to deal with the rising input of patent work, which has so far not been matched by our ability to recruit and retain examining staff."

I am prepared for the Minister to say that that was the position in March 2002 and that it has subsequently changed, but I hope that he can give me that reassurance on a firm basis of fact.

How can a patent holder be confident that the Patent Office will have the resources to come to measured judgments in cases of infringement? As the patent reform group pointed out, in order to reach a reasoned judgment as to whether a patent has been infringed, the Patent Office will need the co-operation of the infringer. How likely is it that a defendant will readily hand over the product or technology for examination? What additional powers will the Patent Office have to ensure that an alleged infringer provides all the relevant material to the case? Why have the Government rejected the idea of binding and technical arbitration—that has teeth and is based on technical assessment—to settle infringement disputes and make it easier for small businesses to protect their patents? What evidence do the Government have for their proposal that the use of a non-binding opinion would provide a practical alternative to costly litigation for SMEs, when the procedure is already available from the World Intellectual Property Office—WIPO—but is rarely taken up because of its non-binding nature?

Ministers say that they want to help SMEs enforce their patent rights, but some small businesses claim that they have not been given the tools to do so. This week, the Patent Office will spend £250,000 launching the "Intellectual Property BOOM!"—an initiative to raise businesses' awareness of intellectual property rights. However, if the procedures in place are not sufficiently robust and relevant, the expenditure of that money is probably not justified.

I would also like more explanation from the Minister of why the Bill has been brought forward before the patent enforcement project has been completed. The project was due to report at the end of November, but that was moved to the end of March, then delayed until the end of April and now it will not report until the summer. The project was part of assessing the need for a Patents Bill. Even when it reports in the summer, a long consultation process will be necessary, possibly lasting a further three years. I suggest that the Minister should be concerned about that prospect.

Following publication of the DTI's innovation report last December, the Government concluded that the Patent Office should

"conduct a feasibility study of a proposed new institutional arrangement which would help SMEs protect their intellectual property."

The initiative is looking at the possibility of establishing a fighting fund to help SMEs finance legal action when their patents have been infringed. Why has the Bill been brought forward before the conclusions of that study are published in the summer, because it will be an important contribution to the efforts to help small firms?

I am aware of the announcement made by Lord Sainsbury in the other place in response to concerns raised by my noble Friend Lord Razzall about the system that the Government have chosen to help small firms enforce their patent rights. Nevertheless, it would be helpful for the Minister to repeat those arguments today, as some firms—such as those involved in the patent reform group—do not have confidence in the proposed system. A further comment by the Minister would help us to see why the Government have chosen to adopt that system.

It was said at the beginning of the debate that the Bill was nothing to be concerned about, but it does raise issues of great concern. For example, clause 1 would insert a new section 4A into the Patents Act 1977 to bring us into line with the European patent convention. According to the Government on Second Reading in the other place, clause 1 would make it clear that any method of medical treatment, such as a new surgical technique, cannot be patented, and that is welcome. It also provides a less complicated method of obtaining protection when a new use is found for a medically active substance that has a known use or uses. Those provisions mean that scientific discoveries that are for the public good or part of human knowledge cannot be tied up by patents to make them unavailable, in the same way that inventions can. That is also to be welcomed.

However, the patenting of substances or compositions using methods of treatment or diagnosis of human or animal bodies is allowed. That is an area for concern. Do current provisions provide sufficient protection against the potential monopolising of certain benefits that might stem from the human genome project? A report published by the Nuffield Council on Bioethics in July 2002 concluded that research into AIDS, cancer and malaria is being held up because patents on human genes are granted too readily to pharmaceutical companies. Although patents covering DNA sequences are often justified to reward innovative science, some experts feel that too many restrict research.

It is, therefore, possible that the patents system is not fulfilling its key system of encouraging developments that benefit the public. The Nuffield report expressed fears that companies were being granted exclusive rights

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over the use of genes in diagnosis, research and treatment, thus preventing other scientists from working on other aspects of the gene. Can the Minister clarify how the amended legislation will ensure that the tests are more rigorously applied to the granting of patents involving DNA sequences, so that knowledge and substances are not tied up by the granting of broad patents?

I hope that the Minister can also clarify the situation on the changes that will update section 22 of the 1977 Act. Section 22 concerns information in patent applications that might be prejudicial to the defence of the realm or the safety of the public. Schedule 2 to the Bill proposes to substitute the term "defence of the realm" with the phrase "national security". According to the Bill's explanatory notes, that update is designed so that

"the comptroller can make directions in any circumstance where there is a need to protect the national security interests of the United Kingdom."

Given that the phrase "national security" is much wider ranging than the term "defence of the realm", can the Minister clarify why the Government feel it necessary to make that change? How will the Government ensure that details of patents are not withheld without suitable justification?

In conclusion, the Liberal Democrats welcome the Bill as a vehicle for giving British inventors key intellectual property rights under revised international treaties, but we are concerned about some of the proposals to help small businesses enforce their patents rights. The Government must justify their actions further in Committee—and I look forward to that—and pledge to keep the issue under review, so that cost does not act as a barrier to the enforcement of rights by small firms.

6.8 pm

Mr. Ian Taylor (Esher and Walton) (Con): We have had a most learned debate on this modest Bill. Indeed, the speech by the hon. Member for Newport, West (Paul Flynn) was learned and emotional in waxing lyrical about the decision of the then Conservative Government to provide his constituency with its glamorous offices and employment prospects back in 1991. I much enjoyed my visit to those offices in the dim and distant days when I was the Minister with responsibility for science and technology. I found much enthusiasm for the work being done with such expertise.

I am delighted to take part in this debate, although I must make a declaration of interest. I am involved with one or two companies that apply—often successfully—for patents, so I have business interests in the area, including with a merchant bank called Interregnum that encourages companies to exploit their intellectual property.

That experience, allied to my ministerial experience, has reinforced my view of the importance of patents, but they are not the sole solution in the need to advance intellectual property, many aspects of which are not even patentable. In this modern knowledge economy, businesses will have to find ways to increase their competitive advantage by identifying not only their intellectual property but the IP that they need to acquire from elsewhere. They often need to move speedily in doing that, which is not always the way that the patent process works.

When I was responsible for the research councils, we used to talk about ways in which both they and the university sector could exploit intellectual property. People often asked why universities did not hold more patents. The answer was often complicated and taught me that a good benchmark for showing whether a university was really exploiting its knowledge base and getting involved in technology transfer was not always that it had ratcheted up a high number of patent applications. I use that point as background, because although the discussion of patents is obviously the reason for our being here this afternoon, patents are not the only guideline for the exploitation of intellectual property. I certainly hope that companies do not assume that that is the only benchmark they should use either for their evaluation by the City or other possible investors or for the way in which they want to be seen by their peers. Ultimately, the benchmark is commercial success, which in many cases means rapid translation of a good idea into a good product that sells.

The difficulty with patents is that by the very process of application one often makes public the invention or the original process—a point that has already been mentioned. For many companies that is a disadvantage. Some of the Government's work—in the Department of Trade and Industry, the innovation report published at the turn of the year and the Lambert report commissioned by the Treasury to look into our university business links—shows that the danger of a patent is that it actually discloses an interest to possible competitors, which, for many companies, creates the problem of how to protect that knowledge. As I pointed out earlier, exploitation is often the best way to protect and take advantage of an invention.

Often, the public are not really worried about patents until they seem to be threatened by their existence. The hon. Member for Weston-super-Mare (Brian Cotter) pointed out that when there is debate about some of the pharmaceutical cases, such as whether DNA sequencing should be public or private, the public prick up their ears. Sometimes, however, such debate is dangerously misguided. In many cases, pharmaceutical companies take out patents to protect the terrific investment needed for new drugs to come to market. We are slightly in danger of assuming that the pharmaceutical companies are somehow an evil influence because they possess those patents. There is debate about whether one should move to generic products and whether we should forcibly reduce the length of patent coverage and try to abolish the taper at the end of the process. Those questions can be rather emotional when applied to continents such as Africa. I understand that, but the danger in that public debate is that the patent can be regarded as an obstacle whereas in fact the whole process of encouraging companies to invest in research and take out a patent to protect their commercial advantage is important.

That gives rise to another issue that has not been a focus for our debate: it is a mistake to believe that all patents are taken out by individuals or small companies. Some of the most important patents are in large companies and those companies can be very innovative.

We should not believe that the whole process is about small companies in big battles to try to protect themselves. An analysis of the litigation shows that we are dealing with the exceptions; the problems tend to be at the margin. Most patent processes—applications and renewals—tend to go through smoothly and are not subject to great debate.

Nevertheless, I recognise that individuals and inventors take out patents. I dealt with them as a Minister. It was sometimes difficult because they thought they had discovered the full benefits of alchemy and that the gold to be produced thereby should come to them; the manufacturing process for turning their invention into something worthwhile was of no concern to them. I do not of course include Trevor Baylis in that category; he used to phone me regularly on Sunday mornings to tell me his latest thoughts. He had great success with many products, not least the clockwork radio, and I fully compliment him. The difficulty often is to get individual inventors to work together, which is, as I am sure the Minister has discovered, not an easy task—to put it mildly. I pay tribute to inventors, but we should not be under the impression that they are the only people concerned with inventions—there are many others.

There is a challenge for the European Union. My right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot) mentioned the Lisbon agenda somewhere in his excellent speech. He pointed out that the need for us to make Europe the most competitive place in the world to do business was paramount. Of course we hope that Britain is the most competitive place within that wider European space. The Library has produced an excellent document from which I quote the definition of intellectual property given by Ian Harvey, the chief executive of the British Technology Group. He said:

"Intellectual property is one of the few ways that you can differentiate a product and enforce its uniqueness. Competing on price or first-move advantage are ephemeral in comparison."

That is a key point. However, Charles Oppenheim, professor of information science at Loughborough university said:

"If we want to improve European innovation and competitiveness, many more SMEs should be using patents and patent information than currently do."

That, too, is obviously important. The European patent convention has been a reasonably successful provider of broader patents for Europe; it has been effective in bundling together, over 27 countries, a national patent that has wider application.

The difficulty is that, in the spirit of the Lisbon agenda, we have not actually been able to convert the work of the European patent convention into the implementation of an EU patent. That is a continuing problem in the Council of Ministers. The process has been stalled by a variety of things. Language, which was mentioned by my right hon. Friend, is not only prohibitive but emotional. The fact that we in this country think the provisions should be in English—I share that belief—is not necessarily fully appreciated, not least by the French. There are also complications arising from justice systems in Europe. There is obviously a need for a court to enforce the patents, but that challenges each of the national courts.

Over the years, I have also detected resistance from national patent systems and national patent offices, many of which are profit-based and feel that they will be bypassed. In some countries they have an almost disproportionate influence on the Government. I hope, however, that, in the spirit of the quinquennial meeting of patents Ministers, the Minister will be able to get the scheme back on the road. It is absurd that the European single market has no court capable of implementing an EU-wide patent and relies only on the convention itself.

The point behind the Bill is to try to find new ways of clarifying some of the arguments. We have heard the detail, and I shall not bore the House by going back over that. The conflict between employees and their employer is genuine, and it is very difficult to determine. I hope that the Minister has got the draft of the Bill right. It has been tested in the Lords, and I am sure that it will be tested in Committee. Nevertheless, part of it relates to contract law and what an employee was doing under his or her contract. Was he or she expected to develop new ideas? Any sensible company would certainly wish to compensate someone who had come up with ideas that were capable of being patented. Many universities have wrestled with similar problems.

I return to an earlier point that I tried to make. The difficulty for an individual is that it is no good just having a patentable idea as though that was Mecca. Having a patentable idea is a means of enabling a good idea to be translated, through protection, into a public good, a consumable product, an advancement in science or whatever. The original idea may be laudable, but it is not the end product. An end product uses a patent in order to give the process time to provide competitive advantage, and many employers will not necessarily fully appreciate that the process of exploitation is as important as the idea itself.

When I was a Minister, I was involved with an award—I believe that it continues—that specifically related to bringing together the great ideas, although not necessarily patentable ideas, produced by small companies with the big companies that were capable of exploiting them. I remember the ultrasound technology that was applied to valves used in the North sea to ensure their accuracy and reliability over many years. That required huge engineering skills—of, I think, British Gas—to attain perfection in the manufacturing process even though the idea originated with an individual or a small group of individuals.

I will give the Minister the benefit of the doubt on another aspect of the Bill that I hope will work. I refer to the process of judging infringement and, although clause 13 has its merits, it will have to be tested in Committee. I shall not do that on the Floor of the House, but I mentioned the costs of protecting and renewing a patent. The issue of infringement is difficult. We live in a competitive world and people want to take advantage of ideas. Many companies often go through a parallel process that enables them to say that they have not technically infringed the existing patent, but merely provided something that was remarkably similar. That can involve subjective and objective judgments, and clause 13 may assist with the objective assessments.

I underline the need for the Bill to be effective when it is converted into law. In 2002, it was estimated that expenditure on research and development as a share of GDP in the European Union was 1.99 per cent. The only

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comparisons that I have are with Japan, where the figure was 2.98 per cent. in 2000, and with the United States, where it was 2.8 per cent. Those gaps are significant and continuing even though Treasury Ministers and the European Commission have set the target of improving total R and D spend in the EU to 3 per cent. of GDP. I am afraid that we are still a long way short of that. For those interested, in 2002 the share of R and D expenditure in the United Kingdom was 1.84 per cent. of GDP.

In the period between 1997 and 2001, however, the EU recorded a rate of European patents per unit of business R and D expenditure as equal to 0.6 per cent. It was followed by Japan, where the figure was 0.31 per cent., and the United States, where it was 0.26 per cent. Those figures are slightly more heartening bearing in mind my earlier point that patents by themselves are not the only benchmark for intellectual property exploitation.

The Bill has merit. I do not believe that the worries expressed by some professional organisations are necessarily well founded, but they should be aired in Committee, and I am sure that they will be. I certainly wish the Bill good speed. We should make sure that we comply with the European convention and constantly update patent law. We should also continue to try to bring down the costs of applying for patents and the time in which they are granted. Good ideas need to be out there in the marketplace very quickly. We live in an increasingly competitive world not only among companies in this country or within the European Union, but internationally. We cannot be left behind. The Bill had better make effective law.

6.26 pm

Mr. Sutcliffe: With the leave of the House, I would like to respond to what has been an excellent debate. As the hon. Member for Esher and Walton (Mr. Taylor) said, it has been a learned and informed debate on issues that do not automatically appear in the constituency casework or postbag of most hon. Members. Nevertheless, it has been an interesting debate and contributions from both sides were excellent.

The right hon. Member for North-East Hampshire (Mr. Arbuthnot) said that it was not the most political Bill ever to come before the House, and I agree with him. However, it is important, as hon. Members said, that the "pa-tent" or "pay-tent" system—we have decided that we can call it either—is important for all the reasons that have been given.

We need a robust patent system, which is essential if we are to maintain and encourage a long-standing tradition of innovation—crackpot or otherwise—in the United Kingdom. As the hon. Member for Esher and Walton pointed out, when we talk about innovation, we are not just talking about having a bright idea but about having an innovation culture in which bright ideas are successfully exploited. Successful innovators—whether James Watt with his steam engines in the 18th century or Owen Maclaren and his light-weight folding pushchairs 200 years later—have always been able to take their bright ideas on to widespread success. We have heard other examples in the debate.

We all agree that, first, our patents system must be robust enough to protect properly the people and companies with the creativity and drive to make innovative technical advances. Those are the advances that—large or small—continually improve the quality of life for us all.

Secondly, the patents system must be accessible. All innovators must be able to protect and exploit their new products or processes—whether it is a multinational pharmaceutical giant, a new university spin-off company or a lone inventor who has hit upon a great new idea. Having a system that is, as far as possible, harmonised with international patent agreements will help our innovators protect their ideas abroad too. Thirdly, the patents system must be balanced enough to ensure that the public at large continue to benefit from new products and processes and can challenge patent rights when it is fair to do so.

I am pleased that this Government are introducing the important changes in the Bill. The major reforms made to the patents system by a previous Labour Government in 1977 have served the UK well over the past 27 years and we are now updating them. This will ensure that our legislation remains in tune with innovators' needs and with the international framework in which our patents system operates.

I want to say a few words about the development of this Bill. We carried out a thorough and wide-ranging consultation, starting in 2002. We heard from lone inventors, small and large businesses, patent professionals, lawyers and judges. That helped us to refine significantly the proposals for inclusion in the Bill. Throughout the process, we met representative groups from right across the spectrum of patent users and we continued to listen to their views. In another place, we heard arguments on measures in the Bill where it was felt that stakeholders' concerns had not fully been met and we amended the Bill accordingly. I hope that it is clear that the Bill, right from the outset, has been developed in a spirit of co-operation and constructive debate. I am grateful to the right hon. Member for North-East Hampshire for thanking the noble Lords in the other place for their contribution in sending the Bill to us. I also thank him for thanking the Bill team and others who contributed to the process.

We have to be effective in ensuring that the Bill develops. I look forward to participating in the Committee. Many concerns were raised and if I do not respond to them now, I shall write to hon. Members before the Committee starts. I hope that we will consider the issues in the spirit of co-operation demonstrated so far. If it appears that things need to be done differently, I will be prepared to consider doing that. I expect the hon. Member for Esher and Walton, who spent time as a Minister in the Department of Trade and Industry, to make a learned contribution. He was responsible for many innovations and I pay tribute to his work in the Department and to his well-balanced approach. He perhaps put the argument more cogently than I did—

Mr. Ian Taylor *indicated dissent.*

Mr. Sutcliffe: I thank the hon. Gentleman for that.

The right hon. Member for North-East Hampshire explained that the European patent convention was revised in 2000 and asked whether a Bill will be

necessary every five years; I hope not. We decided that it was time to modernise the EPC some 27 years after negotiations were completed. The European Community is considering accession to the provisions in the EPC, in which case future changes could be achieved under the European Communities Act 1972.

Negotiations are taking place in Brussels among EU states on a European Community regulation to establish a Community patent. That will be a single patent valid throughout the entire territory of the EU, in much the same way as existing Community trade marks and design rights are. At the most recent Competitiveness Council meeting in March 2004, agreement on the regulation again proved elusive. The negotiation stalled on the language regime for the translation of Community patents and the legal status that such translations should have. Beyond that, agreement has still to be reached on what form a centralised Community jurisdiction for dealing with patent disputes will take. We will continue to do whatever we can to get the stalled negotiations restarted.

The proposed Community patent should not be confused with a European patent granted under the 1973 European patent convention, which in effect is a bundle of national patents using a single one-stop granting procedure, administered by the European Patent Organisation. The right hon. Member for North-East Hampshire mentioned the USA and Japan. That worried me, given the Euroscepticism on the Conservative Benches. The USA and Japan are single nations that use only one language—English or Japanese—but the EU is a collection of nation states. I am sure that he is not suggesting that we make all EU states use one language. That would not give due recognition to each state's sovereignty, which I understand is important to the Conservatives—at least to some of them.

The right hon. Gentleman also mentioned the cost of patenting. We will be pleased when negotiations on the Community patent succeed because that will reduce costs. We also support the London agreement, which will significantly reduce translation costs for all users of the European patent system. We look forward to its implementation, preparations for which are under way in the UK.

Hon. Members mentioned small and medium-sized enterprises. We fully understand the difficulties encountered by SMEs. Finding out how to help them has been difficult, but we are building on research. The hon. Member for Weston-super-Mare (Brian Cotter) mentioned the patent enforcement project. That is a sign of our commitment to explore what we might be able to do in addition to the Bill.

Brian Cotter: The Minister will expect me to say this, but I remain concerned that the report was put off from November to March and then to April. It has now been put off until the summer, and even then the process will carry on. It is a grave concern that the report did not come out before the Bill.

Mr. Sutcliffe: The point is well made, but the hon. Gentleman will want us to get it right when we publish the research. The viability of a patent defence union that could help SMEs in particular to enforce their patents is being considered. The result of that will be available soon.

I was asked why we have decided not to provide for additional or punitive damages. I am aware that the difficult issue of flagrant infringement of a patent engenders strong feelings on both sides of the argument, but there is by no means unanimous support for a provision to allow such damages to be awarded in patent infringement disputes. Indeed, the Opposition in another place argued that the availability of such damages would do two things. First, every claim of infringement would include a claim for such damages, leading to more legal wrangling and raising litigation costs even further. Secondly, trying to show that the other party had behaved badly would make an amicable settlement even less likely. It is not the time to introduce additional or punitive damages into patent legislation. Moreover, other proposals in the Bill are designed to help patent holders, especially SMEs, in the enforcement of their patents.

The right hon. Member for North-East Hampshire asked about the employer-employee relationship and said that existing provisions are illogical. That is why the employee compensation provisions are being amended to cover outstanding benefit from patented inventions as well as from the patent itself. I am sure that we will return to that in more detail in Committee. I am pleased to note that most employers, for the reasons set out, are making payments. It is understandable that they would support their employees who contribute to the well-being and development of their businesses. The changes to employee compensation are intended to make the process simpler, not more complex. It will no longer be necessary to deal with the difficult and subtle distinction between benefits derived from the invention being patented and the benefits derived from the patent itself.

My hon. Friend the Member for North-West Leicestershire (David Taylor) intervened on my hon. Friend the Member for Newport, West (Paul Flynn) on software patents. It is worth saying that inventions that implement software have been patentable for decades, in both the UK and across Europe. The Bill makes no change in that respect. Software per se is not patentable and that will remain the case, although it is protected under copyright. I think that the hon. Member for Esher and Walton made the point that there are other benchmarks to consider, not just those relating to intellectual property. Novel software with an inventive stage that makes a technical contribution is already patentable and will remain so. The EU is considering a proposed directive on the patentability of computer-implemented inventions. One aim of the proposal is to clarify the status quo with respect to software patents, neither broadening nor narrowing the field of what may be patentable in relation to computer-implemented inventions.

My hon. Friend the Member for Newport, West made an emotional and well-thought-out contribution on behalf of the Patent Office, which is situated in his constituency. He made all the right points about the quality and skills in the office. It was the first to achieve the International Organisation for Standardisation 9001:2000 certification status. In combination with the way in which it operates, it is clear that the Patent Office develops its staff.

My hon. Friend was right to raise our aspirations. The right hon. Member for North-East Hampshire said that the Bill is workmanlike and devoid of emotion. My

[Mr. Sutcliffe]

hon. Friend, in his inimitable way, talked about the power of dreams. No doubt his wonderful Welsh phrases delighted the *Hansard* Reporters. It is worth pointing out that we have 1 per cent. of the world's population and fund 4.5 per cent. of the world's science, produce 8 per cent. of the scientific papers and receive 9 per cent. of the citations. That is an excellent track record that shows how the UK innovates and has led in so many ways.

The Patent Office was careful when it changed its IT provisions and made its decisions on outsourcing. As an Executive agency and a trading fund, it has the ability to decide such changes for itself. The awards mentioned suggest that it is flexible in the way in which it operates.

Hon. Members raised many issues. The time that is left does not give me the opportunity to cover them all—

Mr. Forth: We have until 10 o'clock.

Mr. Sutcliffe: I would be delighted if the House wanted to sit until 10 pm to discuss these issues. I want to try to give hon. Members detailed responses to the points that they made and it is not always possible to do that on the Floor of the House. That is why we have a Committee stage for Bills. We can go through the detail in Committee and, if we cannot reach agreement, there are further opportunities for discussion when we return to the Floor for Third Reading. However, given the co-operation between this House and the other place, I am sure that we will be able to reach agreement.

The hon. Member for Weston-super-Mare mentioned patents for curious, obscure or, indeed, alarming inventions. As was pointed out, the job of the Patent Office is not to decide on the quality of applications but only to make sure that the process has been properly undergone. He also asked why the Patent Office grants patents for inventions that seem to have little practical value. The Patent Office was set up to provide a service to the public and its role is not to decide who should or should not apply for a patent, but merely whether an application meets the requirements that Parliament decided were necessary for the granting of a patent.

This has been an important debate on an important Bill. I look forward to the Standing Committee, where I think we will have a worthwhile discussion of many issues that affect UK science and innovation. I look forward, too, to working with the Members who have contributed to the debate today. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

PATENTS BILL *[LORDS]* (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003].

That the following provisions shall apply to the Patents Bill [Lords]—

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 17th June 2004.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the day on which proceedings on consideration are commenced.

6. Sessional Order B (programming committees) made on 28th June 2001 shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—*[Paul Clark.]*

Question agreed to.

Joint Activities with the National Assembly for Wales

6.41 pm

The Deputy Leader of the House of Commons (Mr. Phil Woolas): I beg to move,

That this House approves the Third Report of the Procedure Committee, on Joint activities with the National Assembly for Wales, HC 582; and that the following Order be a Standing Order of this House until the end of the present Parliament:

'The Welsh Affairs Committee may invite members of any specified committee of the National Assembly for Wales to attend and participate in its proceedings (but not to vote).'.

The motion provides that the House should approve the Procedure Committee's third report of this Session, on joint activities with the National Assembly for Wales. I shall attempt to explain the Committee's proposals. I should say, first, that I am grateful to the Chairman of the Committee, the hon. Member for Macclesfield (Sir Nicholas Winterton). I understand that he had an important meeting this afternoon, and I am very grateful for his letter and for the fact that we are able to begin the debate with him in his place. It is obviously beneficial to the House that that is the case.

The Procedure Committee's report follows the 2003 report of the Welsh Affairs Committee on the primary legislative process as it affects Wales. The Welsh Affairs Committee found that in pre-legislative scrutiny of the draft National Health Service (Wales) Bill—and, more recently, the draft Public Audit (Wales) Bill—there was considerable overlap between its work and that of the relevant National Assembly Committee. Joint hearings would remove that overlap and be of benefit both to Committees and to witnesses. The Welsh Affairs Committee therefore recommended the granting of powers for joint formal meetings between it and Committees of the National Assembly for Wales.

In its response to the Welsh Affairs Committee's report, the Government expressed the view that joint pre-legislative scrutiny by the Committee and the appropriate Committee of the National Assembly for Wales would be helpful. We hoped that the House authorities would examine whether the procedural obstacles could be overcome. The Clerk of the House and his counterpart in the National Assembly set up a joint working group of officials to consider how that could be done.

The report of the working group is published as an appendix to the Procedure Committee's report. In short, the working group found that joint meetings, if desired, could be conducted on the principle of "reciprocal enlargement": either Assembly Members would be invited to attend and take part in House of Commons proceedings or Members of the House would be invited to attend and take part in Assembly proceedings, the activities concerned counting as proceedings of the host body, chaired by one of its Members and governed by its rules.

The Procedure Committee has come to the view that the underlying question of principle, as to whether joint meetings are necessary or desirable, requires further consideration.

Mr. Eric Forth (Bromley and Chislehurst) (Con): You bet.

Mr. Woolas: The right hon. Gentleman says "You bet," and I imagine that such consideration will form the substance of this debate. However, the proposals are common sense.

Mr. Patrick McLoughlin (West Derbyshire) (Con): The Minister said that, according to the report, the proposal requires further consideration. How many of the Procedure Committee's published reports, with recommendations, have the Government failed to find time to debate on the Floor of the House?

Mr. Woolas: I am afraid that I do not have those details at my fingertips, but I can say that the thrust of the recommendations has been accepted, as is the case with this report, which the Government believe is very sensible. I hope that the House will agree. Indeed, it was the Government who tabled the motion to accept the report.

Mr. McLoughlin: There is one particular Procedure Committee report, which formed the basis of a complaint that I made in the last Parliament, which the Government have never found time to allow the House to debate or decide on. I wonder on what grounds the Minister or the Government decide which Procedure Committee reports they will find time to debate on the Floor of the House.

Mr. Woolas: The Government decide on the Procedure Committee reports with which the House agrees, and we use common sense to decide whether we agree with the reports. Those are House of Commons reports, not Government reports, and the Government's response is based, in large part, on the consensus of the House, as in this case.

Mr. Forth: Will the hon. Gentleman give way?

Mr. Woolas: I will finish this point first. I hope and believe that this report carries the consensus of the House. It is not a Government report, but there is a Government motion that endorses and accepts the report. I believe that the hon. Member for West Derbyshire (Mr. McLoughlin) understands that.

Mr. Forth: I am curious to know how the Minister knows what the consensus of the House is if he will not bring a measure before it to be debated and if he has not heard the views of Members. That is typical of Ministers' attitudes: they assume that they know what the House thinks and they make their decisions on that basis. Can the Minister enlighten us as to how he divines the consensus of the House before he decides whether to bring something before it?

Mr. Woolas: The answer is common sense.

Mr. Forth: Your common sense.

Mr. Woolas: Well, somebody has to provide common sense, and it is a good basis for judgment. It if transpires, following Members' contributions in a debate, that

[Mr. Woolas]

there are objections, the House will decide. The right hon. Gentleman is no stranger to the practice of objecting to motions moved from the Dispatch Box or elsewhere. However, to coin a Euro 2004 phrase, somebody has to decide what common sense is. If the right hon. Gentleman disagrees, it is his right to do so.

This Procedure Committee report is one from the House, to the Government. The Government are facilitating debate in the House; they did not need to do so, but they have provided time for debate. I would have thought that the right hon. Gentleman would welcome that opportunity. The Chairman of the Committee, the hon. Member for Macclesfield, is in his place. The Chairman of the Welsh Affairs Committee also supports the motion and has recommended it to the House. If the House wants to disagree, that is its choice. I fail to see what else I could do if I am not to be accused of bludgeoning the report through the House. If the right hon. Gentleman were a reasonable man who accepted that the House is being asked to consider proposals regarding the procedures of the House and its Committees, I think that he would nod his consent. The fact that he fails to do so is a matter for him.

The Procedure Committee has come to the view that the underlying question of principle of whether joint meetings are necessary or desirable requires further consideration. The right hon. Gentleman is not listening, so I reiterate: the Procedure Committee has come to the view that whether joint meetings are necessary or desirable requires further consideration. I should have thought that he would support that point at least.

Mr. Forth *indicated assent.*

Mr. Woolas: The right hon. Gentleman nods, so I find it difficult to understand how he can oppose the motion before the House—but that is a matter for him. I am sure that he will take the opportunity to explain, should he catch your eye, Mr. Deputy Speaker.

The Committee also believes that pre-legislative scrutiny of an expected draft Bill that applies only to Wales would provide a suitable experiment in joint working before it decides whether to recommend its wider use. The Committee therefore recommends that, until the end of the current Parliament, the Welsh Affairs Committee be authorised to invite members of any specified Committee of the National Assembly for Wales to attend and participate in its proceedings, but not to vote on those matters—that is most important—and subject to a quorum of both Committees being present. The Procedure Committee further recommends that during such proceedings use of the Welsh language be allowed in all circumstances, with the National Assembly providing interpreters and transcription of Welsh language contributions. The current rules allow the use of Welsh in Select Committees only if a witness has given advance notice of a desire to give evidence in Welsh, but the National Assembly is obliged by statute to treat the English and Welsh languages equally. I hope that the House will think that that is a sensible and pragmatic modification to our rules.

The Government have responded to the Committee in positive terms. We agree that the forthcoming pre-legislative scrutiny of the draft Transport (Wales) Bill, which was laid before both Houses on 27 May, provides a suitable experiment for joint working before considering whether it should be permitted more widely in respect of legislation relating to Wales. With the agreement of the Chairman of the Committee, our response has been placed in the Library and attached to the explanatory memorandum provided in the Vote Office. The Government are grateful to the Procedure Committee for carrying out a difficult technical task on a difficult policy area and for its measured and timely report. We are also grateful to the Welsh Affairs Committee for its consideration and its commitment to pre-legislative scrutiny and to joint working with the National Assembly.

Perhaps the Chairman of the Procedure Committee will explain his Committee's thinking in more detail. I hope that the House will agree that the experiment suggested by his Committee should go ahead. I urge the House to support the motion.

6.53 pm

Mr. Peter Luff (Mid-Worcestershire) (Con): The debate so far on this relatively straightforward motion shows the benefit of having the opportunity to debate such matters rather than let them go through on the nod, as the Government too often seek to achieve. Courtesy of the powerful point made by my hon. Friend the Member for West Derbyshire (Mr. McLoughlin), important questions have been asked about the extent to which the Executive set the agenda for the House of Commons in relation to the selection of Select Committee reports for debate.

In a sense, we are having this debate because the present situation is the product of the very different models of devolution used for Scotland and for Wales, and the proposals represent an attempt to tidy up some of the loose ends left by the devolution process. I am glad that the Minister did not describe them as part of the modernisation agenda. He would have been wrong to do so because, as the Procedure Committee's helpful report points out, there is a precedent for the proposals. In 1933, it was decided that people who were not Members of either House of Parliament should be able to take part in proceedings in the Joint Committee on Indian Constitutional Reform.

Mr. Forth: I am grateful to my hon. Friend for pointing that out, but does he not think that the fact that the procedure has not been used for all this time suggests that it might not be very useful, after all?

Mr. Luff: I suspect that my right hon. Friend will explore that matter during his remarks, should he have the good fortune to catch your eye, Mr. Deputy Speaker. In my view, devolution has created a new and untidy situation, and the proposal—which I, rather reluctantly and on the basis that it is a trial, will support—may well be a necessary development to enable us to cope with that.

Mr. Woolas: Anticipating that the word "modernisation" would be used against the proposal, I conducted some research, which tells me that in July 1933 the Joint Committee on Indian Constitutional Reform set up several sub-Committees to hear various

witnesses on specific topics and nominated five Indian delegates to take part in those proceedings. The proposed procedure is not new and cannot be diminished by accusations of modernisation.

Mr. Luff: I do not know what the Minister intended by that intervention, but I had intended to make precisely that point—there is a 71-year-old precedent for the proposals. Perhaps, in the spirit of openness, I should declare at this point my chairmanship of the Conservative Friends of India group. It is important that we attest to the relevance of that precedent and the need for the procedure to be revived.

I was a little shocked by the radical nature of the proposal at first glance, but then I thought that if my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton), a great and distinguished parliamentarian, recommends it, who am I to demur? However, I have three serious points to put to the Minister, because although it is not the official Opposition's intention to oppose the motion, it raises questions of some importance that must be answered.

My first question is: how will the trial be assessed? No doubt, if it is deemed to have succeeded, a motion to continue the trial will be laid before the House at the start of the next Parliament. I would therefore like to know precisely what procedures the Government intend to use to assess success or otherwise. We know from bitter present experience that trials are not always successful—one thinks of the fiasco regarding postal voting in the European elections. Trials can fail, and the Government must recognise that we regard what is proposed as very much a trial; they must not take our not opposing the motion as carte blanche to continue, willy-nilly, in the next Parliament.

Sir Nicholas Winterton (Macclesfield) (Con): Seeking to remove responsibility from the Minister, may I tell my hon. Friend that I believe that, after a trial period, the Procedure Committee will examine the matter again as part of its ongoing duties to monitor the procedures of this place? Clearly, we shall take evidence on how effective the new procedure has been, not least from the Welsh Affairs Committee and the National Assembly for Wales.

Mr. Luff: I am most grateful to my hon. Friend, although that raises a slight difficulty of timing. I do not know when the Procedure Committee intends to examine whether the trial has been a success or at what stage the Government will seek to revive the motion in the next Parliament. None the less, I am grateful to him and I am sure that his Committee, which I hope he will continue to chair in the next Parliament, will make an important contribution to the assessment of the trial.

Before I put my second point to the Minister, I should declare that I am a former member of the Welsh Affairs Committee. I see among those who may not speak others who were on that Committee with me. As such, I think instinctively that the proposal makes sense.

My second point is that the very fine memorandum, written by the Clerk of the House, in the Procedure Committee's report shows the extraordinary complexity of such a simple concept. Of course, the report addresses a range of other options beyond the straightforward co-operation involving the Welsh Affairs Committee, and considers other methods of "reciprocal enlargement"—a rather ugly turn of phrase. I want to ensure that the Minister is happy that the Government have properly addressed the concerns expressed in the Clerk's memorandum and that he foresees no difficulties in that regard.

Thirdly, do the Government plan to consider any other manifestations of "reciprocal enlargement"? There are four different models suggested in the Clerk's memorandum that go well beyond the relatively modest measure before us this evening. It would be helpful to know whether the Government are sympathetic to any of those other models, or whether they regard this measure as the end of the question.

To pursue the thin end of the wedge argument a little further, it strikes me that the Government already have other devolutionary schemes in place, and that others are planned. Might they therefore come before the House at some point to suggest a similar arrangement for the London Assembly, for example, or for the elected regional assemblies—should there ever be such things, which I personally find unlikely? Such proposals could have quite serious consequences for the sovereignty of this House, and I would like to know whether the Government have given any thought to that possibility.

The official Opposition have no objections to this trial, as long as it is precisely that, as long as it is properly judged before being made a permanent feature of the way in which our Welsh Affairs Committee conducts its business, and as long as it is not used as a wider precedent. It has been 71 years since something like this was last attempted, and it could well be another 71 years before we need to do it again, but we think that it is worth a trial.

7.2 pm

Sir Nicholas Winterton (Macclesfield) (Con): I thank the Deputy Leader of the House for his opening remarks. On behalf of the Procedure Committee, I am glad to be able to support the Government's motion to implement the recommendations made in our third report. I should like to pick up on the question asked by my hon. Friend the Member for West Derbyshire (Mr. McLoughlin). Perhaps there will be other occasions on which I, as Chairman of the Procedure Committee, will be able to press the Government to provide time on the Floor of the House to give their responses to our reports and to debate those reports in full. I should like to take this opportunity to say that we would very much like not only a response but a debate on Sessional Orders and resolutions, as well as on our reports on procedures for debate, the role of the Speaker, and private Members' Bills.

In fact, I have just seen a member of my Committee, the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith), indicating that we have received a reply on the issue of Sessional Orders, so I apologise to the Deputy Leader of the House. I hope that I understand the hon. Member for West Aberdeenshire and Kincardine correctly, and I would simply say that we would have liked a more positive

[Sir Nicholas Winterton]

response than the rather bland one that we have received from the Government. However, this debate is not about that.

Mr. Forth *rose—*

Sir Nicholas Winterton: If my right hon. Friend wishes to intervene, I shall not refuse him.

Mr. Forth: My hon. Friend is being a bit over-generous to the Government, if I may say so. Does he share my suspicion that the motion before us illustrates that the Government will bring before the House in a timely fashion those motions from his Committee that they find congenial, while failing or hesitating to bring forward anything that they find less congenial? Does that not give my hon. Friend a sense of unease?

Sir Nicholas Winterton: I am very tempted to respond to that question at some length, but I shall resist the temptation. My right hon. Friend's intervention leads me to the next comment that I was going to make, which is that the Leader of the House wrote to me less than three weeks after the report was published, to give the Government's response to it. I was gratified to receive such a prompt reply. My right hon. Friend was suggesting that the Government would respond speedily only to the reports that they liked and found it easy to respond to, but they have responded to this report pretty quickly, and I am grateful for that.

Perhaps, however, my right hon. Friend will think that I am following up on the gist of his intervention when I say that, in this case, this has happened mainly because the recommendations in our report are urgent because a draft Bill—the draft Transport (Wales) Bill—was published just before the recess. This is the Bill to which our experimental recommendation has been directed, so that pre-legislative scrutiny—of which the House is very much in favour—can be carried out jointly by the Welsh Affairs Committee and the Economic Development and Transport Committee of the National Assembly for Wales.

Mr. Woolas: It might help the Chairman of the Procedure Committee if I were to repeat what I said earlier to the right hon. Member for Bromley and Chislehurst (Mr. Forth), which was that it is not true that the Government give time only to reports with which we agree. We gave time to the report on the estimates procedure, and we have committed ourselves to finding time to debate the reports on Sessional Orders and procedures for debates before the summer.

Sir Nicholas Winterton: I am, as ever, extremely grateful to the Deputy Leader of the House—and the Leader of the House, for that matter—for indicating so clearly that there will be a debate on the Floor of the House on those critical Procedure Committee reports on Sessional Orders and resolutions, which are strongly supported by the authorities of the House, the Speaker and the Metropolitan Police Commissioner, as well as on the reports on the procedures for debate, the role of the Speaker and private Members' Bills. That is extremely important.

The draft Transport (Wales) Bill is the third Wales-only Bill to be published in draft. The draft National Health Service (Wales) Bill was considered by the Welsh Affairs Committee and by the National Assembly's Health and Social Services Committee, but the two Committees had to take evidence separately. Members of each Committee attended the meetings of the other, but as observers rather than participants. There were similar parallel inquiries into the draft Public Audit (Wales) Bill.

The Welsh Affairs Committee has recommended that there should be procedures for joint formal meetings, and the Government's response to our Committee's report agreed that this would be very helpful. They suggested that the House authorities should examine whether any procedural obstacles could be overcome. As we explain in our report, a joint working party of staff of this House and of the National Assembly recommended the procedural solution of "reciprocal enlargement". Our Welsh Affairs Committee could be empowered to invite members of a National Assembly Committee to attend and take part in its meetings, and the National Assembly could give parallel powers to its Committees to invite members of our Welsh Affairs Committee to take part in its meetings. The object of these arrangements is to ensure that proceedings always count either as proceedings of these Houses of Parliament or of the National Assembly, rather than falling between two stools. The working party's report, which is appended to our report, also makes suggestions on the practical arrangements for such meetings.

We therefore had an outline of how such joint meetings could be made to work. It was up to the Committee to decide, as the Deputy Leader of the House has said, whether such meetings were necessary or desirable. The Welsh Affairs Committee had also recommended joint debates between the Welsh Grand Committee and Members of the National Assembly, but although the same procedural and practical arrangements could apply, the Procedure Committee did not feel it right to recommend such debates at this stage and, in our report, we say that this matter requires further consideration. I am delighted that the Government agree with that conclusion and recommendation.

We have therefore recommended an experiment, limited in duration—I say this to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and my hon. Friend the Member for Mid-Worcestershire (Mr. Luff)—to the current Parliament. I agree that we do not know how long that will last, but we all agree that it could last a further two years. The proposal is for joint meetings of the Welsh Affairs Committee with any specified Committee of the National Assembly for Wales. That is what the motion before the House would authorise, and I hope that the House will support it.

We recommend, as the Deputy Leader of the House said, that a quorum of both Committees should be required to be present, and that the rules should be relaxed to allow use of the Welsh language in all circumstances. I am delighted that a Welsh Member—the hon. Member for Caernarfon (Hywel Williams)—is here, who will no doubt seek to catch your eye, Mr. Deputy Speaker—*[Interruption.]* He is the only

Welsh Member from the Opposition Benches who is present. I see that the right hon. Member for Swansea, East (Donald Anderson), the distinguished Chairman of the Foreign Affairs Committee, is also in his place—it is a pleasure to see him there, and I am delighted that so many Members representing the Principality, primarily Labour Members, have found time to be here. Clearly, this is an important debate as far as they are concerned. As I was saying, use of the Welsh language should be allowed in all circumstances, rather than only if requested in advance by a witness, as the Deputy Leader of the House also said. The National Assembly will provide interpreters.

In paragraph 10 of our report, we mention the possibility that joint meetings could also involve Committees of the other place. I am pleased to be able to tell the House that the Procedure Committee of the House of Lords has made a report saying that in principle it favours involvement by the Lords, and that it will watch our experiment with interest before making recommendations in future if appropriate. That indicates that we seek to be meaningful in the recommendations, and that both Houses of Parliament are important in respect of legislation. It is important that Committees of both Houses should be involved with the National Assembly.

The experiment that we are considering today may lead to wider use of joint meetings in future—I say "may"—but at the moment what we have in mind is the pre-legislative scrutiny of the draft Transport (Wales) Bill, which is of obvious concern to the Welsh Affairs Committee and to the Economic Development and Transport Committee of the National Assembly for Wales. Both Committees wish to examine the draft Bill, and they may well want to hear from the same sets of witnesses, so it seems sensible that they should be able to do that together.

Donald Anderson (Swansea, East) (Lab): The hon. Gentleman said in a rather pregnant way that this experiment might lead to other experiments in future. He will be well aware of the proposal for some European Grand Committee. In principle, might the Welsh Assembly and the Scottish Parliament, which have an important input in those matters, also be considered for that Committee if it comes into being?

Sir Nicholas Winterton: I will do my best to avoid answering that question. The report from the Procedure Committee—as its Chairman, I am permitted only to respond on behalf of the Committee as a whole—is very specific. It is possible that in future the Procedure Committee may consider this matter again, and that the House may consider similar matters to see whether, in co-operating with other bodies, there may be ways of meeting together for discussion. I will not be led down a tricky and steep path, however, as the right hon. Gentleman would seek to lead me. That is a matter for the future.

Let us see how this experiment works. As I said in an intervention earlier on my hon. Friend the Member for Mid-Worcestershire, the Procedure Committee, as part of its duties and responsibilities, will return to this matter. Clearly, that will not be in this Parliament, but I hope that it will do so at the beginning of the next Parliament, to see how the experiment has worked. I hope that the House as a whole, without division, will support this motion, which makes good sense.

7.16 pm

Mr. Paul Tyler (North Cornwall) (LD): I am glad to follow the Chairman of the Procedure Committee, as it will enable me to make an even briefer speech than I intended. In the past, I have managed to do that, and I hope that this is also an appropriate occasion to do so.

On joint pre-legislative scrutiny with Members of the other place—I, too, have seen the report to which the hon. Member for Macclesfield (Sir Nicholas Winterton) referred—there is a problem when so many participants are involved in the exercise that it is not clear who will be the core of that group. We must think carefully about that.

In general, this is a sensible move. It is experimental and temporary, and my colleagues and I think that we should move more often in an experimental and temporary way, to test the water and to see how it works. That is the evolutionary way in which this Parliament has managed to do its business in the past. Sometimes, that evolution has been far too slow.

I heard the hon. Member for Mid-Worcestershire (Mr. Luff) refer to this as obviously not a radical reform, as it was supported by the hon. Member for Macclesfield, who chairs the Procedure Committee with such distinction. That is rather unfair, as, occasionally, he is radical, and sometimes he and I have been radicals together against the hegemony of the two Front Benches. I am glad that he is an independent soul in that respect.

Mr. Luff: I am entirely persuaded by the hon. Gentleman's argument. I wish to withdraw the earlier unintended insult.

Mr. Tyler: It is great to hear a Conservative Member say that being described as a radical is not an insult. I certainly agree with that.

I like the concept that has been developed by our Clerks of reciprocal enlargements. There is always something that our Clerks can tell us, even if it is only a new dictionary inclusion, and I am sure that it will end up in the dictionary. In the explanatory memorandum from the Leader of the House and his Deputy, a clear example is given of why this needs to happen. It refers to the pre-legislative scrutiny of the draft National Health Service (Wales) Bill, in which members of each Committee attended meetings of the other, but joint hearings were not possible, giving rise to a significant overlap of work. What a ridiculous situation. There is far too much overlapping of work in this building as it is, and that is why we should pass the motion this evening.

To show that I believe fundamentally in avoiding overlap, and that I intend to abide by my commitment to that, I will avoid duplication and tedious, time-wasting repetition, and I will not set out again the arguments that have already been put on the record so well by the Chairman of the Procedure Committee and the Deputy Leader of the House.

7.19 pm

Hywel Williams (Caernarfon) (PC): Musing on the 1933 precedent, I felt that were I a sanguine man I would say that, 71 years later, Wales was achieving the status achieved by India in that year. As it is, I rejoice in the possibility that we may have independence in 15 years. It also occurred to me that I might be the sole speaker from the Welsh Affairs Committee today, but I was overjoyed to observe the arrival of our able Chairman a little earlier.

I dare to speak for some other Committee members in saying that we welcome this move. For my part, I welcome to a limited extent what is a limited move—the recognition of the effects of devolution and the possible redundancy of extra meetings in Cardiff and here. The experiment seems to have a practical purpose, and I hope that it succeeds. My party and I look forward to primary legislative powers for the Assembly if Lord Richards's recommendations are implemented—which, I suppose, would make the experiment redundant.

This may not be a subject for today's debate, but if we were discussing the possibility of a Welsh language Act—fervently desired by some of my countrymen and countrywomen—I would point out that the Assembly could have a pertinent and relevant input. I am sure that many Members would welcome a joint input from the Committee and the Assembly, without the need for separate discussions and separate presentations of evidence. Such streamlining would be much more economical and effective.

We would also welcome any influence that a joint Committee could have on Bills such as the forthcoming Public Audit (Wales) Bill—which, as far as I can see, replicates current legislation but with a "for Wales" tag. If I may say so, it does so rather unimaginatively, but that too is an issue for another day. Certainly, any development that could make legislation clearer and more adventurous would be welcome, as would be any hastening and increasing of the flow of Welsh legislation. The Assembly's record is pretty miserable in that respect, as is clear from a comparison of the number of Bills passed there with the number passed in the Scottish Parliament, where the hon. Member for North Tayside (Pete Wishart) may confirm that 10 times as many have been passed.

I would be glad of the opportunity to work through the medium of Welsh in the Committee. I have a certain facility in English and speak it when I must, but I commend the liberating effect of normalising this place's use of language—enabling it to employ all the languages spoken in these islands. Certainly, the use of both Welsh and English in the Assembly and the Welsh Affairs Committee has facilitated productive discussion rather than hindering it.

7.24 pm

Mr. Martyn Jones (Clwyd, South) (Lab): I apologise for my late arrival, which was due to the usual London travel problems. I am sorry not to have been here for the Front-Bench speeches, but I understand from colleagues that there is support for this minor but, I think, important change in the way in which we deal with Welsh legislation. I consider it to be eminently sensible. I did manage to hear the speech of the hon. Member for Macclesfield (Sir Nicholas Winterton), the Chairman of the Procedure Committee. As my Committee has pushed for it, it is gratifying that the Procedure Committee has proposed what is admittedly a one-off trial. After all, we ought to try out such arrangements to make sure that they work. Our relationship with the devolved institutions, particularly the Welsh Assembly where there is no primary legislative power, is evolving. This measure, although slight, would enable us to discover the views of our Back-Bench Assembly Members, and enable them to ask questions on behalf of those affected by proposed legislation during the process of pre-legislative scrutiny.

I do not want to take up too much time, because I understand that the speakers so far have supported the proposal. I will say, however, that it would be bizarre if those not in favour of devolution or not—crazily enough—in favour of pre-legislative scrutiny opposed a move that has nothing to do with either. In fact, it has to do with our ability to work with our colleagues in the Assembly to produce legislation that is workable and will do the business for both the Assembly and the House of Commons.

Mr. Wayne David (Caerphilly) (Lab): I, too, welcome the proposal, and congratulate the hon. Member for Macclesfield (Sir Nicholas Winterton) on what his Committee has done. Given that it is a one-off proposal, however, may I ask whether any evaluation is planned? That would help us to learn the necessary lessons and build on them.

Mr. Jones: Our Committee will, as usual, submit to the House a report that will receive a Government response. In that report we will evaluate the implementation of the proposal, and the joint sessions will enable us to establish what Assembly Members think. I consider this a very good evolutionary measure.

Sir Nicholas Winterton: I am grateful for what the hon. Gentleman has said. Let me repeat what I said in an intervention on my hon. Friend the Member for Mid-Worcestershire (Mr. Luff) and also in my speech. At the beginning of the next Parliament, the Procedure Committee will assess how the experiment has worked. The experiment will apply to the rest of the current Parliament, and to a specific piece of draft legislation. The House, no doubt, will also review the position.

Mr. Jones *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. I should point out to both the hon. Gentleman and the hon. Member for Macclesfield (Sir Nicholas Winterton) that one problem when Members arrive late is that they start dealing with matters that have already been dealt with some time earlier.

Mr. Jones: In fact I was about to finish my speech, but I then allowed interventions.

I am sure that the hon. Member for Macclesfield will produce a report and evaluate what has happened. I am confident that the arrangement will work well, and I thank the hon. Gentleman for what he has done.

7.28 pm

Mr. Eric Forth (Bromley and Chislehurst) (Con): I am not at all sure that this is a good idea. I am always suspicious when Members wallow in mutual self-congratulation, saying how wonderful a report is, how wonderful the idea has turned out to be, and how everyone welcomes it. The only comforting thing I have heard so far came from the hon. Member for Caernarfon (Hywel Williams), who pointed out that there had been less Welsh legislation than Scottish. I have never heard a better argument for keeping the Assembly as it is and looking askance at our poor cousins north of the border, who must now suffer an endless flow of ludicrous legislation from their rather ridiculous Parliament. I would have expected the Welsh people to draw the obvious conclusion that they should keep the Assembly as it is, in the hope that that would reduce the flood of legislation.

Here is a proposal that—contrary to what was said by the late-arriving Chairman of the Welsh Affairs Committee, the hon. Member for Clwyd, South (Mr. Jones)—has potentially profound constitutional implications, involving the relative roles of a non-legislative Assembly and its Members on the one hand and a sovereign Parliament on the other. It is dangerous to assert that intertwining those roles would be beneficial, and I am slightly surprised that the suggestion has received such a general welcome, even on a trial or pilot basis.

If we are to take seriously the much lauded, but overestimated, process of pre-legislative scrutiny and assume that it has the benefits that it is widely assumed to have, given that the phrase contains the word "legislative", we must consider the fact that it implies that we should introduce into the legislative process members of a non-legislative Assembly. That is a rather large step to take, so to dismiss it as a relatively trivial matter and something that can be easily welcomed, and to say, "It's only a trial, so we needn't worry too much", as has happened so far this evening, funnily diminishes the importance of the measure rather than having the opposite effect. I should have thought that the House would want to pause before rushing down that route, even though, as I am glad to note, the procedure would be on a trial basis and would last for only this Parliament. That makes me think, in passing, that if the Prime Minister were to succumb to the temptation that Tea Room chatter suggests that he might and call a snap election in October, none of this might happen at all, which would be a good thing. We might then have to return to the matter in a more leisurely way.

Mr. Luff: My right hon. Friend reminds me of a possible danger of the proposal. If the measure is passed as a device to facilitate pre-legislative scrutiny, surely it is possible that the Government would increasingly impose the Welsh Affairs Committee's agenda on it by giving it successive draft Bills for pre-legislative scrutiny. The Committee would thus have insufficient time to follow its own agenda and do its real job of scrutinising the Executive.

Mr. Forth: I am grateful to my hon. Friend for pointing out one of the many dangers that exist. We should not assume that two different bodies with different roles—if devolution has any point, the bodies should be different—will always be able to work as harmoniously as has been implied during the debate. That raises several questions about how the interrelationship would function.

Privilege has been touched on during the debate, but it has not been explored and should not be taken for granted. I am pleased that we are at least insisting that if the bicephalous body is to function, a proper quorum of both its component parts must be present. I find that slightly reassuring, given the recurring temptation for quorums to be interfered with and diminished as Members of the House are less prepared to attend meetings. The safeguard is vaguely reassuring, but it gives rise to interesting procedural questions. For example, would Members of the House have priority over Assembly Members when speaking and participating in a joint meeting?

Mr. Woolas: Before the right hon. Gentleman carries his argument too far, will he accept that the recommendations from both the Welsh Affairs Committee and the Procedure Committee suggest that during the process of pre-legislative scrutiny—I assume that he supports that idea—only Members of this House should be able to vote and that Members of the Welsh Assembly should not be able to do that?

Mr. Forth: The hon. Gentleman intervenes to respond to a point that I have not made. I did not say anything about voting; I talked only about speaking. The simple procedural point that I raised, which will be close to your heart, Mr. Deputy Speaker, was whether different categories of Committee members would have priority over others when being called to speak or in the way in which they may participate. I did not mention voting because I agree with the hon. Gentleman that that matter is fairly clear. Such detailed and important points must be considered.

Although the documents before us examine privilege in some depth, I am not sure whether they are entirely satisfactory or conclusive. Hon. Members are covered by the historical concept of privilege, which is as it should be. However, it appears from the analysis that we have been given that Members of the Welsh Assembly are not similarly covered, but have partial protection. That gives rise to several questions. Will Welsh Assembly Members who participate in a joint meeting be covered by only their protection or will they have full privilege? Conversely, will Members of this House participating in a joint meeting chaired by a Member of the Welsh Assembly only be covered by the partial protection, or would they have full privilege? The Procedure Committee report mentions

"the marginally less protective arena of the National Assembly"

so there is a potential problem.

Mr. Woolas: The right hon. Gentleman raises an important point. The advice given by the Clerk of the House is that formal meetings of the Welsh Affairs Committee to which National Assembly for Wales Members were invited would be covered by parliamentary proceedings and therefore covered by absolute privilege. On the reciprocal point on the

[Mr. Woolas]

National Assembly, that is also the case as relates to Members of Parliament. The answer to the right hon. Gentleman's important question is yes.

Mr. Forth: I am grateful to the hon. Gentleman, but that worries me. If what he has said is that an Assembly Member—not an elected Member of this House—participating in these joint proceedings would be covered by privilege of this House, it is an important constitutional step.

Mr. Woolas: The right hon. Gentleman is stretching it. Members of the House engaged in joint meetings are covered by privilege.

Mr. Forth: In that case, I am reassured that Members of the Assembly would not be covered, as that is the implication of what he hon. Gentleman said. You see, Mr. Deputy Speaker, these debates have a use. So often, when we have these debates, cease wallowing in mutual congratulation and start getting down to cases, the odd interesting and important point emerges. It is a revelation to some, I suppose, that debates on the Floor of the House still have their uses.

Mr. Luff: This is probably the single-most important issue of the debate, and perhaps it is something to which I should have addressed more remarks in my own contribution. I think I am correct in saying that all those who participate in Select Committee hearings—witnesses, or anyone else—are always covered by privilege. There is no innovation in giving privilege to a member of the National Assembly for Wales, because anyone who participates in such a hearing is always covered by privilege, including any witness.

Mr. Forth: That is useful, but it raises a subsidiary question. Is there any distinction between a joint meeting held in the Palace of Westminster and a meeting held within the Assembly premises?

Sir Nicholas Winterton: I refer my right hon. Friend to paragraph 7 of the report, headed "Privilege", which says—*[Interruption.]*

Mr. Deputy Speaker: Order. We now have another musical Member of Parliament.

John Robertson (Glasgow, Anniesland) (Lab): My apologies, Mr. Deputy Speaker.

Mr. Deputy Speaker: We do not want these devices making noise in the Chamber. They should all be switched off before Members come in or, preferably, left outside.

Sir Nicholas Winterton: I thought for a moment, Mr. Deputy Speaker, that you were saying that I was waxing lyrical.

Paragraph 7 says:

"MPs taking part in NAW proceedings would need to be aware that they would not be protected if (for example) anything they said was held to have infringed someone's human rights. Attached is a note from the Counsel to Assembly Committees."

There is a difference, and those taking part in the debate should realise that.

Mr. Forth: I am grateful to my hon. Friend—I think—but things are now taking a turn for the worse because the ghastly human rights have intruded into our proceedings. What is worse, it now looks as if the ghastly human rights are going to inhibit the right of Members of this place to speak their mind if they are participating in one of these, I now think, increasingly dubious joint proceedings with the Welsh Assembly. I thought for a moment that we were about to achieve clarity but a fog has descended yet again over this matter, which is regrettable because—as my hon. Friend the Member for Mid-Worcestershire (Mr. Luff) has said—it is of the greatest possible importance. We have had attempts to clarify the matter by the Deputy Leader of the House, another brave attempt by my hon. Friend, and the Chairman has done his best, but I am not sure that we are much further forward as a result.

Mr. Woolas: We are.

Mr. Forth: The Deputy Leader of the House says with great confidence that he is, but he will not have to participate in these increasingly dubious proceedings. Therefore, he will not be vulnerable in the way it now appears other Members of this House might be.

Let us have a go at something that is perhaps a bit clearer and on which we seem to have clarity. I hope the Deputy Leader of the House will verify the matter of translation. Many years ago, I had the burden of being a Member of the European Parliament and I had to participate in proceedings in which many weird and wonderful languages were used. In this instance, fortunately, we will have to struggle with only two; for the time being, anyway. I know from my experience what a burden interpretation and translation can be. I was worried for a moment when I saw that we were to have two languages of participation, and I was reassured that paragraph 17 of the Procedure Committee report states that the National Assembly

"would be prepared to provide the required interpreters and transcribers."

I seek an undertaking that the Assembly will pay for all the costs of translation if we are to have a full *Hansard* in English of the proceedings. I do not want taxpayers to be expected to pick up the tab for exercises in languages other than English. If the Welsh want to use two languages, with all the attendant costs, that is fine as long as the budget of the Assembly picks that up. I do not want the House of Commons to pay an additional cost for having a strange language interpolated into our proceedings.

I am glad that this proposal will be only a pilot. I am not at all satisfied that it will be as productive as has been claimed and I think it will give rise to a number of problems. I am reassured that the Procedure Committee will return to this mater. I hope that it will cast a genuinely critical eye and will not simply accept, as is so often the case, that something that has been tried will automatically be deemed a success, or that somehow it would be difficult at the end to say, "Sadly, this has not worked as we expected and we should just lay it quietly to rest."

It may be that the end of this Parliament will provide a kind of natural end to this experiment, which might not be a bad thing because the next Parliament may want to look at it again. I have the greatest possible reservations and the constitutional implications have not been fully examined or considered. The very different roles played by this Parliament and the Assembly have not been taken into account, but at least we can look at the matters again. I remain to be convinced.

7.44 pm

Mr. Tony McWalter (Hemel Hempstead) (Lab/Co-op): I thought that I would add a word as a Back-Bench member of the Procedure Committee to endorse what the Chairman spelled out at some length. I want to make two points. The House should be grateful to the right hon. Member for Bromley and Chislehurst (Mr. Forth), who sometimes points out that things that might be taken as simple are in fact more complex than they might appear on the surface. I think that *Hansard* will show that this is a complicated matter. We certainly found that to be the case in our debates in the Procedure Committee, which is one reason why we wanted a relatively limited experiment to try to see how the complications would work through in a particular case. I assure the right hon. Gentleman that some of the points that he has raised formed part of our Committee debates.

In such arguments, it is important that we have a balance and look not only at the complications, difficulties and obstructions but at the positive side. One aspect strikes me strongly from our consideration of specifically Welsh legislation. This may not be the greatest example, but it was dealt with in this House. When we debated the Children's Commissioner for Wales, many of us wanted to understand the arguments for that move so that we could see whether they were compelling in dealing with children's matters in England. Speaking as secretary of the all-party group on children and young people in care, for much of that time I felt as if we in the rest of the United Kingdom were unaware of some of the matters being raised in the Welsh debate. One aspect of the suggestion before us, therefore, is simply that we all have the capacity to learn from one another. I believe that that can benefit the way in which these islands are governed.

My second point concerns finance and money. It must strike people as crazy that the same arguments are repeated in many different places when those who can profit from the powerful arguments being adduced and who have the responsibility to act on them could hear the arguments themselves rather than repeats of them, or repeats of repeats of the arguments. They would then have the opportunity to share whatever wisdom other people who have heard those arguments have. That is particularly important on complex and technical issues—I speak as a member of the Science and Technology Committee—that sometimes require much argument. Some of those arguments stretch the understanding beyond, or to the limits of, what some of us can cope with. If we want a Parliament better able to take informed decisions, it is important that it tries to adjust some of its structures so as to be better informed and able to think matters through more carefully, in line with the emphasis on pre-legislative scrutiny, which is a remarkable improvement in the way in which government is conducted.

I not only commend the report to the House, but hope that its consequences will be that we see the benefits of such an arrangement and—agreeing with the right hon. Member for Bromley and Chislehurst—its complications. We can then make whatever changes are necessary to achieve the report's laudable aims without running aground on rocks in waters that we have not previously charted.

7.49 pm

Mr. Woolas: With the leave of the House, I thank right hon. and hon. Members who have taken part in this debate, which on the whole has been consensual, although I accept that the right hon. Member for Bromley and Chislehurst (Mr. Forth) made some points—particularly on parliamentary privilege, which I shall address—that need consideration.

I re-emphasise my thanks to the hon. Member for Macclesfield (Sir Nicholas Winterton) and his Committee, and to my hon. Friend the Member for Hemel Hempstead (Mr. McWalter), who is a member of it. These are House matters, but they are important as we work out the proceedings for the consideration of matters relating to devolution. It says in my brief that I should thank the Chairman of the Committee, which is right and proper, but it is also well meant, because the Committee takes time to consider these matters. I also thank my hon. Friend the Member for Clwyd, South (Mr. Jones) for explaining why the Welsh Affairs Committee has requested the power to hold joint meetings with the National Assembly for Wales, and how it is planning to make use of its powers. I am grateful to the hon. Member for Mid-Worcestershire (Mr. Luff) for his support. He recognises that this is a House matter.

I should like to clarify the point about privilege, because it is important. However much other Members—not least myself—may jib at the contributions of the right hon. Member for Bromley and Chislehurst in such debates that go on into the evening, it is important to put this point on the record. Both Members of the House of Commons and Welsh Assembly Members would be covered by full parliamentary privilege when taking part in an extended meeting of the Welsh Affairs Committee, wherever that Committee met—in Cardiff, here or elsewhere. We are not tonight debating whether the National Assembly for Wales should extend reciprocal arrangements but whether, as the Chairman of the Procedure Committee explained, should our Members be invited to participate in meetings of a National Assembly for Wales Committee, they would be covered by the slightly more limited privilege enjoyed by the National Assembly. Assembly Members would be covered by full privilege when participating in our proceedings, and our Members would be covered only by the more limited privilege of the National Assembly for Wales. It is important to put that on the record.

The debate has been consensual, for which I am grateful. This is an experiment, for the lifetime of this Parliament, and there is no compulsion on the House to carry it forward.

Mr. Forth: I do not know whether the Minister is reaching the conclusion of his remarks, but will he be able to answer my question on the cost of translation—of getting the Welsh that may be used in the joint Committee proceedings properly into our *Hansard* in English?

Mr. Woolas: The right hon. Gentleman makes an important point. When the National Assembly for Wales meets, and when its Committees deliberate, it is automatic that interpretation and translation are provided. That is one of the advantages of the meetings of the Welsh Affairs Committee taking place in Cardiff and other parts of Wales. The Welsh Grand Committee, too, has that facility when it meets. That is not necessarily the case when the Welsh Affairs Committee meets in Westminster but, if advance notice of that requirement is given, it is facilitated. The right hon. Gentleman, who is ever vigilant about taxpayers' money, as are we all, especially the Government, need have no concern over his question—he can relax.

Hywel Williams: I am grateful for the opportunity to make what is in some ways a rhetorical point. Using two languages is no problem for someone such as me. This is in fact a facility for people who are not bilingual, and some people would argue that the cost of such a facility should be borne by people who are not bilingual rather than by people such as me, who are.

Mr. Woolas: That is an important point, but I would point out that currently, when the Welsh Affairs Committee takes evidence from witnesses who wish to speak in Welsh, the costs of translation fall to the House, so what is proposed would represent an economy and I would have thought that hon. Members would welcome that. That is not merely a debating point. The right hon. Member for Bromley and Chislehurst furrows his brow and looks perplexed. He cannot cope with the idea that we can benefit from Welsh translation. I would have thought that he would welcome the extension of pre-legislative scrutiny. He fails to shake or nod his head.

I recognise that some hon. Members have concerns about involving non-Members in the formal proceedings of this House, which is why it is right that the Procedure Committee and the Welsh Affairs Committee have recommended a cautious approach—this is an experiment—and the Government agree with that. This is a coming together of modernisation and cautious traditionalism, which surely must be right in improving the way in which we do our business.

That is why the Procedure Committee recommended this modest experiment before coming to its fully considered view, and I believe that this is a sensible approach, which incidentally extends the good facility of pre-legislative scrutiny, which even the right hon. Member for Bromley and Chislehurst supports. He did not say so today, but he has expressed that point of view before. It may cause some Government Members to have reservations about supporting the measure—

Mr. Tyler: Me, too.

Mr. Woolas: Despite that remark, the hon. Gentleman welcomed the proposal and said that it was "quite sensible", and I am grateful to him for that. I recommend the proposal, on behalf of the Committees, to the House.

Question put and agreed to.

Resolved,

That this House approves the Third Report of the Procedure Committee, on Joint activities with the National Assembly for Wales, HC 582; and that the following Order be a Standing Order of this House until the end of the present Parliament:

'The Welsh Affairs Committee may invite members of any specified committee of the National Assembly for Wales to attend and participate in its proceedings (but not to vote).'.

Nomination of Select Committees

Mr. Deputy Speaker (Sir Michael Lord): I advise the House that Mr. Speaker has selected the amendment in the name of the right hon. Member for Bromley and Chislehurst (Mr. Forth).

7.57 pm

The Deputy Leader of the House of Commons (Mr. Phil Woolas): I beg to move,

'That the Standing Orders be amended as follows—

(1) In Standing Order No. 15 (Exempted business), line 18, leave out from 'committees' to 'which' in line 20 and insert 'to which that paragraph applies'.

(2) In Standing Order No. 121 (Nomination of select committees), line 10, leave out from 'under' to ', or' in line 13 and insert 'the Standing Orders of this House (with the exception of the Liaison Committee, the Committee of Selection, the Committee on Standards and Privileges and any Committee established under a temporary Standing Order)'.

The motion was tabled at the request of the Committee of Selection and has the support of Opposition spokesmen. I see that the hon. Member for Mid-Worcestershire (Mr. Luff) is nodding. The proposal is to extend the Committee's remit to make it responsible for proposing to the House nominations not only for the departmental and domestic Committees but for most of the other Select Committees established under Standing Orders.

An explanatory memorandum has been provided setting out clearly how the motion would amend the Standing Orders. The amendment to Standing Order No. 121(2) would provide for the Committee of Selection to propose nominations for all the Select Committees appointed under Standing Orders, with the exception of the Liaison Committee, the Committee of Selection, the Committee on Standards and Privileges and any Committee established under a temporary Standing Order—the Modernisation Committee, for example. The Committee's remit would not extend to those Committees set up under Sessional Orders—for example, Joint Committees on draft Bills.

The right hon. Member for Bromley and Chislehurst (Mr. Forth) has tabled an amendment, which he will no doubt move, and I shall attempt to answer his points, but it may help if I explain to the House the thinking behind the exceptions. It would be inappropriate for the Committee of Selection to nominate itself—in fact, at the beginning of a Parliament, it would be impossible, since it would not exist. The Liaison Committee is largely a Committee of Chairmen, and its membership is established by temporary Standing Order. The Standards and Privileges Committee, as I am sure we would all agree, is very much one of a kind: the House has agreed that the normal rules of party balance should not apply to it. Its Chairman is here, and I hope that he will express his support for the motion. It is appropriate that the membership proposed to the House should be agreed by discussion through the usual channels. For Committees set up under temporary Standing Orders, as well as those set up under Sessional Orders, discussions on membership normally take place as part of the dialogue in the usual channels, so it is appropriate for current practice to remain in that case.

Standing Order No. 15(1)(c) provides that motions proposing nomination or discharge of members of departmental Select Committees, if first objected to, are debatable on a subsequent day for up to one hour after the moment of interruption. The amendment to Standing Order No. 15 would extend this provision to all the Committees that fall within the extended remit of the Committee of Selection.

I believe that this is an uncontroversial change. The Committee of Selection does its job well, as the whole House will agree, and it seems to make sense for it to take on the wider task. I urge the House to support the motion.

8.1 pm

Mr. Peter Luff (Mid-Worcestershire) (Con): I am grateful to the Minister for his warm endorsement of the motion, because it has its origins within the Committee of Selection, of which I have the privilege to be a member. The Chairman very much regrets that he cannot be here, as he would have liked to contribute to our consideration of this important but modest motion.

I express genuine gratitude to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and to nationalist Members, because the only reason that we are having this debate is that they objected on four separate occasions to the motion going through on the nod. They are right to object to such a proceeding, as we should be able to find time for a short debate to enable the issues to be aired. The selection of the amendment shows the importance of having a debate on the motion's precise ambition. As so often, my right hon. Friend is the grit that helps to make the pearl in the oyster of parliamentary democracy. It may be uncomfortable for us, but often the result is better legislation.

I am wearing two hats today: I am a member of the Committee of Selection as well as spokesman for the official Opposition. I can confirm that the idea commends itself not only to the Committee but to the official Opposition. Indeed, it would be odd if it did not commend itself to me, because I am going to take the credit for having the idea. Success has many fathers, but failure is an orphan. Many people would like to take the credit, and many perhaps deserve to, but, in the formulation of a Hollywood film, it is from an original idea by the hon. Member for Mid-Worcestershire with valuable research by the Clerk to the Committee—

Pete Wishart (North Tayside) (SNP): Will the hon. Gentleman give way?

Mr. Luff: Not before I have finished the credits: screenplay by the right hon. Member for North-West Hampshire (Sir George Young), who formalised the proposal; produced by the Committee Chairman, the hon. Member for Blaydon (Mr. McWilliam); and directed, I am glad to say, by the Leader of the House and his able deputy. On that note, I give way.

Pete Wishart: This is clearly a production not to be missed. Given that it was his idea, does the hon. Gentleman believe that, as the Committee will have these increased powers, it is now appropriate that a minority party Member should also serve on it?

Mr. Luff: I would not overstate the extent to which the Committee is being given additional powers. The

[Mr. Luff]

hon. Gentleman, for whom I have great respect and affection, was instrumental in keeping me off the Committee for many weeks, while he repeatedly objected to my membership of it—not, as he said when we eventually had the debate on the Committee, because he had anything against me personally, but because it provided him with the opportunity to debate precisely the point that he has just raised. I have got news for him: were he to serve on the Committee of Selection, he would not find it the most riveting Committee in this place. I look to another of its members—my right hon. Friend the Member for North-West Hampshire—with some nervousness concerning how many secrets I can give away. However, I can say that its meetings regularly take less than five minutes and are conducted on a consensual basis, with the arguments being had beforehand, although not always. I hope that the hon. Member for North Tayside (Pete Wishart) agrees that the interests of the Scottish National party and Plaid Cymru are being dealt with more effectively now that they are being looked after by the Government, instead of the Liberal Democrats. They certainly seem to be being looked after well in the Committee of Selection.

I have no objection to the nationalists joining the Committee of Selection. I thought that the hon. Member for North Tayside wanted to make the rather broader point—I suspect that he will seek to do so later—about membership of nationalist parties on other Committees. I am sorry that, because of the relative paucity of places for members of nationalist parties, he himself does not currently have the privilege of serving on any Select Committee.

Pete Wishart: I am on the Catering Committee.

Mr. Luff: I am sorry—I have been taking a cheap shot. I hope that the hon. Gentleman's attendance on the Catering Committee is rather better than that of his Plaid Cymru predecessor, who attended only one meeting out of seven in the previous Session.

Pete Wishart: I have been to them all.

Mr. Luff: I am delighted to hear that. The Catering Committee is a Committee of much greater power in this place, I am afraid, than the Committee of Selection, but I digress from my path.

The Deputy Leader of the House moved the motion in a very matter-of-fact way, and rightly so. Despite the best attempts of the hon. Member for North Tayside, I have been a member of the Committee of Selection for some two years, and I am still regularly confused as to which Committees we can and cannot nominate. I do not feel too ashamed in making that confession, because I know that the Government Whips have a similar difficultly, and it should also be admitted that the Committee Clerks experience the same difficulty sometimes. There is absolutely no logic at all to the current selection of Committees for which the Committee of Selection can select. I will not regale the House with a long list of the various Committees that can and cannot be nominated, but, for example, we can nominate members of the Accommodation and Works Committee and of the Administration Committee, but not of the Broadcasting Committee. I cannot think why that should be so.

One thing that I have learned in politics is that it is sometimes wise to ask the stupid question. At a meeting of the Committee of Selection, I asked why we can nominate the members of some Committees but not others and the Clerk promised to produce a note explaining the background. In my innocence, I thought that there would be a rational explanation. I expected some powerful logic to be offered as to why certain Committees come before our Committee and others do not, with the others having to be dealt with by the whole House under a motion tabled by the Government.

Of course, the Clerk's very helpful note to the Committee of Selection pointed out that there was no logic; it was just one of those accidents of history. So it was that the Regulatory Reform Committee was set up under Standing Order No. 141, the European Scrutiny Committee was set up under Standing Order No. 143, the Public Administration Committee was set up under Standing Order No. 146, the Procedure Committee was set up under Standing Order No. 147 and the Environmental Audit Committee was set up under Standing Order No. 152(a). The arrangement was just a series of accidents. It is time to put those accidents right and to give the House a better understanding of how it nominates its Committees.

I use the phrase "tidying up" with some nervousness, because the Leader of House has himself used that phrase in relation to rather more ambitious proposals for the future conduct of European affairs. But I genuinely believe that this is a simple housekeeping measure that will be of great benefit to everyone concerned in the process of nominating Committees. Having said that, I have some sympathy for the amendment tabled by my right hon. Friend the Member for Bromley and Chislehurst, which would tidy up the motion even more thoroughly. Although the Deputy Leader of the House provided a brief explanation as to why certain Committees should still be nominated on the Floor of the House and not by the Committee of Selection, I did not find his reasons terribly convincing. I should be interested to hear what my right hon. Friend the Member for North-West Hampshire has to say; as Chairman of the Standards and Privileges Committee, his views should carry weight in the House.

It is right and proper that we do not appoint members of the Liaison Committee, which is effectively an ex officio Committee, and obviously we cannot appoint ourselves, because as the Deputy Leader of the House said, that would be completely impossible. But I need a little more persuasion as to why the other Committees cannot be appointed by the Committee of Selection. We know that, in practice, all these Committees are negotiated using essentially the same mechanism. The involvement of the Committee of Selection would provide even greater clarity. The Committee of Selection can debate the merits of the composition of a particular Committee should it wish to do so; indeed, it did so recently in respect of a particular Standing Committee. The House could then debate such appointments subsequently if they are controversial.

I genuinely welcome the fact that this tidying-up measure also provides an opportunity to debate all Committees, whether or not any controversy attaches to them. There have been occasions, under this Government and the previous Government, when nominations to Committees have been controversial and debates on the Floor of the House have been necessary—not just to make a point about the minority parties, but to discuss the individual Members proposed to serve on such Committees.

I welcome the motion and I am delighted that the Government have found time to table it. I am grateful for that because it will make all our lives a great deal easier, but the Government need to answer the questions raised in a little more detail than they have so far been able to. My right hon. Friend the Member for Bromley and Chislehurst will surely offer some powerful arguments for even greater simplicity and clarity.

8.11 pm

Mr. Paul Tyler (North Cornwall) (LD): I am delighted to follow the hon. Member for Mid-Worcestershire (Mr. Luff). He and I worked together in real life before coming to this place, so I suppose that I should not be surprised at the cheerful effrontery with which a member of the Committee of Selection has apparently defended its right to do this job on behalf of the House—a point to which I shall return.

I am sure that the Deputy Leader of the House has read with care the Modernisation Committee's report on nominations to Select Committees. If he has not done so, I am surprised, because in the previous debate he made great play of the need for the House to listen to those who do the real work behind the scenes. He will doubtless also recall the extremely important report that the Modernisation Committee produced, under the chairmanship of the right hon. Member for Livingston (Mr. Cook), in the 2001–02 Session, a subject to which I shall also return.

As has been said, the reason the report on Select Committee nominations was produced was that the Government made some very controversial attempts to remove key members from key Select Committees—members who were expected to take the Chair. The House literally revolted against the attempt by the usual channels to impose the Government's will, and in July 2001 the Government's attempt to make such changes was defeated—the House acted very speedily, as all Members will recall—and they had to come back within a few days with a revised motion.

As a result, the Modernisation Committee, of which I was delighted to be a member at the time, spent a long time taking evidence from members of the Liaison Committee. It examined in advance a number of reports that had considered this issue, and it produced an exhaustive examination of the most appropriate nomination process for membership of these very important Committees. On the one hand, it sought to balance expertise, special interest and special viewpoints, while on the other hand maintaining party ratios. It was a difficult job and we spent many weeks on it, but the report to which I referred offered a very careful suggestion, based on that evidence. As the Deputy Leader of the House said in the previous debate, we must give credit to those who do such work on behalf of the whole House, and I hope that he will recognise the validity of that examination process in his response.

At this point, I, too, should make a confession. In admitting to being a member of the Committee of Selection, the hon. Member for Mid-Worcestershire was insufficiently contrite. I was a member of that Committee for four years, as my party's Chief Whip. We had weekly meetings, and I can say with truth that they were interesting—mainly for their brevity. On one occasion when, as the most senior Member present, I was in the Chair, the meeting lasted 30 seconds. That was not unusual. Indeed, over those four years, because of the way in which the business was carved up, the total amount of time that I was asked to devote to that important exercise was probably less than four hours. I can hardly say that being on the Committee took a huge amount of time.

Pete Wishart: Does the hon. Gentleman believe that that was enough time, given the onerous and difficult responsibility of the Committee of Selection to ensure that we have the right placements for departmental Select Committees? I am shocked and amazed that it could sit for only 30 seconds to consider some of those matters.

Mr. Tyler: If the hon. Gentleman had been present when we debated the report of the Modernisation Committee he would have heard me make the same comment. That is precisely why I and the Select Committee of which I am a member, under the then leadership of the right hon. Member for Livingston, proposed to take that responsibility from the Committee of Selection, open the process up and make it more transparent and more responsive to the House, instead of occupying a small Committee Room for 30 seconds or so each week for that important exercise.

I agree with the hon. Gentleman, and that is why I have real doubts about the recommendation. To hear the hon. Member for Mid-Worcestershire say that this is simply housekeeping and tidying up fills me with alarm. I hope that it will not be thought to be a permanent and satisfactory answer to a real problem.

Mr. Luff: Is the hon. Gentleman not confusing two separate issues? At present we have a system of selecting Committees that works—I think that it works well and the hon. Gentleman does not, but that is a different point. However, he is now discussing a different issue, which is whether the way in which we choose Committees should be changed. So long as we have the present system, is this not a tidying up and an improvement?

Mr. Tyler: That may or may not be so, but the motion invites us to consider the whole issue of the nomination of Select Committees. The hon. Gentleman may choose to interpret that in a certain way, but if he looks at the Order Paper he will find that the motion is described as relating to the "Nomination of Select Committees". That is why I intend to refer to the extremely important debate that took place in May 2002, based on the report published by the Modernisation Committee in February 2002.

[Mr. Tyler]

Paragraph 7 says:

"The controversy provoked by this episode"—

the episode to which the hon. Gentleman and I referred—

"made it clear that the current method of nomination, which gives a central role to the Committee of Selection, no longer enjoyed the confidence of the House".

It clearly did not, and for us to return to this subject again two years later without facing the issue seems at worse perverse and at best an ill-advised attempt to tinker with a system that is so plainly wrong that we should be more radical—if I may dare to use again the word that the hon. Gentleman so enthusiastically endorsed.

There were then many proposals made to improve the situation. I am sure that the Deputy Leader of the House knows the report backwards, because he could not have attempted to introduce the debate without a full briefing on it from his civil servants; it is the critical report on the basis of which all this should be conceived.

Paragraph 9—I shall have to read this in full, because it is so important to the debate—says:

"The Committee of Selection has come to interpret its role as limited to confirming the proposals put to it by the front benches on both sides".

The hon. Member for North Tayside (Pete Wishart) and I will agree that the term "both sides" is pejorative in this context. The report continues:

"This may be understandable in view of the Committee's main function of nominating Members to the standing committees on bills where party discipline is directly engaged, but has produced criticism that the Committee of Selection is no longer an appropriate mechanism to guarantee the independence of the nominations to the committees of scrutiny. Any new method of nomination needs to be independent, authoritative, transparent and able to command the confidence of the House on both sides. We endorse Lord Sheldon's comment in his evidence to us: 'the Executive, via the Whips, ought not to select those members of select committees who will be examining the Executive, that is crucial.'"

That is the Select Committee that has considered the issue; it is not the Committee of Selection saying that it would like to do more and does not understand the current rationale. It is a Committee of this House saying that the use of the Committee of Selection is not an appropriate way to undertake the job.

The report continues by saying that a recommendation could be made to the House that met the necessary requirements of balance and of parliamentary party involvement in the exercise, but which also provided a form of appeal. That is exactly what was discussed, and the recommendation in paragraph 12 says:

"In our judgment what is required is not an alternative to the party process but a fail-safe mechanism to ensure fair play and to provide a court of appeal."

Anybody who has served on the Committee of Selection knows that there is never an application from any individual member saying, "I've been maligned. The party Whips don't like me because I have difficult views. They've kept me off this Committee because they feel I would not be a supportive member of my party." In those circumstances, it is clearly absurd that the Committee should be given that responsibility—under this motion the extended responsibility—of appointing members to Select Committees.

I shall not attempt to read out the whole report, because that would be boring at this point, but I remind Members that we came up with a perfectly workable solution to the problem of the difficult balance—to have a new Committee of nomination that would be representative of the whole House, not just of a few people who happened to be Whips in their respective parties. Effectively, that would have taken the issue away from the usual channels.

I believe that the hon. Member for Mid-Worcestershire was in the Conservative Whips Office at the time, and I am not sure that the Deputy Leader of the House might not have been in the Government Whips Office, too. Sadly but significantly, on the evening of that debate in May 2002, when the proposals were put to the House by the right hon. Member for Livingston in an impassioned speech on behalf of the whole House—the Back Benchers, people who have real concerns and interests, and specialist knowledge that they could bring to the Select Committees—they were defeated.

The proposals were defeated by an unholy conspiracy of the Conservative and Labour Whips Offices, which worked together because they saw the power being taken away from them. I have been the Chief Whip of my party, but I never regarded this issue as an appropriate one on which the Whips Offices should dominate the way in which the House fulfils it duties to the electorate. I always considered that inappropriate and, sadly, that evening, it was only too evident that those who had a special interest in retaining their power base were determined to retain it.

Since then, that power of patronage has increased, because the House has decided to pay Select Committee Chairmen an extra salary. With a number of my colleagues, I opposed that, and members in all parts of the House had doubts about it. Now the Whips have a greater power over who should go on and who should stay off those Select Committees. I have great respect for the great majority of Select Committee Chairs, but if there is anything to be said for the power of money—I occasionally hear from both sides of the House that money, such as pension rights and so on, is important in such matters—it is undoubtedly true that that influence is even greater. Such patronage reverts to the 18th century level, which I believe to be entirely inimical to the good governance of this place.

It was a sad evening when a relatively small majority defeated that proposal. Tonight here we are again, apparently—the hon. Member for Mid-Worcestershire used the phrase "tidying up", but all we are doing is giving more influence to that inadequate mechanism, the Committee of Selection. It will now be able to nominate more members to more Select Committees—but the Committee does not actually do that job. The Committee, in fact, merely accepts recommendations from the Whips.

Mr. Woolas *rose—*

Mr. Luff *rose—*

Mr. Tyler: I see that both sides wish to intervene. To make a level playing field, I should first give way to the Deputy Leader of the House.

Mr. Woolas: The hon. Gentleman is making an impassioned speech against the usual channels, but does not the motion simply cover the Committees not covered by the Standing Orders for the Committee of Selection? This is not a conspiracy, but a tidying-up exercise.

Mr. Tyler: Members on both Front Benches have now referred to a tidying-up exercise, so there clearly is a conspiracy. The Minister, I fear, does not convince me: two wrongs simply do not make a right. The fact is that the present mechanism is wrong and that if we add more to it, giving more power to the people who make proposals, we will simply make it even more wrong.

The right hon. Member for North-West Hampshire (Sir George Young) serves on the Committee of Selection, among his many other onerous responsibilities in the House. I shall be interested to hear whether he agrees with my assessment of how that Committee operates. It may be that it has changed since my time and that there is now intensive debate about the relative merits of those put forward to serve on Committees. If that is so, it is not evident from outside. The right hon. Gentleman is, I think, the sole independent Member on the Committee—

Mr. Luff: There are two.

Mr. Tyler: I am corrected. It may be that those two Members are regularly lobbied by Back Benchers such as the hon. Member for Pendle (Mr. Prentice), who may say that he has great expertise on a particular issue but has been overlooked by the Whips because, just occasionally, he tends not to follow their advice. It may be that he has, on occasion, been able to lobby the right hon. Member for North-West Hampshire and has managed to gain a place on a Select Committee to which he would bring great expertise and great distinction. If so, it has not been evident. Certainly, in my own experience, on no occasion during my four years on the Committee was any alteration whatsoever made to the recommendations brought by the Whips. It is, in effect, a Whips' carve-up, and the way in which the Modernisation Committee has referred to it is interesting.

Mr. Luff: The hon. Gentleman makes an impassioned speech but is building his argument on foundations of sand. I have some sympathy for what he says about other means of selecting Committees, particularly Select Committees, but how does he imagine that the Regulatory Reform Committee, the European Scrutiny Committee and the Public Administration Committee are currently selected? They are selected by the Whips, who choose their members behind closed doors with no opportunity for debate. At least the Committee of Selection provides an opportunity for debate. The motion opens the process up a bit—not much, I agree, but a bit—and I fear that the hon. Gentleman's arguments are completely wrong.

Mr. Tyler: I hear what the hon. Gentleman says but he is completely wrong himself. As I said to the Deputy Leader of the House, two wrongs do not make a right. If the hon. Gentleman can persuade me that there have been regular debates in the Committee of Selection—half an hour or an hour of discussion of the relative merits of different people being placed on Committees—I shall be convinced, but I do not believe that to be the case; in fact, I know that it is not. We cannot simply pass the motion without recognising the trenchant criticisms made of the process by all members of the Modernisation Committee, particularly of the way in which the Committee of Selection does its work.

Mr. Gordon Prentice (Pendle) (Lab): Would it not be sensible for all political parties to lodge in the Library of the House of Commons a copy of the procedures that they use to propose names for Select Committees? I raised that point with the Leader of the House a couple of months ago but it did not find favour. If the process were transparent and public, it would be encouraging.

Mr. Tyler: That is a valuable point, and I am glad that the hon. Gentleman is here to make it. The Modernisation Committee recognised that point but did not think it could impose on the parliamentary parties a rule about how they should act, even if transparency requires that the process by which nominations are made should be evident to all, not least for the benefit of members of particular parties, since it is not always entirely clear, even to them, why members are selected for nomination or deselected or not nominated. The Modernisation Committee said:

> "In the great majority of cases the party process will produce an outcome which commands consensus support within that party. For many years there was no substantial dissent from the outcome of the nominations to select committees. We do not seek to supplant those internal party processes, nor do we wish to undermine them."

The point is that if it were self-evident that there was an effective process by which names came forward, it would strengthen the way in which members of Committees were nominated.

I should turn briefly to the amendment. It is difficult to respond to an amendment before it has been moved; I have been in the position myself of not having done so. I have some sympathy with the point identified in the amendment about the exclusions, particularly the temporary exclusions. I hope that the right hon. Member for North-West Hampshire, as chairman of the Standards and Privileges Committee, will explain his position, and I am prepared to await his views before I make a judgment. However, there cannot be a very good case for treating temporary Committees any differently from permanent ones. I can see no logic to that, and I hope that the Deputy Leader of the House will come back on the point.

The motion is not a tidying-up exercise but a bit of tinkering when what we need is radical reform of the way in which we appoint Members to extremely important Select Committees. It is unfinished business, and I hope in due course that the relatively new Leader

[Mr. Tyler]

of the House and his deputy will return to the point so that we can do properly the job of persuading the House, which we unfortunately failed to do last time.

8.31 pm

Mr. Eric Forth (Bromley and Chislehurst) (Con): I beg to move, To leave out from first 'Committee' to end and add

'and the Committee of Selection'.

Whether the motion is tinkering or tidying, it would appear that the argument is finely balanced. What is fascinating is the extent to which my hon. Friend the Member for Mid-Worcestershire (Mr. Luff) and the hon. Member for North Cornwall (Mr. Tyler) have lifted the lid on what is supposed to be one of the most secret of our activities—the way in which the House nominates Members to Committees. It is supposed always to have been a great mystery, but now we know more about it than is perhaps healthy.

If the debate has done nothing else, it has shed some light, though, frankly, to our shame. I must agree with the thrust of what has been said so far. I am drawn to the conclusion that the motion is a slight improvement on a very unsatisfactory process. My only hesitation is that when speakers from both Front Benches say that they agree with a motion, I wonder whether the rest of us should. On this occasion, and rather unusually, my judgment, on balance, is that the motion is a tiny step forward.

Mr. Woolas: Does the right hon. Gentleman have the good grace to accept that the Government have given time to debate the issue, which is hardly consistent with not wishing to bring transparency?

Mr. Forth: That is chutzpah, if ever I heard it. The only reason why the motion is before us today is that it was originally objected to—when the hope was, as often, that it would quietly slip through. My amendment probably helped a little in the process. For the Government to claim that it is thanks to them that we are having this debate is a bit of a try-on, to put it mildly. I accept that we are here at last and having this debate—for that I should be slightly grateful—and if I could extend my speech for another hour and 27 minutes, the damn thing would not make any progress at all. However, I am not quite in that mood tonight, and that is not my intention. I am glad that we are having this debate.

I shall press my amendment, when necessary, because I want it to be considered. I am encouraged in that, so far, my hon. Friend the Member for Mid-Worcestershire has said that my amendment is sensible, and the hon. Member for North Cornwall has echoed that view. I am grateful to them for that. I agree that the Minister was unduly and briefly dismissive of the amendment without providing any proper reasons. I shall say just a few words about it, because I do not wish to delay the House on this occasion.

My feeling is that what lies before us today is a very small advance on a rather unsatisfactory position. For that reason, I believe that we should give it our support. I was mystified when the argument was initially advanced that the Liaison Committee and the Committee of Selection were the only ones to be excluded. That is only common sense, as the Liaison Committee is effectively a by-product or an ex officio body, and, as has already been said, a Committee of Selection cannot select itself, but I cannot for the life of me see why all the other Committees should be excluded from the process that we are now being invited to endorse.

I accept that the views of my right hon. Friend the Member for North-West Hampshire (Sir George Young) will be crucial, because of the important role played by the Standards and Privileges Committee. If he said that he believed that his Committee should also be brought within the ambit of the Committee of Selection, I would argue, as the amendment does, that all the other Committees should, too. If my right hon. Friend is in an expansive and lid-lifting mood, he may reveal a little of what goes on in the Committee of Selection. At least it provides an opportunity for debate and deliberation by Members other than what we call "the usual channels"—in other words, the Whips. It should give us all a tiny degree of comfort to know that it is not the Whips who are carving everything up and that at least someone else has the opportunity to intervene in the process and to speak for the Back Benchers or Members who may not be nominated. That provides at least a ray of hope—I put it no more strongly than that.

All in all, I am prepared to support the measure, but I urge the House to support my amendment, which I will press at the appropriate point. Unless the Deputy Leader of the House can give a much more persuasive and cogent reason why my amendment should not be accepted, I believe that it would strengthen the purpose and allow us to move a little further forward. That is the rationale of my amendment. What it says is self-evident and a good reason should be provided for why it should not be accepted rather than the other way round. For all those reasons, I hope that the House will accept the motion, as amended.

8.37 pm

Sir George Young (North-West Hampshire) (Con): It is a pleasure to follow my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), who exhibited some interest in my views on the matter of debate. I agree with what he said. I also agree with the argument of the hon. Member for North Cornwall (Mr. Tyler), but I disagree with that hon. Gentleman's conclusion and agree with that of my right hon. Friend—that the motion represents a useful step in the right direction. I sit on the Committee of Selection and I am the Chairman of the Standards and Privileges Committee, which is one of those that would not be affected by the proposed change.

The torch of publicity does not shine very often on the work of the Committee of Selection. As we have heard, when it does meet it makes very good use of its time. We meet under the brisk and efficient chairmanship of the hon. Member for Blaydon (Mr. McWilliam). Most of our work is uncontentious and unexciting, and I would be misleading the House if I said that we debated extensively the merits of the various candidates that we are about to place on Select Committees or Standing Committees.

Occasionally, however, the Committee emerges, blinking, into the public gaze. As the hon. Member for North Cornwall said, that was certainly the case at the beginning of this Parliament. On 16 July 2001, the House quite rightly rejected the recommendations of the Committee of Selection. On that occasion, to answer the point made by the hon. Member for North Cornwall, there was a dialogue between myself and those Labour Members likely to be adversely affected by what the Whips said. I give away no secrets when I say that there was a debate and a vote was taken in the Committee of Selection on the proposition that the two relevant Members should not be included in the respective Select Committee nominations. I felt a little like the man in the Bateman cartoon who had asked for a vote in the Committee of Selection. On that occasion, we had the sort of dialogue that the hon. Member for North Cornwall mentioned between an independent, non-Front Bench member of the Selection Committee and those who wanted to serve on a Select Committee but feared that the usual channels were about to exclude them.

Mr. Tyler: Has there been any similar occasion since that episode or since the House decided to retain that mechanism and to continue to expect from the Selection Committee a discernment on the issues that has not always been there?

Sir George Young: As the hon. Gentleman will know, Select Committees are appointed at the beginning of the Parliament for its duration, so we have not had the opportunity to consider their membership except when changes have to be made, when the same issues do not normally arise—because the Chairman is in place and the changes are usually at a relatively junior level.

We have had other debates in the Selection Committee. It is giving away no secrets to say that we had a debate after the Second Reading of the Higher Education Bill and the vote on tuition fees. We had a debate about the appropriate number of Labour Members for the Standing Committee, because it needed to reflect accurately the views of the House. Although most of the meetings are quite brisk, on important occasions the Selection Committee discusses the sorts of issues that Members have raised in this debate.

As the hon. Gentleman also said, the Selection Committee also debated the proposals from the Leader of the House two years ago. I supported the changes, but they were narrowly defeated in the House. I have urged the Leader of the House on several occasions to revisit that decision, because it did not appear that evening that everybody knew exactly what was going on. I am not sure that the Whips were as even-handed with information as they might have been.

However, we are not discussing the radical reform that I and other Members supported. What is on offer is a modest improvement that would give the Selection Committee powers—currently held by the Government—to nominate to certain Select Committees. The change would filter through a Committee of the House nominations that at present go straight from the Executive to the Order Paper. That would be a step in the right direction, because the Committee would filter and examine—and where necessary debate and challenge—the nominations.

The present position is not logical. As my hon. Friend the Member for Mid-Worcestershire (Mr. Luff) pointed out, we do not make nominations to the Broadcasting Committee, but we do make nominations to the Catering Committee. We nominate to most Select Committees but not, for some reason, to the Public Administration Committee. I welcome the move to refer more nominations to the Selection Committee and allow them to be debated under Standing Order No. 15 (1)(c). I have some sympathy with the amendment tabled by my right hon. Friend the Member for Bromley and Chislehurst. My negotiating position was that the Selection Committee should nominate to all Select Committees, although I accept that there are reasons why we should not do so to two in particular. It would be somewhat incestuous for the Selection Committee to nominate itself, and the Liaison Committee membership is largely ex officio—it is too big a Committee, but that is a separate debate.

I have not discussed with my Committee the issue of the Standards and Privileges Committee, but, speaking personally, I would have no objection to it being nominated by the Selection Committee. Indeed, as a member of the Selection Committee, it would be a vote of no confidence in myself if I were to insist that it were excluded. The Leader of the House is right to say that the Standards and Privileges Committee is a different sort of Committee, and its composition is now different, too. The Government do not have a majority, with five members from the governing party and five members from the Opposition parties. By convention, the Opposition parties provide the Chairman.

Mr. Woolas: The right hon. Gentleman makes an important point. It is a convention, and a valid one, that the Chairman of the Committee is an Opposition Member. Is that a valuable convention and, if so, would the changes proposed by the right hon. Member for Bromley and Chislehurst (Mr. Forth) jeopardise it?

Sir George Young: The Minister skates on thin ice, because the convention that the Chairman of the Standards and Privileges Committee should be an Opposition Member was a key recommendation of the Wicks committee. It was a recommendation that was accepted by the Government, so if the Government were then to use their majority on the Committee of Selection to prevent that from happening—I am not quite sure how they could do so because the Committee selects its own Chairman—they would be breaking their acceptance of the recommendation of the Wicks committee.

I see that my right hon. Friend the Member for Bromley and Chislehurst is looking perplexed.

Mr. Forth: No, no. Following the intervention of the Deputy Leader of the House, I was merely thinking that the Chairman of the Public Accounts Committee is by long convention a member of the Opposition and that there has never been any difficulty as a result of that long-established process.

Sir George Young *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I do not want to disturb the amiability of the evening, but

[Mr. Deputy Speaker]

I think that the Deputy Leader of the House was perhaps pushing the debate slightly outwith the boundaries of good order on this motion.

Sir George Young: The Public Accounts Committee is not appointed by the Committee of Selection. I think that my right hon. Friend the Member for Bromley and Chislehurst was assuming that it was. In answer to the question put by the Deputy Leader of the House and by others, I would have no objection at all, speaking purely personally, if the Government indicated that they were happy with that part of my right hon. Friend's amendment that related to Standards and Privileges. Yes, the Standards and Privileges Committee does not reflect the balance of the House, but the Committee of Selection is perfectly capable of reflecting that in its decisions.

In passing, as the role of the minority parties has been referred to once or twice, although the Standards and Privileges Committee is now one smaller, we have found a place on it for a member from one of the minority parties. That place was found not from the Government's allocation but from that of the Opposition.

In conclusion, I welcome the steps that are being taken. If the amendment tabled by my right hon. Friend the Member for Bromley and Chislehurst is pushed to a Division I should be minded to accept it, but this cannot be the final word on a system that is, I agree, crying out for more radical reform.

8.47 pm

Pete Wishart (North Tayside) (SNP): I am grateful to the right hon. Member for North-West Hampshire (Sir George Young) for shedding some further light on the recesses and cobwebs of the Committee of Selection. The more I learn about the Committee and the activities it undertakes, the more the alarm bells ring in my head about exactly what goes on.

It will not surprise you, Mr. Deputy Speaker, or the House to hear that we oppose the motion, for the simple and straightforward reason that we do not want an extension of the powers of the Committee of Selection as long as minority parties remain excluded from it. As long as the Committee remains the preserve of the three main parties, we believe that it neither deserves nor requires further new powers or responsibilities.

I listened carefully to the Deputy Leader of the House and to the hon. Member for Mid-Worcestershire (Mr. Luff) and I heard what they said about the motion being a tidying-up exercise—that it was a common-sense approach to taking care of a few outstanding issues. That may be what it looks like to them, but it is not what it looks like to us in the minority parties. We are outwith that process. We are excluded from what is going on and as long as the Committee of Selection remains unrepresentative of the whole House, it should have no further new powers.

The motion could exclude the minority parties even further by entrenching the powers of what is an unrepresentative Committee. Given what we have learned about the Committee, it would be worth while to look at what it does. What it does—and it seems to do it very well—is what it is told by Government Whips and by the usual channels. There seems to be no independence of thought or strategy. The Committee does not seem to be responsible for determining its own agenda and debating its own issues. It seems to be completely at the behest of Government Whips and the usual channels.

Perhaps we should look at what the Committee of Selection should nominally do. As far as I can see, it has quite substantial powers. It is responsible for nominating positions to the departmental Select Committees. That is an onerous responsibility and an onerous task, which requires the utmost transparency and fairness, yet the Committee is asking for more powers.

Does the Committee discharge its existing powers judiciously, effectively and efficiently in all parts of the House? I have come to the depressing conclusion that the Committee does not discharge its current powers responsibly in a way that meets the requirements of the whole House. We in the Scottish National party and Plaid Cymru have been two places short on departmental Committees since 2001 when the House was elected, yet the Committee of Selection has made no real effort to try to correct that wrong. On that basis, I oppose the motion.

Mr. Luff: As the hon. Gentleman knows, I have some sympathy for his view that the minorities parties are under-represented on the Select Committees, but I am trying to work out what he thinks that non-Government members of the Committee of Selection can do to put that right. I am not sure that the option rests with us. I need to think exactly what the procedure is, and I feel a little chastened by that.

Pete Wishart: There is no need to chasten the hon. Gentleman. There is a solution. I very much support what was said by the hon. Member for North Cornwall (Mr. Tyler); we have to throw out this Committee entirely. A new Committee of Selection that is representative of the whole House and that includes members from all political parties would be entirely appropriate. We should transfer the powers not to this discredited Committee of Selection that, as we have heard, does so little, meets so little and debates so little, but to a new Committee that is fully representative of all the opinions and parties in the House. That is the solution.

It would be churlish not to acknowledge that progress has been made. As I pointed out to the hon. Member for Mid-Worcestershire, I am on a Select Committee. I have now reached the dizzy heights of the Select Committee on Catering, and I am very grateful for my elevation to that prominent position. It is a position that I take seriously, and I manage to turn up week in, week out to exercise my responsibilities.

Mr. Peter Pike (Burnley) (Lab): Does the hon. Gentleman accept that there are places for members of his party and Plaid Cymru on the Regulatory Reform Committee? They will always be welcome on that.

Pete Wishart: I am grateful to the hon. Gentleman. It is news to me, and I will examine that kind invitation in

detail and at length. I am sure that he will accept that we participate on Committees when we are given the opportunity. As I said, I am a member of the Catering Committee, and I very much enjoy serving on that. I assure him that I am a diligent member of it and take the opportunity to scrutinise the operations of the Refreshment Department of the House. That is a very important task. However, believe me when I say that questioning Mrs. Harrison about the cost of a fruit scone in the Terrace Cafeteria is not quite the same as questioning the Foreign Secretary about Government policy in Iraq. Important though—

Mr. Deputy Speaker: Order. We cannot have a wider debate. I have given some latitude to allow the argument to develop, but it is essentially a debate about the motion on the Order Paper. I hope that the hon. Gentleman will not go too far down the line that he now appears to have adopted.

Pete Wishart: I am grateful for your guidance, Mr. Deputy Speaker. I am just trying to make sure that the House understands that progress has been made. I think that the House accepts that the minority parties lack these places and that the Committee of Selection has not been particularly fair to us. We receive sympathy from both sides of the House, and I think that all political parties recognise that a bit of an injustice has taken place. If it is not an injustice, there are certainly issues to do with minority party representation on the Committee of Selection and, therefore, on departmental Select Committees.

If we had a place on the Committee of Selection, we would make sure that the minority parties were properly represented on the departmental Select Committees. However, the reason that we are not on the Committee of Selection or the other departmental Select Committees always comes back to the arithmetic. We are told that the numbers do not stack up. However, even when the numbers stack up in our favour, something else is added to the equation. I take the Liaison Committee as an example. It has been mentioned in the debate, and it is 34 members strong. Even by the crudest arithmetic, we are entitled to 1.3 places on that Committee. However, one can only be a member of the Liaison Committee if one is the Chair of a Select Committee.

Mr. Deputy Speaker: Order. I say again to the hon. Gentleman that this cannot be a debate about the composition of the Committee of Selection. It is about the Committees to be chosen by the Committee of Selection.

Pete Wishart: Thank you again, Mr. Deputy Speaker. I accept your chastisement.

We oppose the motion, because we very much want to ensure that we have the proper mechanism for selecting the members of departmental Select Committees. That role is currently exercised by the Committee of Selection, and that suggests that that Committee has the additional powers to look after other Committees. We must question whether the Committee of Selection should have new powers when it must effectively demonstrate that it is able to exercise its current powers.

One of the major tasks for the Committee of Selection is to determine the membership of departmental Select Committees. We heard from the hon. Member for North Cornwall of the arithmetic that was carried out to ensure that parity was reached between all the political parties in the House. However, we in the minority parties are 23 strong and represent 3.5 per cent. of the total number of MPs. The Committee of Selection looks after 18 departmental Select Committees. Three of them are territorial, so we obviously get a place on them as national parties. That leaves 15 departmental Select Committees with 172 members. According to the arithmetic, we are entitled to 3.5 per cent. of the places, but we actually receive 1.2 per cent. The Scottish National party and Plaid Cymru are two short—

Mr. Deputy Speaker: Order. I have tried to encourage the hon. Gentleman to desist from that line of argument, but he appears to be sticking tightly to his script. I suggest again that he reverts to the terms of the motion.

Pete Wishart: Thank you once again, Mr. Deputy Speaker, for offering me your guidance.

The Committee of Selection is important. As such, it should not remain the exclusive preserve of the three main parties, which is what will happen if the motion is passed. If any Committee should be representative of all parties, it is the Committee of Selection. Something is not working, and I question whether the measure solves the problem in the Committee of Selection. The House is not representative in the way that it does business on its Committees. We are a multi-party democracy, which should be reflected in our Committees. Collectively, we represent 3.5 per cent.—

Mr. Deputy Speaker: Order. If the hon. Gentleman is not prepared to take the advice of the Chair, he must resume his place. I shall allow him some concluding remarks, but he has ignored my advice at least twice.

Pete Wishart: I am sorry if it seems that I have ignored your advice, Mr. Deputy Speaker.

We oppose the measure because it does not address the problems and issues that we have identified. We need to ensure that the Committee of Selection—any Committee that determines the places on departmental Select Committees—is as representative of the House as possible. I ask the House to oppose the motion.

8.56 pm

Mr. Gordon Prentice (Pendle) (Lab): I did not intend to contribute to the debate, but I have a couple of things to say. The Committee of Selection does not select. It is a rubber stamp. It takes what is given to it by the Whips and puts the names forward to the House. I want that to change. I want the Committee of Selection to be more deliberative—to look at the composition of the Select Committees, the merits of individual candidates and, crucially, the way in which names are proposed by the political parties, as I said in my intervention on the hon. Member for North Cornwall (Mr. Tyler).

I was on the inside of the parliamentary committee of the parliamentary Labour Party for two years and know how the system works for Labour Members who are put

[Mr. Gordon Prentice]

forward for membership of such Committees. We are told that there has to be a gender balance, a regional balance and an ideological balance. The fact is that it is difficult in those circumstances to challenge any name without being caught out by some kind of balance. What is the result of that selection process? The figures for the last Session show that 65 Back-Bench colleagues in the parliamentary Labour party did not serve on a Select Committee. Some 56 Labour Members served on more than one Select Committee. Seventeen Parliamentary Private Secretaries or bag carriers—it sounds pejorative but I can say it; I was one myself some years ago—were members of Select Committees. Should the Committee of Selection take that into account?

What about the Liberal Democrats? Some 28 of their Front-Bench Members served on Select Committees. I understand that; it is a smaller parliamentary party. I could run through equivalent figures for the other parties—

Pete Wishart: On a point of order, Mr. Deputy Speaker. If I was out of order in referring to the arithmetic and numbers, why is the hon. Gentleman not out of order for doing the same thing?

Mr. Deputy Speaker: I am grateful to the hon. Gentleman for that point. I allowed him some latitude, and it was when he had been going for seven minutes that I decided to be a little sterner with him. I am listening very attentively to the hon. Member for Pendle (Mr. Prentice), and I hope that he will remember the terms of the motion; otherwise he, too, may find that I shall be somewhat interventionist.

Mr. Prentice: I certainly would not wish you to be stern with me, Mr. Deputy Speaker.

I conclude by saying that how the political parties put people forward for Committees should be a legitimate concern of the Committee of Selection. While I support the motion, I hope that we will all consider those issues and take up the suggestion that I made some months ago to the Leader of the House that all political parties represented here in this Parliament should lodge in the Library of the House of Commons a memorandum stating the criteria that they use for putting Members forward for Select Committees.

9 pm

Mr. Woolas: This has been a useful and largely consensual debate. *[Interruption.]* It has. I remind the House that the debate is taking place on the recommendation not of the Government but of the Select Committees concerned. The House will be grateful for the contributions of the right hon. Member for North-West Hampshire (Sir George Young), the hon. Member for Mid-Worcestershire (Mr. Luff) and others. The hon. Member for Blaydon (Mr. McWilliam) explained why he could not be with us tonight. The Opposition spokesman, the hon. Member for Mid-Worcestershire, said that he has reservations but, on the whole, he welcomes the proposals.

The hon. Member for North Cornwall (Mr. Tyler) made remarks that he has made before. I appreciate his consistency but his statements may be characterised as anti-Whip. The hon. Gentleman does not like the idea that the usual channels influence the way that we do business. I have to say to him—I know that he will disagree, as may others such as my hon. Friend the Member for Pendle (Mr. Prentice)—that our system in this Parliament depends on the usual channels. It is perfectly legitimate for Members to argue against that, but that is the system.

Mr. Tyler: I was not arguing that there is not a role for the usual channels. They have been referred to as the necessary sewers of the parliamentary system: unseen but nevertheless important. My point, which I hope the Deputy Leader of the House will come to, was that the report identified Select Committee membership as being inappropriate for nomination by the Whips—membership of other Committees yes, but not Select Committees.

Mr. Woolas: The hon. Gentleman is consistent in his point of view, but I do not accept that one can describe the Whips as sewers; they provide the necessary lubrication of the parliamentary system. I will not go down that channel, but as an ex-Whip I take exception to the hon. Gentleman's description.

There are sensible reasons, which have been accepted by hon. Members on both sides of the House, for accepting the motion. Its motive and intention are to move towards what the hon. Gentleman and my hon. Friend the Member for Pendle want. It would bring appointment to some Committees into line with appointment of Select Committees generally, although it excludes some Committees that the right hon. Member for Bromley and Chislehurst (Mr. Forth) would like included—his amendment would go further than the motion. It would, however, be churlish to disagree with the thrust of the proposal; indeed, the right hon. Member for North-West Hampshire has welcomed it as a step forward, although he expressed some reservations.

The hon. Member for North Tayside (Pete Wishart) spoke about the representation of minority parties. That matter was raised recently during business questions. On that occasion, it was made clear that the Government are aware of and understand the concerns of the minority parties about their representation on departmental Select Committees and other Committees. Progress on addressing those concerns has been made in several ways, for example, by accommodating their interests in the nomination of recent Joint Committees for pre-legislative scrutiny and of Standing Committees on Bills and delegated legislation. The hon. Gentleman suggested that the minority parties have been treated unfairly by the Committee of Selection, but I believe that the Committee takes great pains to be fair to all parties. Its task is not a simple one and it is not possible to reflect the precise balance of the House on every Committee—as the hon. Gentleman accepted. Inevitably, there is debate and some competition about which parties should be represented.

The changes proposed by the Committee—not by the Government—are sensible. It is not sensible to have a different method of selection for some Committees, although the Standards and Privileges Committee, whose Chairman, the right hon. Member for North-West Hampshire is present, offers an exception.

Speaking on behalf not of the Government but of the House, let me say that it is important that we in Parliament have a system—the usual channels—that is a proper system and is seen to be so. Not only should Committees such as the Standards and Privileges Committee be seen to be appointed by the House with the consent of the House, but such matters should be subject to public scrutiny.

The motion sets out a sensible way forward. It is not as radical as some have suggested, and certainly not as radical as the amendment tabled by the right hon. Member for Bromley and Chislehurst suggests, and it would be churlish to oppose it. I believe that the change in practice that we have been debating is a modest and sensible one that is designed to streamline and rationalise the way in which we nominate Select Committees. I commend the motion to the House.

Question put, That the amendment be made:—

The House divided: Ayes 23, Noes 128.

Division No. 193] **[9.08 pm**

AYES

Beith, rh A. J.
Bercow, John
Burnett, John
Burt, Alistair
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chope, Christopher
Green, Damian *(Ashford)*
Kirkwood, Sir Archy
Lamb, Norman
Laws, David *(Yeovil)*
Luff, Peter *(M-Worcs)*
Moore, Michael
Murrison, Dr. Andrew
Russell, Bob *(Colchester)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Teather, Sarah
Thurso, John
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Whittingdale, John
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*

Tellers for the Ayes:
Mr. Eric Forth and Sir George Young

NOES

Ainsworth, Bob *(Cov'try NE)*
Allen, Graham
Bailey, Adrian
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bradshaw, Ben
Bryant, Chris
Burnham, Andy
Cairns, David
Cawsey, Ian *(Brigg)*
Clapham, Michael
Clark, Paul *(Gillingham)*
Clelland, David
Coaker, Vernon
Colman, Tony
Cook, rh Robin *(Livingston)*
Crausby, David
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Donohoe, Brian H.
Dowd, Jim *(Lewisham W)*
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flynn, Paul *(Newport W)*
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Gerrard, Neil
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Hall, Mike *(Weaver Vale)*
Hamilton, David *(Midlothian)*
Hanson, David
Henderson, Doug *(Newcastle N)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hope, Phil *(Corby)*
Howarth, rh Alan *(Newport E)*
Hughes, Kevin *(Doncaster N)*
Iddon, Dr. Brian
Illsley, Eric
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Keen, Ann *(Brentford)*
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
McIsaac, Shona
MacShane, Denis
Mactaggart, Fiona
Mahmood, Khalid
Mahon, Mrs Alice
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Meale, Alan *(Mansfield)*
Michael, rh Alun
Morley, Elliot
Munn, Ms Meg
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
Olner, Bill
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Russell, Ms Christine *(City of Chester)*
Sheerman, Barry
Sheridan, Jim
Short, rh Clare
Skinner, Dennis
Smith, Jacqui *(Redditch)*
Stewart, Ian *(Eccles)*
Stoate, Dr. Howard
Stringer, Graham
Sutcliffe, Gerry
Taylor, David *(NW Leics)*
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Vis, Dr. Rudi
Ward, Claire
White, Brian
Whitehead, Dr. Alan
Williams, Betty *(Conwy)*
Williams, Hywel *(Caernarfon)*
Wills, Michael
Winterton, Ms Rosie *(Doncaster C)*
Wishart, Pete
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*

Tellers for the Noes:
Mr. Nick Ainger and Charlotte Atkins

Question accordingly negatived.

Main Question put:—

The House divided: Ayes 136, Noes 1.

Division No. 194] **[9:21 pm**

AYES

Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allen, Graham
Bailey, Adrian
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh A. J.
Bercow, John
Bradshaw, Ben
Bryant, Chris
Burnett, John
Burnham, Andy
Burt, Alistair
Cairns, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cawsey, Ian *(Brigg)*
Chaytor, David
Chope, Christopher
Clapham, Michael
Clelland, David
Coaker, Vernon
Colman, Tony
Cook, rh Robin *(Livingston)*
Crausby, David
Cryer, Ann *(Keighley)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Donohoe, Brian H.
Dowd, Jim *(Lewisham W)*
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flynn, Paul *(Newport W)*
Forth, rh Eric
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Gerrard, Neil
Green, Damian *(Ashford)*
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Hall, Mike *(Weaver Vale)*
Hamilton, David *(Midlothian)*
Hanson, David
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hope, Phil *(Corby)*
Howarth, rh Alan *(Newport E)*

Hughes, Kevin *(Doncaster N)*
Iddon, Dr. Brian
Illsley, Eric
Jones, Kevan *(N Durham)*
Keen, Ann *(Brentford)*
Kidney, David
King, Andy *(Rugby)*
Kirkwood, Sir Archy
Lamb, Norman
Laws, David *(Yeovil)*
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Luff, Peter *(M-Worcs)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
McIsaac, Shona
MacShane, Denis
Mahmood, Khalid
Mahon, Mrs Alice
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Meale, Alan *(Mansfield)*
Michael, rh Alun
Moore, Michael
Morley, Elliot
Munn, Ms Meg
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
Olner, Bill
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Pope, Greg *(Hyndburn)*
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Russell, Bob *(Colchester)*
Sheerman, Barry
Sheridan, Jim
Skinner, Dennis
Smith, Jacqui *(Redditch)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Stewart, Ian *(Eccles)*
Stringer, Graham
Sutcliffe, Gerry
Taylor, David *(NW Leics)*
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Turner, Andrew *(Isle of Wight)*
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tyler, Paul *(N Cornwall)*
Vis, Dr. Rudi
Ward, Claire
White, Brian
Whitehead, Dr. Alan
Whittingdale, John
Williams, Betty *(Conwy)*
Wills, Michael
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Winterton, Ms Rosie *(Doncaster C)*
Wookey, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Young, rh Sir George

Tellers for the Ayes:
Paul Clark and Charlotte Atkins

NOES

Weir, Michael

Tellers for the Noes:
Pete Wishart and Hywel Williams

Question accordingly agreed to.

Ordered.

That the Standing Orders be amended as follows—

(1) In Standing Order No. 15 (Exempted business), line 18, leave out from 'committees' to 'which' in line 20 and insert 'to which that paragraph applies'.

(2) In Standing Order No. 121 (Nomination of select committees), line 10, leave out from 'under' to ', or' in line 13 and insert 'the Standing Orders of this House (with the exception of the Liaison Committee, the Committee of Selection, the Committee on Standards and Privileges and any Committee established under a temporary Standing Order)'.

Greyhounds (Welfare)

Motion made, and Question proposed, That this House do now adjourn.—*[Jim Fitzpatrick.]*

9.32 pm

Mr. Alan Meale (Mansfield) (Lab): Mr. Speaker, may I say at the outset that it is a privilege for us, at such a late stage in the evening, to see you here, having made your way from your chambers to listen to an Adjournment debate? I just wish that some of our colleagues in this place would follow your example, because tonight we are debating an important subject—the welfare problems in and around the sport of greyhound racing.

As many hon. Members are aware, I have taken an interest in this subject over a very long period. I attempted to argue the case for a greyhound levy as far back as the 1980s, and I was a member of the Select Committee on Home Affairs that held an inquiry into that subject and came out in favour of that. Regrettably, that idea has not made much progress and there has been no improvement in the years since I have become interested in the sport. Even though much has been attempted in greyhound racing—second only to football as the most popular spectator sport in the United Kingdom—it is still far from satisfactory from a welfare point of view.

My speech today is not intended to harm the industry in any way. I accept that there are those who want to ban the sport, but that is not my aim. I simply feel that something must be done to improve greyhound welfare for the sport to move forward and prosper—indeed, for its very survival. It is particularly galling to me that there is a lack of funds to provide for proper retirement provision for greyhounds when the industry is not short of money.

Dr. Rudi Vis (Finchley and Golders Green) (Lab): What does my hon. Friend estimate the cost of such a provision would be?

Mr. Meale: Frankly, it would be peanuts in relation to the amount of money in gaming. For instance, the bookmakers make an incredible sum from the industry: more than £2 billion was bet on greyhound racing in the past year alone. The comparison with the amount that is given in horse racing, even under the new proposals for greyhounds, shows a stark contrast. Perhaps £6 million will be given in greyhound racing, compared with about £80 million.

I welcome the increase in funding that Lord Lipsey, a colleague and friend, negotiated with the bookmakers: a rise to 0.6 per cent. of turnover on greyhound betting by 2006. I note that it remains voluntary and I am sure that the British Greyhound Racing Board will work hard to persuade all bookmakers to collect all the money, but there will remain quite a few—at the present level, about 20 per cent. of the bookmakers that make money from greyhound racing—who will not pay and will do everything in their power to avoid paying. Nevertheless, the money will move the debate forward, although it does not provide the full solution for all the tracks and the greyhounds that race on them.

My right hon. Friend the Minister for Sport and Tourism deserves credit and the thanks of the House for his part in gaining the agreement, but his Department

has now passed the issue to the Department for Environment, Food and Rural Affairs, in particular in the form of responsibility for the proposed animal welfare Bill. The only way of guaranteeing that the extra money is put to the best possible welfare use is to ensure that the Bill sets out strict standards of welfare that greyhound tracks and owners must abide by, and that must be on a statutory, not a voluntary basis.

While I welcome the recent increase in funding that the British Greyhound Racing Board has managed to secure, as the Minister no doubt does, it is important to remember that none of the money is proposed to go to independent greyhound racing tracks that are not within the BGRB's remit. That is, I firmly believe, the single most important reason why further delay is unacceptable. The greyhounds racing on the 21 independent tracks need Government intervention now and it cannot be left to the industry and internal reform. That will not be enough. We have had no satisfactory guarantee so far on how much of the money will be spent of welfare. Worse still, there is no guarantee that everyone will pay.

As the Minister has often pointed out, animal welfare Bills come around only once every 100 years, so necessary welfare improvements must be in the new Bill to make the most of the opportunity.

We are all aware that there are welfare problems before, during and after a greyhound's racing career. The League Against Cruel Sports, for one, has recently recognised that and has launched a worthy campaign to improve greyhound welfare, which I urge hon. Members to support. There is clearly strength of feeling in the House for welfare improvements in the sport, as shown by my recent early-day motion, which has so far received 249 signatures from hon. Members of all political parties.

My first concern is about the breeding of greyhounds. Recent figures show that every year in the United Kingdom about 5,500 greyhounds are bred for racing, yet around 2,000 dogs across the UK and Ireland vanish before even being registered as racing dogs. It is believed that most are killed because they are surplus to requirements. At the very least, we can all agree that if that is true it is very wrong. Indeed, it is disgraceful to over-breed greyhounds simply for sport, and it must be stopped. We need a proper statutory licensing system for all greyhound breeders that would involve registration and the full publication of statistics. Breeders would have to accept full responsibility for all puppies born. Those who overproduced and subsequently abandoned puppies would be dealt with and, if convicted, their licences would be removed.

All too often, greyhounds are seen by the unscrupulous in the sport simply as commodities. For that reason, insufficient consideration is given to their welfare needs during their careers. As with their human athletic counterparts, racing dogs often have very short careers, not least due to the stress caused by repeated minor injuries. Those who, like me, take an interest in greyhound racing are aware that the majority of serious injuries to greyhounds happen on bends. The smaller the bend the greater the centrifugal force exerted on the dog's joints as it runs, which in turn leads to joint problems and injuries. Mr. Paddy Sweeney, MRCVS—the father of a former Conservative Member of Parliament and Britain's best-known greyhound racing vet—has recognised that factor. He argues that the only way to guard against such injuries is for tracks to have a much larger radius—at least 80 m—to enable greyhounds to run upright round bends. As I hope the Minister will appreciate, the really sad part is that despite that simple logic, money for such research and help in establishing such tracks is almost non-existent.

Of course, that is not the only factor that causes injuries: track and kennel standards must also be good. Indeed, there have been several cases of poor track or kennel standards leading to greyhounds dying or being seriously injured. One example is the truly scandalous death from heat exhaustion of the dog "Football Focus" at Catford stadium in August 2002.

Mr. Dennis Turner (Wolverhampton, South-East) (Lab/Co-op): Will my hon. Friend acknowledge the work being done to improve the lot of greyhounds? One example is Monmore Green greyhound stadium in Wolverhampton, which has just built state-of-the-art, 21st-century kennels with air conditioning and all the facilities necessary to give greyhounds the best opportunities to succeed in their racing careers and to enjoy their subsequent retirement.

Mr. Meale: I am grateful to my hon. Friend for that intervention and I congratulate him and his local track. That is a shining example of what should happen, but unfortunately much more needs to be done. As I said, the welfare situation at the 21 independent tracks throughout the country leaves much to be desired.

Worse still, the lack of attention to injuries and the inability to cope with the associated problems is illustrated by the fact that some greyhound stadiums do not even have vets at the trackside. The Government must take up this issue as a priority, and the greyhound industry must change its approach. Needless to say, I would welcome the Minister's commitment today to ensuring that a veterinary presence be guaranteed at all tracks, but before he deals with that point, I should inform him that many existing track vets are employed by promoters, which in some instances can lead to conflicts of interest. I hope that he agrees that it would be scandalous if dogs with suspected injuries were forced to race. Perhaps he could ponder that point and respond to it, and take it into account when considering the structure of the proposed animal welfare Bill. Of course, one cannot generalise about the standard of vets employed in the industry, and I am sure that they do their best, but the fact is that, faced with a strong betting market, they could come under pressure to take such decisions. They should therefore be independently employed, so that such conflicts cannot arise.

There is another point that the Minister might want to consider. One reason why I am arguing that vets should be independent and not subject to such influence is that the betting on any single greyhound race totals well over £1 million. We are not talking about peanuts; that is real seven-figure money.

Specialised mandatory training provisions for greyhound vets may also be appropriate. I am sure that the Society of Greyhound Veterinarians would welcome that, or at the very least the monitoring of tracks and the

[Mr. Meale]

greyhounds that are raced upon them. Vets sometimes have little time to examine racing dogs, which makes it difficult for them to spot minor injuries, and their job is made more difficult by the numbers racing at any one greyhound meeting. Twelve races with six or even eight dogs in each race, plus the reserve dogs, mean that at any one track during the day or night there could be between 90 and 120 dogs.

As with horseracing trainers, trainers should have the right to withdraw any injured dog in their charge, subject to veterinary certification, or at the very least, in appropriate circumstances vets should be able to prevent dogs from racing.

When we examine the problems that occur after racing, the figures become truly shocking. For example, although statistics show that thousands of greyhounds retire from British greyhound racing every year, little more than 2,000 a year are known to be re-homed by greyhound welfare groups. Every year, we simply do not know what happens to thousands of others. That is unacceptable.

Sadder still is the fact the many retiring greyhounds die because they no longer race. Some are put down inhumanely, dumped on the side of motorways, mutilated or otherwise horrendously injured. One of the most notorious cases occurred in Scotland in 1994, when 19 greyhounds were found dumped in an empty quarry. More recently, many hon. Members will have read of the mutilated greyhound found alive in the Rhymney valley in south Wales, with its ears cut off and a hole in its head. That greyhound had run predominantly at independent tracks in Wales, most recently under three different names—Last Hope, Rusty and Charlie. Its ears had been cut off to remove its registered marks, and the hole in its head had been caused by a Hilti gun, which had been fired into its brain. When the dog was taken to the vet to be humanely put down, it was found that the bolt had gone right through and broken its jaw.

Radio Five Live reported that case, and also that of a man in west Yorkshire who was arrested by police in connection with a dubious scheme of accepting money to take greyhounds to retirement homes. No trace has been found of any of those dogs ever reaching any retirement home. Greyhound retirement charities throughout the country all have stories of dogs that have been injected with some substance or other—sometimes antifreeze—to kill them, or simply tied up and abandoned without food and left to die.

Mr. Dennis Turner: I entirely agree with my hon. Friend's case that the ill-treatment of greyhounds is unacceptable and deplorable, but can he give me one example of the wicked ill-treatment of greyhounds that race on registered tracks? All his examples have related to what we used to call pirate tracks, which are not registered under the greyhound rules.

Mr. Meale: I understand what my hon. Friend is getting at, and it is right to say that the BGRB is much more active in trying to ensure that that does not happen in the sport. I pay tribute to the board for that, but the problem is that many dogs that start racing under the BGRB end up on the independent tracks. For instance, the dog with the three names that was found in Wales was initially registered at Nottingham greyhound track, a registered track in my area. Many of the dogs move from area to area and are dispersed and abandoned by their original owners when they are no longer of the top rank. They have to make way for new dogs, and they do not fall into the best hands.

I pay tribute to the excellent work of the Retired Greyhound Trust, which does a magnificent job in finding homes. Frankly, however, it cannot cope, because money is required and it is not coming through. Perhaps it cannot be that everyone can have a greyhound at home, but it is important to set up homes for the dogs. I recently read a report by the all-party group on animal welfare of the National Assembly for Wales, which concluded that approximately 140 greyhounds are abandoned and taken to local authority dog pounds every year in Wales. In reality, that certainly means that thousands more dogs are treated the same elsewhere in the United Kingdom.

The report details concern about independent tracks, and my hon. Friend the Member for Wolverhampton, South-East (Mr. Turner) was right to point out that they are the major bugbear. No matter how much money the BRGB gets under the new arrangements to pay out to official tracks, it will not be able to do anything about the independent tracks. We cannot simply have a situation in which only the BRGB is covered; we must cover all tracks.

Greyhounds are currently identified by ear tattoos that are supposed to identify owners or trainers who mistreat or abandon their dogs. However, as in the recent south Wales case, that has led to some dogs having their ears cut off before they are killed or dumped. Surely a better solution would be to place a microchip in all dogs from birth and back that up with a DNA register. All dogs could then be readily identified, and the register should be available so that owners and trainers who mistreat greyhounds can be found and prosecuted. There are no scientific barriers to prevent that in today's world.

There are myths about keeping greyhounds as pets. Some people say it is cruel and that they cannot adapt. I can assure the House that the dogs make excellent pets. Their exercise requirements are not large. Annette Crosbie, president of the League Against Cruel Sports, owns four greyhounds, and she says that they are wonderfully placid, loving animals, and that once someone has one in their home, they will never want another kind of dog. Indeed, an ex-Member of this House, the late Peter Hardy, who represented Wentworth, spent most of his retirement looking after a retired greyhound, whose company he and his wife Margaret enjoyed for many happy years.

Not all racing greyhounds can be found homes. For that reason, the industry should provide properly regulated greyhound sanctuaries to provide accommodation until a home can be found or so that the greyhounds live out their lives.

The problems that I have outlined and the solutions I propose will all cost money, but animal welfare does not come free, whether it is in homes, on farms or at racing tracks. Some money has been found, but more will be needed. If we can find money to put into farmers' hands

and pockets, surely we can do the same for the Royal Society for the Protection of Animals or the Retired Greyhound Trust.

I hope that the Minister will agree that, in addition to the animal welfare Bill, the Gambling Bill, on the scrutiny Committee for which I have served, provides an ideal opportunity to address the question of a financial levy for the sport. After all, it already suggests provision for one in relation to gambling problems. Such an idea is not outrageous. I was privileged to be a member of the Home Affairs Committee some years ago when it examined the question of a greyhound levy, and it supported the idea, principally to address greyhound welfare. I am not suggesting that the bookmakers should bear the full brunt of welfare; clearly, owners and promoters must do more. The reality is, however, that the real money in the industry lies with the bookmakers. To insist, as some industry representatives do, that all responsibility for retirement provision lies with greyhound owners is callously to condemn too many dogs to institutional euthanasia.

The Government have also introduced a Bill this Session enabling them to abolish the horse race betting levy. The situation in greyhound racing differs greatly. As the Minister knows, the Government feel that they can abolish the horse race levy because they are confident that bookmakers and the industry have come to financial agreements without the need for Government intervention.

The House will recall that the Home Affairs Committee, on which I sat, produced a report in 1991 on the financing of greyhound racing. The report looked into the financing of the industry, but it also examined welfare issues. The Minister will know that the Committee recommended that more money should be provided for welfare concerns, and especially for re-homing. It also recommended that track owners and bookmakers be required to donate a part of their profits to the Retired Greyhound Trust. Sadly, 13 years on, that has not happened to any acceptable level.

As I said earlier, the greyhound industry is an extremely lucrative business. For example, Walthamstow track in London has an annual turnover in excess of £8 million, and with many greyhound stadiums set to apply for casino status under the draft Gambling Bill, things can only get more profitable for them. What is more, bookmaker turnover on greyhound racing in each of the last five years was substantial: £1.5 billion in 1998, £1.2 billion in 1999, £1.6 billion in 2000, £1.8 billion in 2001 and £2.1 billion in 2002. Even on conservative estimates, it accounted for at least 23 per cent. of all off-course betting shop business.

The industry is clearly profitable. Indeed, the chief executive of William Hill, David Harding, confirmed that in September 2003, when he said:

"We are generating far more cash than we need."

I have already said that I sincerely hope that more bookmakers pay the increased contributions. Indeed, my own experience in pursuing that objective was not a lone furrow. We should remember that the ex-Chancellor of the Exchequer, Norman Lamont—now Lord Lamont—threatened the bookmakers on several occasions for not paying up. Sadly, I say to the Minister, they did not even listen to the Chancellor at that time, even though he threatened them with increased taxes. What they did, instead, was to play for time and not pay up at all. That is not good enough. The welfare of thousands of greyhounds needs Government intervention—and the sooner the better. Greyhounds have been waiting too long.

I admit that the position is slowly improving, as my hon. Friend the Member for Wolverhampton, South-East pointed out. However, the danger now is that the industry will point to the recent increase as the answer to all evils. As we have heard, the bookmakers have made it absolutely clear that the sum will not rise in the future—not in the foreseeable future, not in the future at all.

I have high expectations of the Minister. I believe that the proposed animal welfare Bill must guarantee a number of things for racing greyhounds. I am sure that the Minister would see them as desirable. For instance, the Government must legislate for the mandatory provision of vets, preferably independently employed, at all greyhound tracks. They should state that all retired greyhounds must be re-homed, including those that are bred for racing but never make it to the track. Records must be kept to monitor greyhounds and particularly their treatment and the levels of care provided by owners and trainers. The proposed animal welfare Bill must also introduce minimum standards across the industry. It must make greyhounds safe from unnecessary death and suffering.

Finally, I urge the Minister to recognise that he and his Department need to be actively engaged with the industry. To wait and see how or if Lord Lipsey is able to shift the industry in the direction of improved welfare, including retirement provision, is equivalent to abandoning the issue to those who for years have spent levy money on restaurants, toilets and prize money, while welfare has largely been ignored. If the Minister really wants to improve the standards of greyhound welfare, to bring an end to the unnecessary killing of healthy greyhounds and to see decent welfare at independent tracks, he must act. I say to my hon. Friend that dog lovers throughout the country are relying on him to deliver, and I urge him to act—and to act soon.

9.58 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): I thank my hon. Friend the Member for Mansfield (Mr. Meale) for securing this debate and for providing us with the opportunity to debate an issue that I know is of great concern to many right hon. and hon. Members—and, indeed, to Members in the other place. I pay tribute to the excellent work that my hon. Friend has done—not just for greyhounds, but across animal welfare. He has taken significant strides forward.

It is not surprising that greyhound welfare is of such concern. Greyhounds are one of the oldest breeds of dog known to humans, and I fully agree that we have a strong duty to act where there is a need to protect their welfare. As my hon. Friend acknowledged in his speech, more money is now being made available to improve the welfare of greyhounds. On 6 April this year it was announced that an agreement had been reached between the Association of British Bookmakers and the British Greyhound Racing Board, which will see an incremental increase in the voluntary contribution paid

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by bookmakers to the sport from 0.4 per cent. of betting turnover to 0.6 per cent. in 2006. That could see payments to the British Greyhound Racing Fund—the body set up to distribute that levy—

It being Ten o'clock, the motion for the Adjournment of the House lapsed; without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Jim Fitzpatrick.]*

Mr. Bradshaw: Payments could rise from £8 million to some £16 million by 2006—

Mr. Meale: The problem is that whether the figure is £8 million or £16 million, none of it is guaranteed to go to welfare. It is spent on prize money, stadiums and a range of other things. If history is any guide, very little of it will go on welfare issues.

Mr. Bradshaw: Our hope and expectation is that a substantial proportion of that extra money will be used to pay for improvements in greyhound welfare. It is an extremely encouraging development that shows that the two industries are capable of working together better than they have in the past. I would like to take this opportunity—as did my hon. Friend—to thank my right hon. Friend the Minister for Sport and Tourism for helping to broker that agreement.

My hon. Friend raised a concern also raised by many Members of both Houses about the welfare of retired greyhounds. Some of the new funding received from the bookmakers will go to help the Retired Greyhound Trust, which has been re-homing greyhounds for nearly 30 years. The organisation re-homed 2,608 greyhounds in 2003, compared with 2,030 in 2002. The trust re-homes dogs from the tracks registered by the National Greyhound Racing Club, and we all hope that increased funding will add extra impetus to its efforts. As my hon. Friend acknowledged, there are many other organisations that work tirelessly to re-home greyhounds, whether they be large canine charities such as the Dogs Trust and Battersea Dogs Home, or smaller organisations such as the greyhound rescue charities in Wales and the west of England.

Even before the extra funding was agreed, the industry had demonstrated a growing commitment to retired greyhound welfare. That was illustrated by the steady increase in payments to the Retired Greyhound Trust, culminating in a payment last year from the British Greyhound Racing Fund of £600,000. It must also be remembered that there are many responsible greyhound owners who make provision for their animals during retirement, either paying for them to live in kennels or taking them into their own home as pets. I hope that the debate this evening will help to give those charities that do re-home retired greyhounds some well-deserved publicity. As my hon. Friend remarked, a retired greyhound is something of a friendly couch potato and therefore an ideal pet for a wide spectrum of dog lovers.

Mr. Dennis Turner: I thank my hon. Friend for his comments about the charities that support the care and welfare of greyhounds in retirement, to which we all subscribe. As chairman of the all-party group on greyhounds, I speak for all those Members of the House of Commons who are committed to working for the welfare of greyhounds. We have already had a successful meeting with the League Against Cruel Sports at which we talked about its programme. I assure the Minister that we are committed, together with the BGRB, to advancing the cause of greyhound welfare.

Mr. Bradshaw: That intervention reflects the spirit of co-operation and constructive engagement between the two sides that will result, I hope, in further improvements in the months and years to come.

Over the last decade, a number of welfare organisations have tirelessly campaigned for the racing industry to do more to raise standards. We are now seeing tangible evidence of that, including an increase in funding for welfare and the excellent work done by Clarissa Baldwin, the chairperson of the Greyhound Forum, in getting the industry and welfare groups to work together to produce the charter for the racing greyhound. The charter, which has now been in place for two years, represents a solid commitment to higher welfare standards. Building on the charter, there are now some exciting initiatives under way that should lead to further significant improvements.

Briefly, I would like to mention the research that is going on in Poole to establish the best way to prepare and lay a track from the welfare point of view—something to which my hon. Friend the Member for Mansfield referred in his speech. The initial cost to the industry for that research is £75,000.

In addition, the British Greyhound Racing Fund has spent £600,000 on grants to tracks so that their kennelling facilities could be upgraded. That work is almost complete. It has enabled air management systems to be installed, which will, I hope, avoid incidents such as the death of the greyhound Football Focus at Catford in 2002 and others of the sort mentioned by my hon. Friend. All other track maintenance grants were refused until that work had been carried out. Those initiatives are in addition to the core funding that the fund provides to enable tracks to implement welfare provisions.

My hon. Friend also reminded the House that the Government hope soon to publish their draft animal welfare Bill, which will impose a duty of care on all animal owners and will allow action to be taken before an animal is actually suffering. That provision will of course extend to the owners of racing greyhounds, and will lead to further improvements in greyhound welfare. The Bill will also allow the Government to introduce secondary legislation to regulate certain activities, and the welfare of racing greyhounds is an area where those powers could be used.

Provisions are already in place on which the industry could build; for example, a vet must be in attendance at all NGRC race meetings and all track and trainer kennelling must meet a minimum standard. There is also a responsibility on the owner to ensure that any change of ownership, including at the time of retirement, is sent to the NGRC. The tracks are also inspected by local authorities under the Betting, Gaming and Lotteries Act 1963, and for public safety reasons.

This is an extremely exciting time for the greyhound racing industry.

Mr. Meale: Would it be possible for the Minister, via one of his friends in the local government section of the Government, to provide advice that local authorities dealing with planning permission for independent tracks should lay down a 106 planning condition that a registered vet is in attendance at all race meetings?

Mr. Bradshaw: That is a very interesting suggestion. Perhaps my hon. Friend will allow me to give it some consideration and to discuss with my officials whether it would be practicable; it certainly sounds desirable.

With the new leadership to which my hon. Friend referred and the renewed vision in that leadership, there is the possibility of a sea change in attitudes over the next two or three years.

As my hon. Friend also acknowledged, Members are aware that the draft Gambling Bill has recently undergone pre-legislative scrutiny. The Bill is primarily concerned with ensuring that the gambling industry is regulated in the most appropriate form, but it is also concerned with safeguarding the integrity of the product. That means that measures with an impact on welfare may appear in the Bill.

I realise, however, as my hon. Friend pointed out, that 20 tracks in Great Britain fall outside the auspices of the NGRC. They are not entitled to any of the funding from the British Greyhound Racing Fund, as off-course bookmakers do not operate at them. I must stress that all greyhounds will enjoy protection under the proposed animal welfare Bill, and that will include those that run at independent tracks, so those tracks will need to start thinking extremely carefully about welfare improvements. In the future they cannot expect to operate at a lower welfare threshold than other tracks.

In July 2001, an Adjournment debate on greyhound welfare was held in another place. During that debate, my colleague Lord Whitty said that the racing industry had to get its house in order. There are now very clear signs that we are starting to see that reordering, but I agree with my hon. Friend the Member for Mansfield that we must not be complacent and that much remains to be done.

Question put and agreed to.

Adjourned accordingly at nine minutes past Ten o'clock.

House of Commons

Tuesday 8 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

UNIVERSITY OF MANCHESTER BILL [*Lords*]
Read a Second time, and committed.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Mental Health (Cannabis)

1. **Mr. Bill Tynan** (Hamilton, South) (Lab): What research he has commissioned on possible links between the use of cannabis and mental health problems. [177285]

The Minister of State, Department of Health (Ms Rosie Winterton): Since 2000, the Department of Health has commissioned five research projects focusing on cannabis use problems and the dual diagnosis of mental health problems and substance misuse. We also continue to monitor the worldwide research and to draw on the advice of a range of expert advisers to inform our policy.

Mr. Tynan: I congratulate my hon. Friend on the current research programmes, but she will recognise that other countries such as Sweden, the USA and Holland have established a link between mental health and cannabis use. Does she agree that our knowledge of the long-term effects of cannabis use is very poor, and will she therefore start a comprehensive research programme, funded by the Government, to ensure that we are not building up a crisis for the future?

Ms Winterton: I assure my hon. Friend that the Advisory Council on the Misuse of Drugs keeps the evidence of harm from all controlled drugs under constant review. There is evidence that cannabis, like any other drug, can cause short-term paranoia and psychosis, but at present there is no clear evidence that schizophrenia, for example, is caused by using cannabis. However, the advisory council keeps that under review.

Ann Winterton (Congleton) (Con): The United Kingdom's leading scientists know, because of the research undertaken here and elsewhere in the world, that the use of cannabis does in fact bring on psychotic effects and cause schizophrenia later in life. Will the Minister concede that the policy of declassifying cannabis, which has sent out mixed messages to the young, will exacerbate the problem, causing tremendous personal problems to young people and great cost to the individuals concerned, their families, the national health service and society at large?

Ms Winterton: I assure the hon. Lady that the effects of cannabis use are closely monitored and that the evidence is examined by the advisory council, which is independent. Reclassification took place only as a result of the advice received from that council, which continues to keep the matter under review.

John Mann (Bassetlaw) (Lab): Australia and New Zealand adopt a policy similar to ours on the classification of cannabis, but the research from their national addiction centres says that skunk, in particular, creates psychosis. Why are we not copying those good Commonwealth friends, which adopt a similar policing policy, and learning lessons from their health messages?

Ms Winterton: We certainly look at all the evidence. There is an independent advisory council to do that and we are also investing in drug treatment areas. There has been an increase of 101 per cent. in the amount of money going into drug treatment facilities, which is now £260 million, and the work force has increased up to the target by 2008 of 9,000. As I have said, we keep the matter under review, but we want to ensure at the same time that we provide proper facilities for treating people who suffer from substance misuse.

Tim Loughton (East Worthing and Shoreham) (Con): If the Minister keeps all the evidence under constant watch, she must acknowledge the research that shows that up to 80 per cent. of all psychotic cases in inner cities in this country report a history of cannabis use, and that people's use of cannabis as teenagers can make them seven times more vulnerable to developing psychosis, delusional episodes or manic depression. There are also links with the exacerbation of schizophrenia, which already costs the NHS £1 billion. Why, therefore, when the Government decided to reclassify cannabis earlier this year and spent £1 million advertising the fact, was not a penny spent on highlighting the risks of the link between cannabis and mental illness, and why has the number of drug advisers in our schools been contracting?

Ms Winterton: It is certainly not true that we do not highlight the harmful effects of cannabis. The extremely successful "Frank" campaign has particularly targeted young people, pointing out to them the serious effects of cannabis.

There is evidence that cannabis, like any other drug, can lead to short-term paranoia and psychosis, but there is no clear evidence that schizophrenia, for example, is caused by cannabis use. The issue is kept under constant review and monitored by an independent advisory council.

John Robertson (Glasgow, Anniesland) (Lab): Does my hon. Friend agree that, while the use of cannabis

does not necessarily lead to the use of other drugs, it enhances their use because it provides access to them? Is it not time that, as my hon. Friend the Member for Hamilton, South (Mr. Tynan) said, we established a proper inquiry into the use of cannabis, the reactions to it and where such use leads?

Ms Winterton: I assure my hon. Friend that we monitor the effects of cannabis, like any other controlled drug, through the Advisory Council on the Misuse of Drugs, and we will not stop doing so. We look at the evidence and the research, and we receive independent advice from the council.

Road Accidents

2. **Bob Russell** (Colchester) (LD): What the estimated cost to the national health service was of treating those injured in road crashes in the last year for which figures are available. [177286]

The Minister of State, Department of Health (Mr. John Hutton): The national health service has not been asked to identify separately the costs of treating road traffic accident victims. However, where such a patient receives compensation the NHS can reclaim the treatment cost from insurers. Last year, £105 million was recovered for the national health service in that way.

Bob Russell: While I am grateful to the Minister for that partial answer, in the interests of joined-up government, might it be worth while trying to establish exactly how much the public purse is funding the consequences of road crashes? May I also suggest that he discuss with his colleagues in the Department for Transport and with the Chancellor the Exchequer how investing in making road safety a top priority might lead to a reduction in the burden that road crashes and casualties taken to accident and emergency departments place on the NHS?

Mr. Hutton: We will certainly look at the hon. Gentleman's suggestion, although we need to strike the appropriate balance between that point and avoiding imposing additional bureaucracy and burdens on the national health service. The Government and my right hon. Friend the Secretary of State for Transport are committed to reducing the number of road accident events and, in fact, the number of such events is falling.

Lawrie Quinn (Scarborough and Whitby) (Lab): My right hon. Friend will probably be aware of the large number of accidents that involve motor cyclists. That is a particular problem in my constituency, which has beautiful countryside where boy racers and others perhaps somewhat older do not exercise good behaviour on the roads. Has his Department discussed the matter with the insurance industry to try to improve motoring standards? It could be argued that that is a primary health care issue because, if motorists—particularly motor cyclists—behaved themselves in the first place, they would not end up in hospital.

Mr. Hutton: It is very important that the Government do what they can to improve safety on our roads. My right hon. Friend the Secretary of State for Transport is fully committed to doing that and we in the national health service will do whatever we can to support the work that he is undertaking.

Mr. Simon Thomas (Ceredigion) (PC): The Minister mentioned compensation and repayments to the NHS in such cases, but what consideration are the Government giving to repayments to the NHS in cases of proven negligence—for example, when it is proven that a person has wilfully ignored a speed limit and a crash has resulted? Is there a way of claiming the money back from such individuals or their insurance companies, or—even better—of extending such a scheme to those who assist and promote the denigration of speed limits?

Mr. Hutton: If an accident results in injury to an individual and the NHS provides treatment for that individual, statutory provision exists to allow the NHS to recover the costs. We have recently legislated to extend the scope of that scheme to include other types of injuries.

Foundation Hospitals

4. **Mr. Eric Illsley** (Barnsley, Central) (Lab): If he will make a statement on the progress of outstanding applications for foundation hospital status. [177288]

The Secretary of State for Health (Dr. John Reid): Applicants for NHS foundation trust status in wave 1a are due to submit applications by mid-June for my approval. I expect to take a decision shortly after publication in July of the NHS performance ratings. I approved 25 wave 1 applications earlier this year. Ten applicants were authorised on 1 April and the independent regulator will make his own decision on whether to grant authorisations for the remainder.

Mr. Illsley: My right hon. Friend will know that Barnsley district general hospital has applied for foundation status to take effect from October this year, but unfortunately the hospital now faces a financial deficit of around £3 million. To make matters even worse, the primary care trust also faces a deficit of £15 million and has difficulty providing any further financial assistance to the hospital, which has itself undertaken a recovery programme to try to balance the budget. Can he indicate whether the financial requirements for trust status will take account of those deficits? Can the Government take any further action to ensure that the foundation status application will go ahead from October?

Dr. Reid: Lest anyone should have gained the false impression from the details provided by my hon. Friend that the Barnsley trust has somehow been starved of funding over the past few years, let me remind him and the House that, in fact, Barnsley PCT received an increase in funding of more than 31 per cent. over the past three years. That is much higher than the national minimum. Like every other organisation—not just every trust—in the NHS, the PCT has to ensure that it achieves financial balance. Every pound wasted in the NHS means that someone dies earlier than they should or that someone lives longer in pain. Of course, when it

comes to foundation trusts, we are aware of the huge benefits that foundation status will bring to local providers of health care, so there is the most rigorous scrutiny—not just by myself, but by the regulator—of financial and other matters.

Mrs. Marion Roe (Broxbourne) (Con): Does the Secretary of State believe that the fact that many trusts are dropping or deferring their applications for foundation status because they do not understand the financial implications of the new system suggests that foundation trusts are unworkable and burdensome?

Dr. Reid: The answer to both questions is no. Trusts are not deferring in any large numbers and, secondly, applications are subject to rigorous scrutiny by the independent regulator, whose background, as the hon. Lady may know, includes not only knowledge on the medical side, but knowledge of the retail and banking sector. Above all, the regulator is well versed in assessing the financial requirements necessary to embark on freedoms for the frontline of NHS foundation trusts, which will result in far better, more sensitive, quicker and more efficient service to patients. Surely that is what we all want—more patients having more treatment, more quickly and of greater quality than ever before.

Mr. David Hinchliffe (Wakefield) (Lab): Will my right hon. Friend outline the steps taken by the Government to encourage greater membership of foundation trusts, in view of the disappointing figures on membership of the first wave? On public involvement in health, can he clarify what is happening with the Commission for Patient and Public Involvement in Health? It has been suggested that it will be either abolished or merged with the NHS Appointments Commission. Can he give an assurance that in any future arrangements for patient involvement, the independence of the various bodies concerned with patients will be defended and retained?

Dr. Reid: There were three points there. The first was about the openness to registration of members of foundation trusts. Of course, the lists do not close and they build up over a period of time. In Barnsley, for example, the trust has recruited more than 2,000 patient and public members. We would all like to see 20,000, but nevertheless, that is 2,000 more people involved in the local trust than have ever been involved before. Secondly, as far as the future of patient involvement and our commitment to it is concerned, I can give my hon. Friend the guarantee that we will remain committed. Thirdly, with regard to the arm's length bodies, while we retain our commitment to involvement and to fulfilling their functions, I am going to bear down hard on the number of such bodies and organisations and the amount of money that goes to them. I have authorised a 50 per cent. cut in the number of arm's length bodies, with a 25 per cent. cut in the number of personnel in them. I have also authorised £500 million being taken from them, which will be put into front-line services. On top of all the other increases, another £500 million will be invested in nurses, doctors and better treatment.

Dr. Richard Taylor (Wyre Forest) (Ind): The Secretary of State has promised an independent review of foundation trusts. Will he confirm that the review will be held and that it will report after waves 1a and 1b have taken place?

Dr. Reid: Yes, the review will go ahead and it will be honest, independent and objective. If it concludes that we have made mistakes or that there are shortcomings in the foundation trust idea or status, we will amend the errors. Equally, however, it might conclude that we have not extended enough freedoms to the front line of NHS foundation trusts. In that case, we will act on those recommendations.

Mr. Peter Mandelson (Hartlepool) (Lab): Is my right hon. Friend aware of the disappointment felt when Hartlepool's general hospital failed to gain immediate foundation trust status and that the Tees health review may put a question mark over the hospital's long-term future? Will he reassure my constituents that that will not happen and that the town will retain a full and proper hospital service, for their benefit and for that of people in the constituency of my hon. Friend the Member for Easington (Mr. Cummings)?

Dr. Reid: My right hon. Friend is right to say that a review is under way. In respect of the application for foundation trust status, I shall say only that an initial failure does not mean that reapplication cannot be made in the relatively near future. I do not wish to prejudge matters, but I can tell him that Hartlepool will still have a full and proper hospital service after the review has taken place.

Mr. Andrew Lansley (South Cambridgeshire) (Con): The Secretary of State will recall that, during the passage through the House last year of the Bill establishing foundation trusts, the Opposition said that all NHS hospitals needed genuine freedom if the best service was to be delivered. We said that, without that freedom, we would get a two-tier system. However, the Minister of State, the right hon. Member for Barrow and Furness (Mr. Hutton) has told the Health Select Committee that £127 million will be available this year to compensate primary care trusts and foundation trusts for the introduction of payment by results, and that the Department has £104 million in capital to support the prudential borrowing limits of first-wave foundation trusts. That adds up to £231 million and to a two-tier system. How will the right hon. Gentleman defend that to his colleagues and to the Opposition? We said that we wanted a single tier of genuinely free NHS hospitals to deliver the best service to patients.

Dr. Reid: I am deeply moved by the hon. Gentleman's concern about my discussions with my Back-Bench colleagues. I am sure that they will be deeply moved as well by his concern about the two-tier system that could develop. I can tell the hon. Gentleman, in case he has missed the fact in his young life, that there has been a two-tier system in this country for 60 years. One tier has been the NHS, whose patients were treated with disdain by the previous Conservative Government for 20 years. Another tier was available for those who had the money, which allowed them the quick access to hospital care in the private sector that the Opposition have always supported.

NHS foundation trust status will be allocated over the next few years to every hospital. As a result, every hospital and trust in the country will have far more resources in terms of money, doctors, nurses, equipment and buildings, and far more power to meet patients' needs. However, I am far too much of a gentleman to point out that the hon. Gentleman was the first to tell me that he supported his hospital's application for foundation trust status.

NHS Staff (Assaults)

5. **Helen Jones** (Warrington, North) (Lab): What steps are being taken to reduce assaults on NHS staff; and if he will make a statement. [177289]

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): In December 2003, the NHS security management service published its strategy to make the NHS a safer place in which to work. The strategy has a comprehensive range of measures to tackle violence against NHS staff. These include the United Kingdom's largest ever training programme to equip NHS staff to deal with violent situations, a national reporting system for physical assaults and the establishment of a legal protection unit to work with the police and Crown Prosecution Service.

Helen Jones: I welcome the initiatives that the Government have already taken in the area, but will my hon. Friend carefully consider the position of those NHS staff who work in clients' homes or in isolated units? What more can be done to protect them and equip them to cope with any dangerous situations that might arise in the course of their work?

Dr. Ladyman: I am grateful to my hon. Friend for her comments. Top-quality staff doing a top-quality job deserve a top-quality working environment, and that includes those who work in isolated areas. We are doing several things. Such staff will have the same access as any other members of staff to the advice of security management personnel and the same training in conflict resolution. They will also have additional services available, including technological assistance for lone workers that will allow them to report when they face difficulties, wherever they are when they are attacked.

Mr. Nigel Evans (Ribble Valley) (Con): It is staggering to all of us to think that a patient would ever strike NHS staff, but it does happen. It happens increasingly on Friday and Saturday nights when patients are in accident and emergency, high on drugs or drunk. Can the Minister liaise with his Home Office colleagues to ensure that hospitals and accident and emergency units get community office support and police support to protect hospital workers? Will he send a message out clearly to anyone who dares strike a hospital worker that it is the quickest way of getting from a hospital ward to a prison cell?

Dr. Ladyman: That is absolutely right. We must have zero tolerance of all forms of violence. We must also ensure that proper security advice is available to all hospital departments, including accident and emergency departments, wherever they are and whatever night it is. We must ensure that we deal with every single attack on an NHS staff member with the utmost vigour and that we prosecute such attacks. The hon. Gentleman will have seen that an antisocial behaviour order was recently taken out against an individual that bans him from NHS premises anywhere in the country, and that is the sort of action that we need.

I have to say that we also need to start ensuring in our political debates that people appreciate that they should respect NHS staff and that entails an obligation on the hon. Gentleman and his colleagues to stop bad-mouthing NHS staff and ensure that everybody is aware of the work that they do.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): Further to my hon. Friend's statement about training, can he outline the extent of that training? Will it cover all NHS staff and will it cover both conflict resolution—to reduce the occasions on which assaults may take place—and how to deal with assaults when they happen?

Dr. Ladyman: Different types of training will be available. For example, every health body will have to nominate an individual to be responsible for advising on security matters. Those individuals will receive very specific and detailed training in such matters. Individual staff members will get conflict resolution training of the sort to which my hon. Friend refers and we estimate that at least 750,000 people will have access to that training. It will be thorough and it will be available to everybody.

Health Investment (Staffordshire)

6. **Paul Farrelly** (Newcastle-under-Lyme) (Lab): What investment is being made in the national health service in north Staffordshire. [177290]

The Secretary of State for Health (Dr. John Reid): For the current financial year, 2004–05, the four primary care trusts in north Staffordshire have been allocated a total of £478 million, an increase of £41.4 million, or 9.49 per cent., since the previous year. For the next financial year, 2005–06, the increase will be a further 9.06 per cent., taking the total allocation to £521.4 million.

Paul Farrelly: The NHS is indeed making great strides in north Staffordshire, including a brand new hospital, a new medical school at Keele university and brand new health centres across the whole area. However, after the next election, will it be the Government's policy to continue to invest in that way in the NHS, in north Staffordshire and across the country, or to drive the NHS out of existence within five years?

Dr. Reid: My hon. Friend makes the point that there is a need for long-term and sustained investment in the national health service to make up for the 20 years of under-investment before this Government came to office. We will continue that investment at the present level for another four years. We will not return to the days of under-investment and starvation of our hospitals with the previous number of nurses, nor do we intend to charge patients to allow them to jump the queues on the basis of how much money they have in

their pockets to contribute towards doing so. The degree of power and choice for NHS patients should depend not on the size of their wallets, but on exactly what their medical needs are. The Labour party will always defend that principle.

Mr. Tim Yeo (South Suffolk) (Con): I pay a warm tribute to the staff at the North Staffordshire hospital, but will the Secretary of State confirm that, despite their best efforts, three out of 10 out-patients at that hospital wait longer than 13 weeks for an appointment? Will he confirm that that hospital has under-achieved in readmitting patients whose operations were cancelled for non-clinical reasons? Will he confirm that, in the past year, MRSA rates have increased at the North Staffordshire hospital? In that respect, will he confirm that the problems that they face are typical of the whole NHS—that more operations are cancelled than in 1997, that the number of hospital-acquired infections is much higher than in 1997 and that far more people are waiting far longer for serious treatments, such as radiotherapy, than before? Is it not the case that, under Labour, administrators are being hired at three times the rate at which doctors are being hired? It is no surprise that, under Labour, taxpayers have paid for a 37 per cent. rise in spending and seen a 5 per cent. rise in activity.

Dr. Reid: Five minutes ago, Opposition Members talked about their affection for NHS staff. Now, once again, they brand them all as useless bureaucrats. That is the nature of the Opposition's commitment to the NHS. I cannot confirm any of the points that the hon. Gentleman made about North Staffordshire hospital. I can confirm, however, that, under this Government, that hospital has had two new theatres, additional critical care beds, a ward for surgical patients, a doubling in its capacity for cardiothoracic surgery with a new theatre and critical care beds for that purpose, a new catheter laboratory and a dramatic reduction in diagnostic waiting times for cardiac patients and that more than 90 per cent. of patients now receive accident and emergency care within the world standard of four hours. He talks about the national picture, which is represented there, but we have 67,500 more nurses, 14,000 more doctors, the biggest building programme in the history of the NHS, a 10 per cent. cut in premature deaths from cancer, and a 23 per cent. cut in premature deaths from cardiac heart disease. All that would be ruined if that lot ever got into power again.

Mr. Dennis Turner (Wolverhampton, South-East) (Lab/Co-op): The information that we have just heard regarding north Staffordshire is very good news for the people of that area and for the people of Wolverhampton, because North Staffordshire hospital is very close to my constituency and the whole of Wolverhampton. Irrespective of the Opposition's carping, I congratulate our Government on that investment. May I add that we have also had major investment in Wolverhampton? We have a state-of-the-art, 21st-century heart and lung unit ready to be opened as I speak. I want the Secretary of State to assure me that it will operate to full capacity, when we have the official opening.

Dr. Reid: I can confirm that to my hon. Friend. Indeed, I think from memory that there is a new cardiac centre at Wolverhampton, but of course there will be more. The project in the North Staffordshire hospital, which the hon. Member for South Suffolk (Mr. Yeo) forgot to mention, involves another £350 million to develop a new acute hospital on the site of the city's general hospital and a new community hospital in north Stoke. All that, of course, is representative of the biggest building programme in the history of the NHS. When the hon. Gentleman and his colleagues left office, more than half the buildings in the NHS were older than the NHS. If the Government, by grace of the electorate, survive another term, by the end of it, almost half the buildings in the NHS will have been built by this Labour Government—something to be proud of.

Mr. John Redwood (Wokingham) (Con): How much extra money could North Staffordshire hospital get for its health service if it had foundation status; and what would be the extra costs of the bureaucracy and corporate governance of a foundation hospital?

Dr. Reid: The right hon. Gentleman misunderstands foundation status. Such hospitals will not get any extra money. What they will get is greater freedom to deploy their money without constantly having to obtain ratification and permission from Ministers and bureaucrats in Whitehall.

Delayed Discharges

7. **Ms Ann Coffey** (Stockport) (Lab): What action he is taking to reduce delayed discharges. [177291]

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): In January 2004, the Community Care (Delayed Discharges etc.) Act 2003 introduced a financial incentive to avoid delayed discharges. That is supported by the delayed discharges grant. The total number of patients delayed in an acute hospital bed on any one day is now about 2,900—a reduction of nearly 60 per cent. since September 2001.

Ms Coffey: The figures from my local hospital, Stepping Hill, indicate that the policy has been a great success in relation to acute wards. Essentially, that is because it has led to much better co-operation between local health and social services. However, delays in discharge are now occurring in intermediate and rehabilitation beds. Will the Minister consider making delays in discharge from non-acute beds subject to the same financial penalties as delays in discharge from acute beds, so that there is effective local co-operation for all discharges?

Dr. Ladyman: The delayed discharges reimbursement system has been such a huge success and has driven down delayed discharges to such a remarkable extent that, to be frank, it would be madness if we were not looking very closely at the suggestion that we extend it, not only to intermediate care facilities, but to mental health facilities. We have started that work and planning, and we shall make announcements to the House as soon as possible.

Mr. Paul Burstow (Sutton and Cheam) (LD): Does the Minister agree that in planning hospital discharges, it is important to ensure that the rules governing eligibility for free NHS continuing care are applied consistently and fairly across the country? Why has it taken the Government so long to begin to get to grips with the fact that 28 different sets of rules are applied in entirely different ways, with the result that people are, in effect, subject to a postcode lottery in relation to eligibility for free continuing care—care that should be available to them on the basis of their need, not of their means?

Dr. Ladyman: The hon. Gentleman might at least have started his question by pointing out that he was entirely wrong about the 2003 Act, which is now saving 1.5 million bed nights a year—equivalent to eight district hospitals—and which he is committed to repealing should the electorate ever be foolish enough to put his party into government. He was wrong from the start and he is wrong now. As for NHS continuing care, now before anyone is discharged from hospital they must go through the single assessment process, which includes consideration for NHS continuing care. For the first time, we will know whether anyone is entitled to such care before they are discharged.

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): The legislation is making a real difference to reducing delayed discharges and improving the discharge process in Sheffield. Does my hon. Friend recall that, during debate on the Bill, the Opposition spokesperson referred to it as a "nasty and flawed measure" and the Liberal Democrat spokesperson said that it "put beds before patients"? Is not the truth that the measure puts patients' needs first and only the Labour Government are prepared to take the action that puts patients first?

Dr. Ladyman: My hon. Friend is absolutely right. Every extra day that an older person in particular spends in an acute setting when they no longer need to be there makes it less likely that they will be able to retain their independence and return home, which is where most of them want to be. Conservative party dogma is that ending up in a care home is the inevitable consequence of old age, but we want to maintain people's independence.

Mr. Simon Burns (West Chelmsford) (Con): If one strips all the spin and gloss from the Minister's words, one can see that the Government are fiddling the figures, basically by categorising more and more beds as intermediate and placing patients in them to meet their political targets. If his policy is working so well, why has the number of people receiving domiciliary care been reduced by 2 per cent. in the past year and by 10 per cent. over the past three years? Surely, more should be done to make sure that patients whose discharge is delayed receive appropriate domiciliary care after hospital, rather than being sidelined in an intermediate ward.

Dr. Ladyman: The hon. Gentleman is another person who was entirely wrong about the Community Care (Delayed Discharges etc.) Act, and has been made to look foolish for preaching doom and gloom. He said that the success of the scheme is entirely due to the roll-out of intermediate care beds, but in the six months since the shadow scheme came into effect we have reduced delayed discharges by another 1,000. How can he tie that purely to intermediate care beds, unless he thinks that we have suddenly magicked up tens of thousands of such beds around the country? The fact of the matter is that he and his party would not match our proposed spending—

Mr. Speaker: Order.

Mr. David Watts (St. Helens, North) (Lab): Does the Minister agree that delays are partly caused by lack of funds in social services departments? Does he also agree that the massive increase in health funding has not been matched by increases in social services funding, and will he look at that problem?

Dr. Ladyman: In fact, since 1997, the average increase in personal social services funding by the Government has been 30 per cent. above the level of inflation. Another 6 per cent. real-terms increase is promised for next year, so we are making money available and making sure that it is being used to provide intensive home care. Contrary to what the hon. Member for West Chelmsford (Mr. Burns) said, there has been a 30 per cent. increase in the number of people receiving intensive care at home—people who would otherwise be forced into care homes.

NHS Racism

8. **Mr. Parmjit Dhanda** (Gloucester) (Lab): If he will make a statement on the findings of Sir John Blofeld's report into racism in the NHS. [177292]

The Secretary of State for Health (Dr. John Reid): Our formal response to the Blofeld report into the death of David Bennett will be published in July this year as an integral part of our action plan to deliver race equality in mental health services. While the detail of our response must therefore wait, I want to make it clear that racism and discrimination will not be tolerated in the national health service. Our commitment to change will be through action, not complacent words. These are real issues for people from black and ethnic minority communities, and they will be addressed.

Mr. Dhanda: I thank my right hon. Friend for his reply. I am sure that he will welcome the remarks made by Sir John Blofeld during his inquiry into the death of David Bennett. One of his findings was that black men are six times more likely to be sectioned under the Mental Health Act 1983 than white men. Will my right hon. Friend join me in congratulating Sir Nigel Crisp, chief executive of the NHS, on his decision to appoint a director in the NHS with responsibility for ensuring equality for staff and patients alike? Does he share my concern about comments by the hon. Member for South Suffolk (Mr. Yeo) that such an appointment would be a waste of money?

Dr. Reid: Yes, I join my hon. Friend in congratulating Sir Nigel Crisp, who is not only permanent secretary to my Department but chief executive of the national health service, on the robust leadership that he has

shown, particularly on this question. This week of all weeks, when we are remembering D-day and the liberation of the European continent from the worst and most poisonous racist regime, we should remember the contribution made to the NHS by people from black, ethnic and coloured backgrounds. I must correct myself, because earlier I said that there were 14,000 extra doctors since we came to power. I apologise for my mistake, as the figure is 19,000, and many of those doctors are from black and ethnic backgrounds. It is very disappointing indeed that the hon. Member for South Suffolk (Mr. Yeo) should attack the appointment of a national director on equality and human rights. On the issue of tackling racism, the Conservative party is at best confused and at worst open to the accusation of complacency.

Anne Picking (East Lothian) (Lab): I welcome my right hon. Friend's comments about tackling racism in the health service. We have not tackled it well enough and it is still prevalent. My particular concern is how staff are treated by patients. By virtue of being ill, patients are almost excused for being racist. That is not acceptable and should not be tolerated.

Dr. Reid: I agree with every word that my hon. Friend said. I know that over many years, before she came into Parliament and afterwards, she has been involved in fighting to make sure that we have public services free of racism, institutional or otherwise. Those on the Opposition Front Bench may have been perturbed by my remarks, but I made them in all sincerity. When we appointed a national director for equality and human rights, the words that were used by the Opposition Front-Bench spokesman were that that appointment was "a misuse of resources". It is no good using fine words about combating racism and being committed to equality, and willing the ends but not being prepared to put in the means. If the Opposition will the ends publicly and say that they are committed to them, but then attack the means of tackling the problem, they will be criticised.

Mr. Tam Dalyell (Linlithgow) (Lab): Does the Secretary of State recognise—I do not doubt that he does—that the Blofeld committee report has wide implications? Will there be a programme of action, and along what lines will action be taken?

Dr. Reid: Yes, indeed. I made it plain that this would not be a matter of words for us. There is a robust programme of action across the national health service led by the chief executive of the NHS and the permanent secretary at the Department of Health under my political leadership. It will include a new national director for equality and human rights. A practical programme of action has been outlined already and will be carried through.

In answer to my hon. Friend's first question, I have met many people who find themselves in extremely difficult circumstances as a result of the loss of a loved one. In the case of the Bennett inquiry, I met the family and the solicitor representing the family, and I found their sincerity, their profundity on the issue and their contribution to what we are trying to achieve to be first rate. I hope we will continue to work with the family, as well as with others.

Cancer Screening

9. **Dr. Vincent Cable** (Twickenham) (LD): If he will make a statement on the cancers for which he proposes to introduce NHS screening programmes. [177293]

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): We are committed to introducing new screening programmes where it is clear that they will save lives. We will introduce a national bowel cancer screening programme which is currently under development, and a prostate cancer screening programme if and when screening and treatment techniques are sufficiently developed.

Dr. Cable: I welcome the expansion of screening programmes, but can the Minister be a little more precise about nationwide screening in respect of bowel cancer, which kills 17,000 people a year? When does she expect to be able to roll out a nationwide screening programme, and when do the Government expect that sufficient staff will be trained in endoscopy to enable such a programme to be fully effective?

Miss Johnson: We have run the first phase of a screening trial based in Nottinghamshire and we are reviewing the results. We are in the second phase of that trial, and as part of it we need to consider aspects such as hard-to-reach groups. We anticipate having some results by 2006–07. In the meantime we are making £9 million available over three years to train more GPs, nurses, surgeons and gastroenterologists to meet the rising demand for endoscopy—that is a key issue—and we have established three national and seven regional centres to train medical staff in endoscopy.

Mrs. Anne Campbell (Cambridge) (Lab): I, too, welcome the expansion of the screening programmes, but does my hon. Friend agree that there is still a problem at the GP level, as GPs have difficulty in deciding whether patients require routine or urgent referrals, particularly in some of the rarer cancers? Will she ensure that better guidance is given to GPs about these matters?

Miss Johnson: I agree with my hon. Friend that that distinction is important. Some 99 per cent. of patients with suspected cancer are urgently referred to specialists and seen within a fortnight, and premature deaths from cancer have fallen by 10 per cent. since 1995–97. I agree with my hon. Friend that we must continue to work with GPs and the royal colleges on improving awareness, particularly of those cancers on which it is more difficult for GPs to decide whether to make an urgent referral.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): The Minister will also be aware of success in screening for aortic aneurisms—a pilot scheme is currently being run in west Sussex, and it saves hundreds of lives. When will she announce her decision whether to expand that pilot scheme nation wide?

Miss Johnson: In due course.

Hip Replacements

10. **Siobhain McDonagh** (Mitcham and Morden) (Lab): What the latest estimate is of the cost of a hip replacement paid for by Merton and Sutton primary care trust in (a) the South West London Elective Orthopaedic centre and (b) the private sector. [177294]

The Minister of State, Department of Health (Mr. John Hutton): The latest national figures indicate that the average cost incurred by the NHS in conducting a primary hip replacement operation is £4,660, and that the average cost outside the NHS is £6,848. South West London Elective Orthopaedic centre forms part of the Epsom and St. Helier University Hospitals NHS Trust, where a primary hip replacement cost £5,865 last year.

Siobhain McDonagh: I thank my right hon. Friend for that answer. He knows that the South West London Elective Orthopaedic centre is the largest orthopaedic centre in Europe, that the Queen opened it only three months ago and that it has the capacity to conduct 3,150 hip and knee replacements this year. Will he do everything he can to ensure that it is used to full capacity to benefit people in south-west London, and in my constituency, Mitcham and Morden, in particular?

Mr. Hutton: I can certainly give my hon. Friend that assurance. The centre currently runs with 65 per cent. occupancy, and that figure is expected to rise to 85 per cent. during the course of this year, which is a sensible way in which to build up capacity. I agree with my hon. Friend that the centre is an important new asset for the NHS, and I was present when Her Majesty the Queen opened it. It is a brilliant investment, and I am sure that it will help further to reduce waiting times for patients in my hon. Friend's constituency. Unlike the proposals from Conservative Front Benchers, the service provided by the centre is available to all NHS patients, none of whom needs to make a top-up payment or an additional payment—

Mr. Speaker: Order. I call Paul Marsden to ask Question 11.

Hon. Members: Where is he?

Hepatitis C

12. **Mr. Peter Luff** (Mid-Worcestershire) (Con): If she will make a statement on her policy on the treatment of hepatitis C. [177296]

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): In recent years, increasingly effective treatments for chronic hepatitis C have become available. In January 2004, the National Institute for Clinical Excellence recommended a combination of pegylated interferon and ribavirin for the treatment of patients with moderate to severe chronic hepatitis C, which successfully clears the infection in around 55 per cent. of patients.

Mr. Luff: My own father died of hepatitis C when I was eight years old—he probably contracted the disease in Palestine during the first world war—so the Minister will understand my personal grudge against the disease, and my concern for the 250,000 people in England alone who have the disease and do not know it. Why are the Government not showing more urgency in dealing with the looming hepatitis C crisis? Why, for example, does the advisory group on hepatitis website state this morning that the agenda and minutes of meetings

"will be available starting with the meeting due to be held on the 8th October 2003"?

More importantly, why is the action plan, the publication of which was promised by the end of 2002, still not available?

Miss Johnson: I understand why the hon. Gentleman is particularly passionate about the subject. I shall correct one figure that he gave: we estimate that about 200,000 people in England, 0.4 per cent. of the population, are infected with hepatitis C—in some cases, the infection clears spontaneously. On current action, we have, as I said, improved the drug treatments. I assure the hon. Gentleman that the Department of Health will publish a hepatitis C action plan, which will highlight the need for prevention and for increased identification and treatment of infected patients.

Mr. Simon Burns (West Chelmsford) (Con): Where? When?

Miss Johnson: I am just coming on to that subject. The plan will be forthcoming over the summer and into the autumn, and it will lead to more diagnoses of hepatitis C, which will allow more people to be considered for treatment.

NHS Estates

13. **Roger Casale** (Wimbledon) (Lab): What plans he has to review the criteria and procedures by which the NHS acquires and disposes of estates. [177297]

The Minister of State, Department of Health (Mr. John Hutton): The latest guidance on the conduct of land acquisitions and disposals is contained in the Department's "Estatecode", a copy of which is in the Library. An updated version of that code was published last year. The guidance is kept under regular review.

Roger Casale: I thank my right hon. Friend for that reply. Does he recognise, however, that the wider public interest concerns—not least the quality of our urban environment—that are often involved in the disposal of NHS estates should be properly taken account of by the executives, who may be legally constrained, who undertake such disposals? Will my right hon. Friend undertake to review the guidance notes?

In the meantime, will the Minister consider examples of best practice such as the St. George's Healthcare NHS Trust in south-west London, which is disposing of the former Atkinson Morley's hospital site and is working with Merton council and local residents on projects such as a competition, to ensure that the best quality design is used? That not only gives us the money that we need to invest in the NHS, but is in people's best interests from the point of view of wider concerns such as the safeguarding of our green spaces.

Mr. Hutton: Yes, I can give my hon. Friend that assurance. I pay tribute to his work in representing his constituents on the development of the Atkinson Morley's site. I understand that the trust is in the process of submitting a revised planning application for the use of that land in order better to reflect some of the concerns expressed by my hon. Friend and his constituents. I am sure that he and they will welcome the fact that because it is metropolitan open land, there are restrictions on the extent to which it can be redeveloped. We always try to identify best practice across the NHS, and some of the work done by trusts in my hon. Friend's constituency certainly counts as that.

Hip Replacements

14. **Martin Linton** (Battersea) (Lab): What the estimated cost is of a hip replacement operation paid for by the NHS in (a) an NHS hospital and (b) the private health sector. [177298]

The Minister of State, Department of Health (Mr. John Hutton): The latest figures indicate that the average cost of a primary hip replacement operation incurred by the NHS was £4,660 and that the cost outside the NHS was £6,848.

Martin Linton: I welcome my right hon. Friend's comments on the Atkinson Morley's site.

Does my right hon. Friend agree that those figures show why our health service is the most cost-effective in the world and why thousands are coming back to the NHS every week?

Mr. Hutton: Certainly, the NHS is a very efficient health care system, as has been confirmed by international evidence and research. The costs of administering our national health service are lower than those of any other country or private sector provider.

Miss Anne McIntosh (Vale of York) (Con): Of the hip replacements carried out in the NHS, how many are conducted by foreign-trained consultants, who are often foreign based and only temporarily based in the UK? Where the NHS is required to take action against such a consultant, how can it do so if they have returned to their home base?

Mr. Hutton: I shall provide figures for the hon. Lady on the specific point that she raises.

It is of course true that many of the surgeons who are employed in the NHS trained overseas. I hope that the hon. Lady is not suggesting that they are providing anything less than effective care for patients. As regards surgeons provided by the new independent sector treatment centres, it remains the case that the NHS is responsible for the care and treatment that is provided in those settings, as are providers, and proper arrangements are in place to ensure that there is insurance cover.

As for the standards of care that surgeons provide, they must all be registered with the General Medical Council on the specialist register, so they have exactly the same competencies and skills as our own UK-trained consultants.

Health Service (Nottingham)

16. **Mr. Graham Allen** (Nottingham, North) (Lab): If he or one of his Ministers will attend the Nottingham health network conference on 12 November to listen to the health concerns of the local community. [177300]

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): The Under-Secretary of State for Health, my hon. Friend the Member for Welwyn Hatfield (Miss Johnson), is considering an invitation to that event.

Mr. Allen: I put on record my thanks for the way in which the Government have bolstered the local health service, especially by providing the highest ever number of nurses and doctors in our two hospitals in the city of Nottingham and by putting additional money into our primary care trust. However, in view of the appalling statistics that the Under-Secretary recently revealed about high levels of infant mortality and poor levels of sexual education, among many other things, will my hon. Friend urge her, or another ministerial colleague, to attend the Nottingham, North health conference to put on record what still needs to be done, despite the Government's excellent record?

Dr. Ladyman: My hon. Friend is right. My hon. Friend the Under-Secretary will seriously consider the possibility of attending the conference. I emphasise that the ministerial team has attended 152 official engagements already this year. We are certainly consulting people in the field and we perceive no issue as more important than health inequalities and the need to ensure the provision of equal standards of care to everybody, everywhere.

Point of Order

12.30 pm

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): On a point of order, Mr. Speaker. I wish to make a sincere and abject personal apology to my hon. Friend the Member for Linlithgow (Mr. Dalyell) for calling him a Jonah yesterday. Of course, I should have said a Jeremiah, as I am sure you realised immediately, Mr. Speaker, as did one or two of my colleagues.

Mr. Speaker: The right hon. Gentleman should brush up on the Old Testament.

Lighter Evenings

12.30 pm

Mr. Nigel Beard (Bexleyheath and Crayford) (Lab): I beg to move,

That leave be given to bring in a Bill to advance time by one hour in England and Wales throughout the year; to provide that the power to make decisions in relation to time zones in Northern Ireland and Scotland be devolved to the Northern Ireland Assembly and the Scottish Parliament; and for connected purposes.

During the winter, time would be Greenwich mean time plus one hour instead of simply Greenwich mean time, as it is now. In the summer, time would be Greenwich mean time plus two hours instead of Greenwich mean time plus one hour. That would increase accessible daylight by approximately an hour in the evenings throughout the year and postpone sunrise by about an hour. The postponement of sunrise in Scotland in winter from approximately 8.45 am to 9.45 am in, for example, Edinburgh, has been the chief objection to similar proposals in the past, even though Scotland would share the benefits that I shall outline shortly. For that reason, the Bill provides for the issue to be decided by the Scottish Parliament.

Irish and United Kingdom clocks are currently synchronised. Unless the Government of the Republic of Ireland adopted the same arrangement, Ireland would be out of step with England and Wales by one hour. The Bill would leave the Northern Ireland Assembly free to choose whether to remain in line with southern Ireland or with England and Wales.

At the moment, United Kingdom clocks are aligned with Portugal but all year round are one hour behind 16 of the 25 member states of the European Union, including France, Germany, Belgium, Denmark, the Netherlands, Spain and Sweden. The proposal would align time in England and Wales with our major continental neighbours all year round. Those countries accounted for £137 billion of Britain's trade in 2003. That is 50 per cent. of Britain's exports of goods and services, affecting 3 million United Kingdom jobs. Under the proposal, the UK working day would coincide with the working day in that huge market, with obvious benefits for UK competitiveness and business efficiency.

Airline, ferry and Eurostar schedules would be simpler. Out of 25 million inbound visitors last year, 14 million came from countries that would be in the same time zone under these proposals.

Tourism is a key British industry, accounting for 4.5 per cent. of gross domestic product and supporting just over 2 million jobs. The British Resorts Association and Visit Britain support the Bill on account of the benefits it would bring to the tourist industry. It would extend the peak summer tourist season for foreigners and encourage more domestic day trips and weekend breaks. More of those short trips are taken in March and April and September and October than in summer. For organisations such as the National Trust and English Heritage, the extra hour of daylight in the evening is advantageous for those attractions that close at dusk. Taken as a whole, it is estimated that the extra hour of accessible daylight could add £3 billion a year to an industry worth £76 billion in 2004.

Sport England supports the Bill because people's leisure time is after work, so lighter evenings could drive up participation in sport. It says:

"This increased opportunity of extra daylight after work, combined with our policy priority to get employers to do more in terms of promoting activity among their workforce, could make a significant contribution towards driving up participation rates and delivering the associated health benefits that would stem from having an active and successful sporting nation."

At the other end of the age range, Age Concern supports the Bill, saying:

"We support British Summer Time extension throughout the winter to provide more daylight so that older people can stay out longer if they want to."

Fear of crime keeps many elderly people indoors after dark, and the British crime survey shows that more than half the criminal offences committed take place during the hours of darkness in the late afternoon or evening. The implication is that more light in the evening could contribute to a reduction in offences.

Early advocates of daylight saving promoted it on the grounds of energy saving. In 1784, Benjamin Franklin, then the American ambassador to France, calculated that Parisian families could save 96 million pre-revolutionary French pounds in candle wax and tallow from a measure such as this one. California has been the most recent focus of energy-saving activity, as a result of its energy crisis. The Energy Saving Trust, a Government and industry-sponsored organisation, has studied the case of California and believes that the Bill, which it supports, would lead to reductions in energy and carbon usage. Energy savings of between 0.5 and 1 per cent. are perhaps not huge, but they could be significant, given the amount of energy used in Britain. Moreover, by shifting peak demand, the need for one power station would probably be avoided.

Today, one of the most powerful arguments for changing the clocks as proposed is the reduction of accidents in winter. For that reason, the Parliamentary Advisory Council for Transport Safety, the Automobile Association and the Royal Society for the Prevention of Accidents support the Bill, and there is plenty of evidence to underpin their position. Between 1968 and 1971, Britain experimented with Greenwich mean time plus one hour throughout the year, which gave the same winter times for sunrise and sunset as the Bill would give. During the first two winters of the experiment, 2,500 fewer people were killed or seriously injured. There was an increase in morning casualties, but the reduction in evening casualties far outweighed it.

In 1998 the Transport Research Laboratory re-examined the results from 1968 to 1971 based on up-to-date conditions and assuming the time changes proposed in the Bill. It concluded that there would be 450 fewer deaths and serious injuries each year as a result of the extra hour of daylight each evening. Extra evening daylight protects vulnerable road users such as children, the elderly, cyclists and motorcyclists because it makes them more visible to motorists.

In the mid 1990s, the Royal Society for the Prevention of Accidents commissioned a Gallup poll to test public opinion on this subject. The provisions of the Bill were approved by 68 per cent., although in Scotland the figure was only 50 per cent. When the respondents were given the casualty reductions that I have just set out, approval in Scotland rose to 69 per cent., and to 77 per cent. in England and Wales. There was a three to one majority in favour of this change.

This Bill could bring demonstrable benefits to trade and industry, energy saving and tourism. It could encourage greater participation in sport and help to reduce the toll of death and injury on our roads. Some evidence suggests that it could also lead to a greater feeling of well-being. That point was put much more eloquently by William Willetts, a pioneer of daylight saving from south-east London—an area renowned for wisdom and sensitivity. In 1907, he said:

"Light is one of the great gifts of the creator. While daylight surrounds us, cheerfulness reigns, anxieties press less heavily and courage is bred for the struggle of life."

I commend the Lighter Evenings Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Nigel Beard, Chris Bryant, Sir John Butterfill, Dr. Vincent Cable, Derek Conway, Dr. Brian Iddon, Mr. Jon Owen Jones, Mr. David Kidney, Norman Lamb, Mr. Seamus Mallon, Syd Rapson and David Taylor.

Lighter Evenings

Mr. Nigel Beard accordingly presented a Bill to advance time by one hour in England and Wales throughout the year; to provide that the power to make decisions in relation to time zones in Northern Ireland and Scotland be devolved to the Northern Ireland Assembly and the Scottish Parliament; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 115].

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

Global Navigation Satellite System

That this House takes note of European Union documents No. 12058/03, draft regulation on the establishment of structures for the management of the European Satellite Radionavigation Programme, and 6470/04, a Commission communication on progress on the Galileo research programme; endorses the Government's support for the draft Regulation to put in place effective supervision of the private sector concessionaire; and supports the Government's wider aims in seeking a lead role in the Galileo programme.—*[Margaret Moran.]*

Question agreed to.

Age-Related Payments Bill (Programme) (No. 2)

12.41 pm

The Minister for Pensions (Malcolm Wicks): I beg to move,

That, in accordance with the resolution of the Standing Committee of 25th May, the Programme Order of 12th May in relation to the Age-Related Payments Bill be varied as follows:

Consideration and Third Reading

1. Paragraphs 4 and 5 of the Order (consideration and Third Reading) shall be omitted.

2. Proceedings on consideration and Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on consideration or, if earlier, at the moment of interruption.

The Age-Related Payments Bill is a short and relatively simple measure. Following scrutiny during two sittings of Standing Committee D, we are now returning to the House for consideration and Third Reading. The Standing Committee agreed the terms of the programme motion without dissent. As my hon. Friend the Member for Bexleyheath and Crayford (Mr. Beard) was just saying, where the light shines, happiness reigns, and I hope that that might continue for the next three hours.

Question put and agreed to.

Orders of the Day

Age-Related Payments Bill

Not amended in the Standing Committee, considered.

Clause 1

"QUALIFYING INDIVIDUAL" AND "RELEVANT WEEK"

12.41 pm

Mr. George Osborne (Tatton) (Con): I beg to move amendment No. 3, in page 1, line 6, leave out paragraph (b) and insert—

'(b) is already 70 years old at the start of the financial year ending 31st March 2005, or attains that age at any time during the said financial year, or was living with such a person who dies during the said financial year.'.

Mr. Speaker: With this it will be convenient to discuss the following amendments: No. 2, in page 1, line 6, leave out 'relevant week' and insert '31st March 2005'.

No. 9, in page 1, line 13 [Clause 2], leave out 'either'.

No. 10, in line 14, leave out from 'individual' to end of line 15.

No. 11, in line 19, leave out paragraph (b) and insert 'and'.

No. 4, in line 19, leave out from 'credit' to end of line 20.

No. 12, in page 2, line 3, leave out from 'individual' to end of line 7.

No. 13, in line 10, leave out from 'individual' to end of line 11.

No. 14, in line 40 [Clause 3], leave out subsection 4.

No. 15, in line 44, leave out subsection 5.

No. 16, in page 3, line 6, leave out subsection 6.

No. 18, in line 12 [Clause 4], leave out paragraph (a).

No. 19, in line 17, leave out paragraph (a).

No. 17, in page 5 [Clause 8], leave out lines 15 and 16.

Mr. Osborne: On the theme of light, I am sure that most of us would rather be outside in the sunlight than in here. We are doing our duty, however, as this is an important measure.

My amendments—I tabled only two of the amendments in the group; the Liberal Democrats tabled the others—seek to revisit an argument that was explored in Committee. It is worth revisiting, however, as it is on the issue of eligibility.

The Bill is all about giving elderly people a £100 payment to help them to pay their council tax bills, although it does not require people to pay council tax to receive the money. We have been round that course a couple of times, however, and the issue is eligibility. The Government included a requirement that only those who are 70—or over, obviously—during the week of 20 to 26 September this year will qualify. I suppose that they did so for reasons of administrative simplicity, and because that is the qualifying period for winter fuel payments.

Our amendments Nos. 3 and 2—principally amendment No. 3—would help all those who reach the age of 70 during this financial year, not just those who were 70 or over during the week of 20 to 26 September. Amendment No. 3 would also help those who were living with someone aged 70 or over where the person had died before the qualifying week arrived. It helps two groups of people who are not being helped because of the rough justice of the Government's proposed system of administration. It will help those who turn 70 after 26 September, who under the Bill will not get any money, but who are paying council tax bills for this financial year, and indeed have probably already done so. It will also help those who are paying in instalments. Furthermore, it will help widows, widowers and partners of people who were 70 and who paid their council tax bills, but who died before the magic qualifying week.

Of course, those people would have been alive to hear the Chancellor promising them that money. I do not suggest that £100 would make up for the loss of a relative, husband, wife or partner, but the situation seems a little unfair.

When the Chancellor made his Budget speech, he produced the proposal with a great flourish—it was the big bit that he was saving for the end of his speech that was announced at the last minute and designed to get a cheer from Labour Members. After listening to him, one would not have imagined that some people who would be aged over 70 during the financial year and had to pay council tax bills would not be eligible—he certainly did not spell that out.

When the Chancellor made the announcement, he had little idea that primary legislation would be required to bring about the £100 payment. The Bill has presumably been pushed upon the Chancellor and the Government because he did not consult the Department for Work and Pensions before he made the announcement. The Department had to go to him after the event to say, "Hold on Chancellor, you're going to need a full piece of primary legislation here", and that is why the details were not spelled out in the Budget speech.

The Conservative amendments address the basic point of what the Bill is about. It is designed to help elderly people to pay their council tax bills. The bills landed on their doorsteps in early April or late March, and they have already paid them or are paying them in instalments. Although the measure is linked to winter fuel payments, there is a big difference between the schemes. People receive winter fuel payments on the basis of the qualifying week between 20 and 26 September because the scheme is linked to the winter, so September is a good time to ascertain which people will be 70 during the forthcoming winter. However, the Bill is linked to council tax bills, which are issued in April. I do not understand why, for simple reasons of administrative efficiency, the Government are excluding people who will be 70 in the forthcoming year and paying high council tax bills. Such people are on fixed incomes and are exactly the kind of elderly pensioners whom the Chancellor mentioned. However, by a fiat of Whitehall, they will not receive the money which they are due. That is unfair and it is not what they would have expected after listening to the Chancellor. The amendments would achieve the simple objective of allowing the Government to live up to their word.

Mr. Steve Webb (Northavon) (LD): When I saw the eight-minute speech limit sign flash up on the Annunciator, I thought that there had been a sudden rush of interest in the Age-Related Payments Bill and that hon. Members were queueing up to have their say. I then realised that the limit related to far more important matters, such as where airports should go. As the hon. Member for Tatton (Mr. Osborne) said, the Bill is important. It will lead to the spending of nearly £500 million of public money, so slightly more than desultory attention should be paid to it—it will probably get that this afternoon.

There are two kinds of amendments in the group. As the hon. Gentleman said, the first kind revisits arguments that we had in Committee. Liberal Democrats advocated similar arguments about which 70-year-olds should be eligible: should they be those who reach 70 by the week in September or should there be a more generous interpretation under the scheme? The Minister is a generous man, so I am sure that he will want to accept the amendments with a generosity of spirit.

If the Bill is supposed to help people who are 70 and have to pay council tax, why would we want to exclude from its provisions people who reached 70 during the year and started to pay council tax in April? One amendment would provide that if people reached the age of 70 by the end of the financial year, a payment could be made to them. Such people might spend half the year at the age of 70, but despite paying council tax for that time, they will not receive a penny from the Government or qualify for anything.

As the hon. Member for Tatton rightly pointed out, one can see the convenience of linking the payment with the winter fuel payments, but there is no winter aspect to it. Since it runs from last April to next March, we think that people who reach 70 at any point during the year ought to qualify.

If the typical council tax is about £900 for a band D property, and knocking off a quarter for the single person's discount makes it about £675, the £100 payment is only a tiny fraction of the council tax bill. If a 70-year-old were 70 for only half the year, he or she would still pay more than £300 in council tax while 70 but would not qualify for £100 from the Government towards that bill; they would qualify for nothing because they became 70 at the wrong point in the year. It is a bit daft to use a cut-off point that has something to do with winter, which is related to an entirely different system for help with fuel costs. It means transposing that system into something to do with council tax, which is not seasonal but requires payments pretty much throughout the year. I sympathise with the amendment that would allow the payment to be made by the end of the financial year, and I recall from Committee that, in the context of the £500 million cost of the Bill, the cost of including those who become 70 in the second half of the year would be relatively marginal and would not upset the overall balance of the scheme.

Since Committee, we have tabled amendments that arose, in the true spirit of parliamentary scrutiny, from the Minister's responses. When we looked at the Bill in

[Mr. Steve Webb]

detail, we discovered some unpalatable aspects to it. One is the fact that the £100 is not universal, as we had thought, but means-tested. The public do not appreciate that whether someone gets £100 depends on whether they are receiving a means-tested benefit. That is not widely understood.

The Minister has been very helpful. I raised some hypothetical cases with him in Committee, and within the last hour my fax machine has whizzed away as he has made sure that, in plenty of time for this debate, I had the details of how the system works. It is worth putting a couple of examples on the record that illustrate quite how beautifully the new scheme will work. The Government think in terms of pensioner households, but there ain't no such thing: there are individual pensioners living in different combinations, each of whom, known in the jargon as a benefit unit, has an entitlement to the age-related payment.

The Minister has given me two examples. One involves three sisters—the Beverly sisters, perhaps, all now over 70, I imagine—who are living together and none of whom is in receipt of pension credit. Each of them would get £50. On the other hand, two brothers—the Righteous brothers, maybe; I do not know how many of them there were—over 70 and living together while in receipt of pension credit would get £100 each. That pensioner household would get £200, but the payment is supposed to be £100. Why do they get £200? It is because they are poor. So poor people get more, but the payment is not means-tested: I do not quite follow that logic.

Another of our amendments would remove another perversity. If one lives in a nursing home, the Government do the opposite to the foregoing. Poor people in nursing homes get nothing, but those in nursing homes who are not on pension credit get £50. Where is the logic in that? When we pressed the Minister, he said that poor people in nursing homes have their council tax paid for them. Lots of people have their council tax paid but can get the £100 if they do not live in a nursing home.

The more we looked at the Bill, the more riddled with inconsistencies we found it. The Minister will correct me if I am wrong, but I am told that the Bill mirrors precisely the arrangements for the winter fuel payment, which means that that is far more means-tested than I had realised. We have tabled a lot of amendments because the Bill is riddled with means-testing. The words "pension credit" appear all over the place, and the question must be why, if the payment is a flat-rate, universal one, the Bill refers to pension credit at all.

In fact, this is a means-tested payment that the Chancellor dressed up as a universal one. Had he said at the end of the Budget that he would introduce a £100 payment, but it would be means-tested and how much anyone would get would depend on whether they were on pension credit, who they lived with and whether they were on pension credit, and whether they were in a nursing home, his reception would not have been quite as rapturous as it was.

The amendments are intended to remove every reference in the Bill to pension credit. The effect would be, we hope—amendments do not always do quite what we intend them to do—to say that the amount people get should be fixed and should not be means-tested. That would not enhance the payments of people on pension credit, but those in nursing homes would not be penalised for being on pension credit, which seems right. There is a long string of amendments, but there is one point to them: why are we making a universal payment, then introducing all sorts of aspects of means-testing to determine how much is paid?

The Minister for Pensions (Malcolm Wicks): Will the hon. Gentleman confirm that while there are special arrangements for pension credit households, he understands that there is no separate means test for the £100? I should hate those listening to think that some income-testing system is being introduced to determine the £100 payment. It is not so.

Mr. Webb: The Minister has given me fresh wind. It may be that there is a household of two people not on pension credit who get £50 each. If one of them then applies for the pension credit, that one gets £100. The means test applied to determine whether he was eligible for pension credit carries across to the £100 payment. I do not want to give a misleading impression, and I am not suggesting that there is separate means-testing when someone claims the age-related payment, although, in general, people will not have to claim it because it should be automatic. I am saying, however, that the amount anyone gets depends on whether they are claiming a means-tested benefit, which is certainly not the impression that the Chancellor gave at the end of his Budget speech.

In the spirit of what the Chancellor said, we would have expected there to be no mention of pension credit in the Bill, and we would especially not have expected any bizarre business about three sisters not on credit getting £50, or £150 for that household, when the payment is supposed to be £100. How can a household get £150? Simply, it is because the payment is not a payment per household. It is just a mess, and it is disappointing that a Department implementing such a simple policy has made such a mess of it. We are trying to help the Department by simplifying the Bill and stripping out all the complexity to do with means-testing by introducing a straight entitlement, which I am sure will find favour with the Government.

Mr. Alan Hurst (Braintree) (Lab): It seems to me that Jeremiah is not only the prophet of Scottish Members, but is widely favoured among the Opposition. I fully understand the points made by the hon. Member for Tatton (Mr. Osborne), but I see certain flaws in his argument. I could understand his logic more if he had suggested that those who were 69 at the beginning of the financial year were eligible. Then, there would be a clear date after which people would qualify.

The hon. Gentleman's amendment would allow payment to be made before the recipient became 70. It may be that, for various reasons, those people would fail to qualify afterwards: death is the most obvious, but people might move out of the jurisdiction or a range of events might subsequently disqualify a recipient. If the amendment referred to someone being 69 at the beginning of the financial year, there would be a greater logical force to his argument.

I had hoped for more joy from the hon. Member for Northavon (Mr. Webb) about what the Government have brought in, which is widely regarded as a most helpful measure. One can always find financial improvements in any measure, and it is always better to simplify measures to make them less complicated than they might otherwise be, but the Bill has the great advantage that claimants do not have to go to great lengths to claim and that the payment is made automatically on the basis of information that the Department already has. In that way, it compares well with certain other benefits that have been paid in the past.

Malcolm Wicks: As has been set out already by the hon. Member for Tatton (Mr. Osborne), this is a relatively simple measure. Its intention is to pay all eligible households containing someone aged 70 or over an extra £100 this year in recognition of the burden of council tax increases on many of those households. It was announced by the Chancellor of the Exchequer in the Budget speech.

1 pm

We reasoned that the best way to deliver that payment would be through the winter fuel payment process, a tried and tested system that is popular and works well. Many of the arguments made today, some of which are perfectly legitimate, relate to that methodology. All such matters are kept under review—I mean that seriously—and some of that methodology perhaps needs further scrutiny, but many of the issues raised relate to that.

The hon. Member for Tatton mentioned fiats of Whitehall, which sounds rather like a local car dealer. He made quite heavy weather out of what is really a simple measure. The hon. Member for Northavon (Mr. Webb) has a great art of making the relatively simple sound vastly complex. That is quite an endearing trait, but to build a whole political career on it could become tiresome. I was reflecting that I am glad that it was not the hon. Gentleman on the radio this morning explaining exactly how and why Venus is passing in front of the sun; otherwise, I should have been even more confused by that than I am.

This group of amendments would revise clauses 1, 2, 3, 4 and 8 to change who is a qualifying individual, the link between the eligibility criteria and the relevant week, entitlement conditions for both basic and special cases, disqualifications and, as a consequence of the changes to clause 2, definitions of terms used in the Bill.

Amendments Nos. 3 and 2 would amend clause 1 by extending the payment to include people who will reach the age of 70 on or before 31 March 2005, at an additional cost of about £20 million. We believe that deferring the data-matching process to allow people to attain age 70 by 31 March would delay the making of automatic payments. Under current arrangements, those will be made in November, at a point at which the money is needed because pensioners are still paying this year's council tax bills. As the data match takes five to six weeks, those amendments would mean that automatic payments could not be made until May 2005—too late to help with this year's bills.

Mr. Webb: One reason why we tabled that amendment in a slightly different way in Committee—using the definition of people's dates of birth—was that that information is known at the start of the financial year. The Department would not have to wait until those people reached 70 before doing the data matching, but could do that at the start of the financial year because it would know who would reach 70 during that year. Obviously, arrangements would be needed for people who died, but we might be concerned about widows and their council tax, too.

Malcolm Wicks: Sadly, that is the difficulty—we cannot quite predict who will still be there later in the year. I should point out that by extending the qualifying date to September, using the winter fuel payment methodology, we have brought an additional 210,000 pensioner households into the payment since it was announced on 17 March. I hope that we will not be accused of a lack of generosity because the September deadline has now allowed that extra group to be included.

Amendment No. 3 would extend qualifying individual status to anyone who lived with someone who was aged 70 or over but had died during the current financial year. That would allow anyone who shared accommodation with such a person to become a qualifying individual, eligible for the payment. If the person aged 70 or over died before the relevant week, they would not have gained entitlement to the payment, but the person who lived with them would do so purely as a result of their death. This is probably a drafting problem, but that would theoretically mean that a 12-year-old grandchild, a 30-year-old rent-paying lodger or a 40-year-old live-in carer could become a qualified individual and receive the payment simply by virtue of living with a person who was aged 70 or over before they died. That might not be the amendment's intention, but it is what it means in technical and legal terms.

Amendments Nos. 9, 10 and 11 would remove the automatic £100 household payment from all qualifying single pension credit recipients and align their entitlement with that of non-pension credit recipients. That would mean depriving some older and poorer pensioners of half their entitlement. Almost 70 per cent. of pension credit recipients are aged 70 or over, and of those 83 per cent. are single pensioners. We have had a brief discussion about whether the special arrangements for pension credit households represent a means-testing element in the Bill, but I was pleased that the hon. Member for Northavon agreed that we are not attempting to introduce a separate income-testing arrangement especially for this measure.

Amendment No. 4 would change conditions in clause 2 that govern how much qualifying individuals will receive. It would have the perverse effect of allowing two payments, totalling £150, to be made to single individuals who do not live with another qualifying individual and who are not in receipt of pension credit. As clause 2 stands, a qualifying individual can fall into either the £100 payment category or a £50 payment category, but not both. If a single eligible person receives pension credit, they will automatically receive £100 irrespective of with whom they live. If they do not live with another qualifying individual, they will receive £100 irrespective of whether they receive pension credit. That leaves only the situation in which a single eligible person is not on pension credit and is living with another eligible person. That person will receive £50.

[Malcolm Wicks]

Amendment No 4, however, would remove the condition of living with another qualifying individual from the £50 payment category, which would leave the default position that a single eligible person not living with another qualifying individual and not receiving pension credit would become eligible for the £50 payment. As those people are already in the £100 payment category, they would be eligible to receive both payments, giving a total of £150. The amendment would mean that that group of people would receive a higher payment than couples, having become eligible, in effect, for more than the full payment. Again, I suspect that that was not the intention of the amendment, but it would be its effect and impact.

Amendments Nos. 12 and 13 would change the payment condition for members of the more than 225,000 couples who receive pension credit. Where both members of a couple qualified for a payment, they would each receive £50, rather than the current provision for a single £100 household payment to be made to the pension credit recipient. That would mean establishing the eligibility of every pension credit recipient's partner, and those who qualified would receive a separate £50 payment while their partner's household entitlement was adjusted from £100 to £50. There would then be two payments, two letters and double postage costs to deliver the same £100 to the same couple in the same household. Again, we are following the logic of the winter fuel payment system in the Bill, which is simpler and more sensible.

Amendments Nos. 14, 15 and 16 would remove from clause 3 the specific entitlement and payment conditions for people aged 70 or over who have been living in care homes for 13 weeks or more. That would mean making a payment to all care home residents, even where their care and accommodation needs were being met through public funds, at an additional cost of some £7 million. As drafted, the Bill provides for care home residents not receiving pension credit to be eligible for a £50 payment because they are sharing their accommodation with others and it is safe to assume that they are contributing at least in part to their care home costs. Care home residents receiving pension credit are not entitled to a payment because it is equally safe to assume that people in receipt of pension credit have their care and accommodation needs met through public funds.

The effect of amendments Nos. 18 and 19 would be to remove disqualification from those who have been receiving free in-patient hospital treatment or care continuously for 52 weeks or more, even though their day-to-day living expenses, including heating and food, are provided by public funds through the health service. That would extend eligibility to some 6,000 people aged 70 or over who have been in hospital for more than a year, at a cost of about £600,000.

I understand the intention behind the amendment, but I hope that Members will accept my explanation that it would not constitute a good use of public resources, and that they recognise that this Government have made great improvements in what is known as the hospital downrating of benefit by enabling people to keep that benefit for a year.

Mr. Webb: The logic of the Minister's argument concerning people who live in care homes is that those who pay towards care home costs get the £50, and those who are on pension credit and who do not pay towards the costs get nothing. As he will confirm, these payments are intended to help with council tax. If he is arguing that such people should not receive these payments because they do not pay council tax, what about the 1 million or more pensioners on pension credit who also do not pay council tax? Why are there different rules for the two groups of people?

Malcolm Wicks: I understand the question and it is a perfectly reasonable one. We discussed this issue in Committee, and while the intention behind the £100 payment for this year arises from concern about the burden of council tax, we nevertheless sought to make the payment in a broad-brush way through the winter fuel payment system. Yes, there will be rough edges, and there may even be an element of rough justice here and there, but this is the simplest way to get the money to those who need it.

At the risk of accusing the hon. Member for Northavon of occasionally being inconsistent, I should point out that adopting a more sophisticated system that ties public moneys to the particular burdens facing particular individuals in particular parts of the country, and which allows for whether or not they are in care homes, would take us down a far more complex road. It would probably involve some form of income testing, and I doubt whether he is in favour of such testing in this era.

I do not intend to elaborate further on the issue of hospital downrating, given that we discussed it at considerable length in Committee and divided on it. Clause 8 contains definitions of terms used in the Bill and amendment No. 17 would remove the definition of state pension credit. As I have said repeatedly, we are aligning the rules and procedures for entitlement to payment with those for winter fuel payments—with which such payments will be made—to keep the process simple. Moving away from this tried and tested process would incur additional administrative costs in excess of £20 million and would lead to a delay in the making of payments, at least for some. In the light of that explanation, I hope that the Opposition will consider withdrawing the amendment.

Mr. George Osborne: This has been quite an interesting debate. I congratulate the hon. Member for Northavon (Mr. Webb) on some of his contributions. I was saddened to see that he did not include on the selection list an amendment that would give everyone who pays council tax a £100 payment. Of course, such a payment was Liberal Democrat policy during the Brent, East by-election, but it was strangely dropped soon afterwards. We are now waiting for the Liberal Democrats' Leicester, South policy.

The Minister rather made my case for me at the end of his speech when he talked about elements of rough justice. He is right, and I made the same point on introducing the amendments: because of the Government's chosen administrative mechanism, some of the people who really should be getting the £100 will lose out. If the £100 payment is linked to people who pay council tax and is designed to help the elderly and those on fixed incomes, those who reach 70 after 26 September but who have paid council tax bills for this year really

should receive the money. I am not a Department for Work and Pensions official who has pored over this issue—*[Interruption.]* The Minister pays me the tribute of saying that I would make a very good DWP official, but unfortunately I did not sit my civil service exams all those years ago.

I do not know whether there is a simple way of identifying such people, and the Minister did not explain whether the Government considered paying those who will reach 70 after 26 September. Nor am I sure what devices were at the DWP's disposal, but as the legislation is currently constructed some people will be caught on its rough edges. I suppose that the Government's chosen delivery mechanism does expose the fiction that this payment is linked to council tax, given that some people who do not pay council tax will in fact receive it. The provision has served that purpose if nothing else, but that said, I do not wish to detain the House further. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7

POWER TO PROVIDE FOR PAYMENTS

1.15 pm

Mr. George Osborne: I beg to move amendment No. 8, in page 4, line 14, leave out clause 7.

Mr. Speaker: With this it will be convenient to discuss the following amendments: No. 7, in page 4, line 15, leave out 'may' and insert 'shall'.

No. 20, in title, line 2, leave out from '70' to end of line 3.

Mr. Osborne: These amendments deal with the extraordinary clause 7, which is extraordinary because it gives the Government wide-ranging powers to provide future one-off payments not just to those aged over 70, in the manner we have just discussed, but to those aged over 60. Absolutely no explanation has been given as to why the Government wanted to take that power upon themselves. Of course, if things had not been messed up at the beginning—had the Chancellor not said that primary legislation is required to introduce the measure announced in the Budget—he would not have needed to introduce such primary legislation to give himself this broad-ranging power. I suppose that the DWP said to the Chancellor, "We're going to have to introduce this primary legislation to implement your Budget announcement. I am sorry that we weren't consulted on this and that we have to bring you this bad news, but while we are taking the Bill through the House, why don't we give ourselves a general power to make special one-off payments to those aged over 60?"

What, one wonders, is so special about the age of 60? Will not the general state retirement age be 65 once the retirement age for women is increased? No explanation has been given as to why the age of 60 has been chosen. What payments do the Government envisage making? Perhaps they are a continuation of the payments in respect of council tax. If so, the Government presumably expect council tax bills to continue to increase at the same very high rate at which they have increased since they took office. Perhaps they want to ensure that next year, they can give a dollop of money to elderly people to pay for their council tax. Perhaps they will introduce the same mechanism of a qualifying week. Perhaps they will restrict the provision to those over 70, or to those over 60. Perhaps a distinction will be drawn between men and women. Perhaps women over 60 and men over 65 will qualify. However, we know none of these details because no explanation has been given as to why this general power is being included in the Bill.

Presumably, the main reason for the power is to prevent the Chancellor's being embarrassed again, so that he can make such Budget announcements without needing to implement them through primary legislation. The Minister is a clever man, and I well understand why he wants to keep in with the Chancellor at the moment. That is sensible politics, but it is not really a good enough reason to introduce such a wide-ranging power. The Minister can presumably confirm that there is no requirement that such payments be linked to council tax, even in debating terms. Such payments could be for anything: summertime payments, springtime payments, or payments for those aged 77 precisely. This is a very wide-ranging power.

I have decided to try to help the Minister by giving him a menu of options. *[Interruption.]* As he again says from a sedentary position, I am behaving like a DWP official.

Here is the range of options. I suspect that the Minister will not accept one of them as he would one of the options suggested by DWP officials, but there we are.

Amendment No. 7 would allow the clause to remain in the Bill, but would change the word "may" to "shall" in subsection (1). In other words, if the Government want to take this power upon themselves, they need to tell us what exactly they envisage. If the Government have some scheme that they are dreaming up, let us hear about it now, so that we can decide whether it is good or bad. If it is good, we can allow it to remain in the Bill. Changing the word "may" to "shall" forces the Government's hand. They cannot then put something in the locker and bring it out on some future convenient occasion. They would have to do it now and reveal their hand.

If the Government do not want that and are not dreaming anything up at the moment, I am afraid that amendment No. 8 would be applicable. It would simply remove the clause from the Bill. I should also point out that amendment No. 20 would amend the Bill's long title. That long title is itself something of a giveaway. It says that the Bill is to

"make provision for payments by the Secretary of State to persons over the age of 70; and to enable provision to be made for payments by the Secretary of State to persons over the age of 60."

The extra bit is the new power that the Government are taking upon themselves. As I said, if the Government cannot accept amendment No. 7, they should accept amendment No. 8 and remove the wide-ranging power from the Bill.

[Mr. Osborne]

It is easy for Governments and bureaucracies to use every opportunity to accumulate power, even if they do not know when they are going to use it. However, it is not right for Parliament, which exists to safeguard the interests of the taxpayer and to protect the liberties of the subject, to hand over these general powers to the Minister, at least without his having some specific scheme in mind.

Mr. Webb: You will see, Mr. Speaker, that I added my name to amendment No. 8 and I believe that we divided in Committee on a similar amendment. We agree absolutely that clause 7 should have no part in the Bill.

I was reflecting on the matter this morning when it occurred to me that the Department for Work and Pensions gets rather blasé about zeros. Most Departments would regard £1 million or £2 million here or there as pretty serious money. They think of it in terms of a school extension, a new ward in a hospital and so on. The odd million here or there certainly adds up to some serious money, but the Department for Work and Pensions does not have that approach. This Bill spends nearly £0.5 billion and by accident we have some primary legislation to put it into effect.

Clause 7 gives the Government the power to spend another £0.5 billion, with no scrutiny or power to amend it whatever. I believe that clause 7 amounts to a constitutional outrage. It will give the Government the power to introduce an unlimited scheme. If they want to, the Government can pay everyone over the age of 60 any amount of money for any reason. Paying £100 to the over-70s costs £0.5 billion, so what would paying winter fuel payments to the over-60s cost? We could be talking about billions of pounds. In the context of the DWP, I suppose that that amounts to a rounding error, but in the context of wider Government priorities, the idea of giving just one Department the power to spend such vast amounts of money on the strength of a 90-minute debate in a Standing Committee on Delegated Legislation seems truly extraordinary.

We—Parliament—would not have the power to amend the proposals. If the Government's scheme were acceptable in principle but contained detailed flaws, we would not even have the right to change it. We would have to accept or reject the whole measure on a take-it-or-leave-it basis, yet potentially the £0.5 billion is at stake. That amount is neither fanciful nor hypothetical; it is what we are spending today. A further £0.5 billion could be spent without our having the chance to change it. That is totally unacceptable. The Bill has hardly been subject to rigorous scrutiny, but we have spent plenty of hours on Second Reading, in Committee and on Report today, looking at the details and debating them. The idea that the principle has been established that it is okay to pay out lump sums whenever the Government feel like it, so that we do not have to go through all this inconvenient scrutiny ever again, seems to me absolutely incredible.

The principal reason why clause 7 should not be in the Bill is that it gives the Government the power to bring in unlimited spending. There is not even a cap in the Bill. It does not say that spending can be made by regulation up to a fairly modest amount, with serious legislation being required for larger amounts. It simply allows the Government to do anything they fancy to anyone over 60 on any basis whatever, with negligible scrutiny. That is the fundamental objection.

We should not give the Government these sweeping powers without some indication of what might motivate them to make these payments. We have had winter fuel payments, but they were never really much to do with winter fuel. The only aspect of winter fuel about the payment was the fact that it was made in the winter—I should say winterish, as I think that the first-year payment was made in the spring. It had nothing to do with winter fuel. People could spend it on whatever they liked—holidays abroad and the rest of it.

Similarly, the council tax payment has nothing really to do with the council tax. It is an arbitrary excuse for the Government to hand over some cash to a particular section of the electorate. Who are we talking about? I exaggerate only slightly when I say that it is the only people who actually vote. We may find that out on Thursday. In other words, the Government sat down, thought that they were in a pickle over the council tax and wondered what they could do about it. They did not have an answer, so they needed a holding position. It is a pretty expensive holding position—£0.5 billion of taxpayers' money—just to get the Government out of a fix. Is that really the basis on which we should be legislating in this place? It is bad enough doing so after a Budget speech through primary legislation, but doing so as clause 7 allows—on the whim of a statutory instrument—is just unbelievable.

It is the Government's track record that causes concern about the powers in the Bill. I recall that the birth of the winter fuel payment was connected with the fact that the Government received an unexpected refund of the EU contribution. The Chancellor of the day—in 1997, if I recall correctly—suddenly found that he had some extra cash that he was not expecting to have. The House may have forgotten that the winter fuel payment was introduced for people who were not on income support—of course, it was means-tested at that point—at the level of £20. Now we are up in the realms of £400, so these things do have a knack of growing spectacularly.

The Government seem to introduce such payments on an almost ad hoc basis. It is worth reminding ourselves that the winter fuel payment was also introduced through a statutory instrument because it was a social fund payment. It used the word "fuel" even though it had nothing to do with fuel, so it could be introduced under social fund legislation, which provides for payments for fuel costs. That is why no primary legislation was required. I recall wondering for many minutes why I had never sat on a Committee considering a winter fuel payments Bill. The answer is that the Government did not require primary legislation; they already had the power to hand over what amounted to billions of pounds in respect of winter fuel payments.

The Government have a track record and they have form. They find a pot of money, wonder what to spend it on, and invent a scheme. They have done the same thing with the council tax in the Age-Related Payments Bill. The Government get into a mess, wonder what to do and come up with a scheme.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I am listening to the hon. Gentleman's argument—and, indeed, that of the hon. Member for Tatton (Mr. Osborne)—very carefully. Is he telling me that when these measures were debated, his party opposed them on the grounds that Her Majesty's Government were simply handing out money to people who, as he said, could spend it on holidays? I did not notice that argument being made by either party at the time.

Mr. Webb: The reason why the hon. Lady did not notice it was that there was no debate. If she had been listening to what I said a few moments ago, she would know that there was no debate over the winter fuel payment. There was no winter fuel payment Bill because the Government introduced the measure, if I recall correctly, on the basis of negative resolution procedure in a Standing Committee on Delegated Legislation. We never actually debated these matters. That is precisely the point that I am making. Clause 7 gives the Government the power, any time that they come up with a wheeze, to make payments on any basis that they like. They can call them winter fuel payments, although there is no link to winter fuel, or call them council tax payments, although there is no link to the council tax. The clause gives the Government a blanket power to make payments whenever they feel like it.

I know that the hon. Lady is a doughty campaigner for parliamentary scrutiny. She ought to feel as uncomfortable as I do about giving the Government the power to bring in a scheme costing £500 million or more with just 90 minutes of scrutiny, especially when the provision is totally unamendable.

1.30 pm

The key point is that this power is huge and sweeping. Parliament will not be able to have any serious scrutiny of what the Government might come up with. The Government have a track record of introducing such ideas whenever they are in a pickle or have a windfall. It is totally unacceptable that that should be the basis of support for old people.

What do older people have to look forward to under this Government? The answer is wheezes, schemes and gizmos—when there is a bit of money to hand. They should be able to look forward to getting decent, secure incomes every year. Those incomes should not be available only when the Government have a bit of money or are in a mess over the local-tax system. The Government should give up on clause 7.

The Minister should accept amendment No. 8. We need a proper support system for older people, planned ahead of time so that they know what is coming. In contrast, this Bill will literally be here today and gone tomorrow, as it offers one payment to be made because a problem exists and there is a bit of money to solve it with.

We often discuss what the Minister thinks about as he lies on his bed at night—*[Interruption.]*

Malcolm Wicks: I can assure the hon. Gentleman that it is not him.

Mr. Webb: I hope that the Minister will spare me a thought, and that he will ponder whether the best way to support pensioners is for the Government to have the power to produce new schemes and handouts whenever they are in a pickle or come up with a bright idea. Would it not be better for older people to have a decent, secure and long-term income, instead of yet another scheme?

Mr. Hurst: Again, I shall keep my remarks brief. I am astounded at some of what the hon. Member for Northavon (Mr. Webb) has said. He described the amendment as though it were of such seismic constitutional importance that we could expect the Opposition Benches to be filled with the serried ranks of Liberal Democrat and Conservative Members.

Mr. Webb: They will be here.

Mr. Hurst: The Bill is a very positive development. It will not take anything away from people: it will not narrow down our citizens' liberties, or penalise them financially. However, it will allow the Government to move quickly to help those people in our community who are often in the greatest need. The provision will mean that people will not have to wait a long time for help that may not, in the end, be made available.

It may be right to say that there is a lot that we could do on a more permanent basis to revise the pensions structure. I have never been ashamed to admit that I believe in restoring the earnings link, and I am sure that that will happen.

Mrs. Dunwoody: Hear, hear.

Mr. Hurst: However, when an urgent need arises the Government must also be able to do something about it fairly quickly. I therefore have the greatest pleasure in supporting the Bill. It is full of positive help for a large section of our community, and it has been disappointing to hear the rather mean-spirited criticism of this beneficial measure.

Mr. Webb: Will the hon. Gentleman clarify what the urgent need was this summer?

Mr. Hurst: I have knocked around in politics for the best part of 40-odd years. Usually, opponents of the Government say that the system governing payment of rates—or council tax, or poll tax—is dreadful. The hon. Gentleman and his party have always complained that council tax is especially unfair to people on fixed incomes. The Government have produced a scheme that will assist those people very quickly, and they have not chosen to push off into the wide blue—or yellow—yonder with debates about alternative schemes.

I therefore thoroughly welcome the Bill. I certainly do not propose to support the amendment.

Malcolm Wicks: This simple and rather innocent little Bill has provoked suggestions of all sorts of conspiracies, and other things. At one stage today, I thought that there would be an outbreak of party politics. The hon. Member for Northavon (Mr. Webb) spoke about the Government being blasé with zeros,

[Malcolm Wicks]

and I thought that he would attack the jests made by the hon. Member for Tatton (Mr. Osborne) about the Brent by-election and what I assume was a Liberal Democrat promise of £100. However, I do not want to go into the matter of the Brent bouncing cheque as the people of this great country are sitting at home and quietly contemplating how to cast their votes on Thursday. We should not raise discussion of this subject to fever pitch in that way.

The hon. Member for Northavon inquired—somewhat cheekily, I thought—about what I think of at night. I shall not discuss that, as I just try to get to sleep. However, sitting in my garden, I do occasionally think about the great contributions made by Liberals in the past. I have to keep reminding the hon. Gentleman that Lloyd George was the one who introduced the old-age pension, and the work of the great William Beveridge must also be borne in mind. The Liberal contribution to social reform since the 1940s has been rather disappointing, but the party's track record can always be improved.

Amendments Nos. 8 and 7 seek, respectively, to remove clause 7 altogether on the one hand, and on the other hand to mandate the Secretary of State to invoke the powers provided in the clause. The amendments would remove from the long title of the Bill the reference to the enabling provision for payments to be made by the Secretary of State to people aged over 60. We discussed clause 7 at length in Committee, but it may be helpful to the House if I reiterate its purpose.

Clause 7 provides a regulation-making power so that, if circumstances warrant it, future payments may be made to people aged 60 or over that may be related to age or other circumstances. The power will enable the Department to legislate swiftly, should a need arise.

We have always made it clear that this payment of £100 is for this year only, and to meet a specific need—the impact of recent council tax increases on the fixed incomes of older pensioners. During the Bill's passage, we have debated at great length the principle of making one-off payments to pensioners to meet specific needs in that way. It would be expensive and time consuming to have to introduce primary legislation, and therefore have the debate again, every time such a payment were warranted.

Any regulations made using this power will be subject to the affirmative resolution procedure and, as such, will be debated by both Houses. They will also come within the remit of the Social Security Advisory Committee.

I hope that the House will accept that the purpose of the clause is to avoid the situation that we are in, and that we will use the power only if it is prudent to do so.

Mr. Webb: Will the Minister confirm that he just said that it would be time consuming to scrutinise properly a future Government decision to spend £500 million or more?

Malcolm Wicks: I am saying that we need a mechanism that will allow us to introduce payments as speedily as is consistent with proper scrutiny. Indeed, some Opposition Members attacked the Government on Second Reading for using primary legislation for this purpose, and wondered why this approach was necessary.

Amendment No. 7 would oblige the Secretary of State to make future payments to those aged 60 or over. In Committee, the hon. Member for Eastbourne (Mr. Waterson) stated that the purpose of the same amendment was to probe the matter. Given our discussions on Second Reading, in Committee and again today, it has been very thoroughly probed.

On Second Reading and in Committee, the hon. Gentleman asked to see draft regulations, but I repeat what I told him on those occasions—that there are no draft regulations, and no current plans to invoke this power. At this point, we cannot predict the future use of the regulation-making power, but we can say with certainty that, by providing for future payments to be made through secondary legislation, we are keeping costs and the use of parliamentary time to a minimum. I should have expected that to be welcomed by hon. Members, given the criticism from some quarters on Second Reading.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Does the Minister accept that parliamentary time spent scrutinising legislation is well spent if it helps us to avoid the pitfalls that might be encountered when a provision goes through unamended and unscrutinised?

Malcolm Wicks: Of course, and that is why this Bill is being scrutinised properly—although there is not as much demand for proper scrutiny as one might expect. If they are invoked, the powers contained in the regulations will be scrutinised in Committee in the usual way for secondary legislation, and the Social Security Advisory Committee will also scrutinise them. However, I thank the hon. Gentleman for dropping in on our debates on this important matter.

Sir Robert Smith: If the Minister had been a little more observant, he would have noticed that I was present for quite a lot of the debate on this group of amendments and the previous group. When I have left the Chamber, it has been to have discussions through the usual channels to facilitate the progress of this debate.

Malcolm Wicks: I certainly noticed that the hon. Gentleman was here for parts of the debate, but he was not here for all of it, so I do not think that I need to apologise. He has already made a far more substantial contribution than one member of our Committee, whose major contribution was to ask for the blinds in the Committee Room to be raised and who then had to leave on other urgent business. That is one way to shed light on the debate.

I ask the hon. Member for Tatton to withdraw the amendment.

Mr. George Osborne: We have had an enjoyable debate. I welcomed the support from the hon. Member for Braintree (Mr. Hurst) for Conservative policy on the linking of the state pension to earnings. Support was also expressed from a sedentary position by the hon.

Member for Crewe and Nantwich (Mrs. Dunwoody). It would be great if we could lock the doors now and have a vote on the issue, because we would win.

The Minister gave no explanation for the Government's actions beyond the fact that they want to have a mechanism for the future. He said that he did not want to waste Parliament's time by introducing primary legislation again. However, the clause would give the Government very wide powers to introduce almost any kind of benefit targeted at people over the age of 60. Clause 7 (2) states:

"Regulations . . . may provide for payments to be made . . . to persons in a specified class (which may be defined by reference to age or otherwise) . . . in specified circumstances."

One can almost envisage the Government introducing a major new benefit under that power. It is not even limited to repeating the payment that will be made under the Bill. If the Government had made clause 7 say that they might make the same payment to the same group of people in subsequent years, they would have had a better argument. By putting the age of 60 into the clause, they have revealed that they have other future payments in mind.

The comments by the hon. Member for Northavon (Mr. Webb) on parliamentary scrutiny were spot on. We cannot allow such wide powers to stay on the face of the Bill and therefore we seek to press the amendment to a Division.

Question put, That the amendment be made:—

The House divided: Ayes 109, Noes 253.

Division No. 196] **[1:42 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bacon, Richard
Baldry, Tony
Barrett, John
Beith, rh A. J.
Bellingham, Henry
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brake, Tom *(Carshalton)*
Breed, Colin
Browning, Mrs Angela
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Cable, Dr. Vincent
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clappison, James
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Fabricant, Michael
Fallon, Michael
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Gale, Roger *(N Thanet)*
Garnier, Edward
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Greenway, John
Hague, rh William
Heath, David
Heathcoat-Amory, rh David
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Jack, rh Michael
Key, Robert *(Salisbury)*
Knight, rh Greg *(E Yorkshire)*
Lamb, Norman
Lansley, Andrew
Laws, David *(Yeovil)*
Lewis, Dr. Julian *(New Forest E)*
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Maclean, rh David
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
Maude, rh Francis
Mawhinney, rh Sir Brian
May, Mrs Theresa
Moore, Michael
Morrison, Dr. Andrew
Osten, Mark *(Winchester)*
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion
Russell, Bob *(Colchester)*
Sanders, Adrian
Shephard, rh Mrs Gillian
Shepherd, Richard
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'rns & Kincardine)*
Syms, Robert
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Trimble, rh David
Tyler, Paul *(N Cornwall)*
Webb, Steve *(Northavon)*
Weir, Michael
Wiggin, Bill
Williams, Roger *(Brecon)*
Wilshire, David
Younger-Ross, Richard

Tellers for the Ayes:
Mr. David Ruffley and
Mr. Geoffrey Clifton-Brown

NOES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Atkins, Charlotte
Austin, John
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brown, rh Nicholas *(Newcastle E Wallsend)*
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Byers, rh Stephen
Cairns, David
Campbell, Mrs Anne *(C'bridge)*
Caplin, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coffey, Ms Ann
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dismore, Andrew
Donohoe, Brian H.
Doran, Frank
Drew, David *(Stroud)*
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gibson, Dr. Ian
Gilroy, Linda
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*

Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Hinchliffe, David
Hood, Jimmy *(Clydesdale)*
Hoon, rh Geoffrey
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Ingram, rh Adam
Iranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kemp, Fraser
Khabra, Piara S.
Kidney, David
King, Andy *(Rugby)*
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Laszowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Love, Andrew
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonnell, John
MacDougall, John
McFall, John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Malliaber, Judy
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Merron, Gillian
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Jim *(Eastwood)*
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Osborne, Sandra *(Ayr)*
Owen, Albert
Perham, Linda
Picking, Anne
Pickthall, Colin
Plaskitt, James
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Squire, Rachel
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dan *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Todd, Mark *(S Derbyshire)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Twigg, Derek *(Halton)*
Tynan, Bill *(Hamilton S)*
Vis, Dr. Rudi
Walley, Ms Joan
Wareing, Robert N.
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*

Tellers for the Noes:
Mr. Nick Ainger and Ms Bridget Prentice

Question accordingly negatived.
Order for Third Reading read.

1.56 pm

Malcolm Wicks: I beg to move, That the Bill be now read the Third time.

This is a simple Bill, as we have discussed, although it has created some controversy. It will make real the promise given in the Budget to pay all eligible households with someone aged over 70 an extra £100 this year, in recognition of the impact of recent council tax increases on the fixed incomes of older people. The payment will be made through the winter fuel payment process. The Bill also provides the power to make regulations under the affirmative procedure to enable other targeted payments to people aged over 60 to be made in the future if circumstances warrant such payments.

The Bill has attracted broad support from all parts of the House and a number of hon. Members have made valuable contributions to its scrutiny. The hon. Member for Eastbourne (Mr. Waterson) tabled a series of probing amendments that allowed us to explore, at some length, the detail of how the payment will be made. That has left us all much wiser, particularly in relation to polygamous marriages, among other things—a subject that provoked some interest in Committee. I also thank the hon. Member for Tatton (Mr. Osborne) for his scrutiny.

The hon. Member for Northavon (Mr. Webb) has argued eloquently throughout our deliberations that the payment should be both universal and uniform. We, in turn, have explained why it will not and, further, why it cannot be.My hon. Friends the Members for Aberdeen, South (Miss Begg), for Luton, South (Margaret Moran) and for Watford (Claire Ward) all made timely and constructive contributions to the debates in Committee.On Report, we had a useful run-through of some of the issues. Indeed, my hon. Friend the Member for Braintree (Mr. Hurst) made significant contributions.

Although I am happy to reply to any new point that might arise during the debate on Third Reading, I now simply commend the Bill to the House, as it paves the way for us to give financial support to our oldest and some of our most vulnerable pensioners.

1.58 pm

Mr. George Osborne: I will not detain the House for long. Many hon. Members wish to speak on airports and air transport, and I must be back in Committee at 2.30 pm to hear the Minister who is dealing with the Finance Bill answer the point that I made just before the break.

As we have made clear from the beginning, we support the Bill. It is difficult not to support helping elderly people to cope with the very high council tax

increases imposed on them by the Government. However, it is a strange Bill because the Government never intended to introduce it in the first place, but also because although it is intended to help people to pay council tax bills, the payment will go to people who do not pay council tax. It is also strange because it will do nothing to address the problem that the Government claim they seek to address: soaring council tax bills. It is worth reminding people, before Thursday, that those bills have gone up by 69 per cent. since 1997, or the equivalent to 3p on the basic rate of income tax.

The Bill does nothing to address the fundamental problems with the council tax—that work will have to wait. With my good friend and neighbour, my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton), I met the Minister for Local and Regional Government yesterday to discuss the 8.4 per cent. increase in Macclesfield borough council's council tax. It is clear that a range of centrally imposed burdens has caused council tax to increase, but the Bill does nothing to deal with that.

Mr. Webb: I commend the hon. Gentleman for using his lunchtime break from Committee to participate in the debate in the Chamber. As a thoughtful man, has he reflected on why the Government need the Bill? Why did they not simply change the rate of the winter fuel payment at the age of 70?

Mr. Osborne: To be honest, I have had little time for reflection today and I had not considered that. Perhaps the hon. Gentleman will elaborate—as long as he does not take 30 minutes to do so.

The measure is necessary because, as the Chancellor admitted in his Budget statement, pensioners on fixed incomes and the many who are on incomes that are linked to prices have a problem paying council tax bills that increase much faster than prices. The Bill does little or nothing to address that problem. That said, however, we shall not oppose it. A lasting solution to some of the problems will probably have to await a Conservative Government.

2.1 pm

Mr. Webb: This is the Bill that happened by accident. The Chancellor came up with a proposal not realising that he needed a Bill to implement it, as we have just heard. The Bill is wholly unamended from Second Reading, so, in the interests of consistency, I shall not encourage my colleagues to vote differently from the way in which they voted then.

The Bill raises a fundamental question. Let us suppose that the Government are right and that we need to deliver £100 to everyone over 70. In that case, why did they not use the existing winter fuel payments mechanism and simply change the rate at the age of 70? I shall be happy to give way to the Minister if he wishes to explain why the Bill is needed, when all it does is replicate the winter fuel payments delivery mechanism. The Government could have increased the winter fuel payment at 70, and the Chancellor could have said that people could spend the money on their council tax if they wanted to. Why did the Government not do that? Presumably, they did not do that because it would have blown the gaff—it would have been an admission that winter fuel payments are nothing to do with winter fuel, just as the age-related payments in the Bill are nothing to do with council tax. Even if we allow that what the Government want to do is correct, why is the Bill needed?

Obviously, without the Bill we would not have been able to scrutinise the measure as we have, but the Government's approach shows a degree of inconsistency. Our greatest concern about the measure is less the money that is paid than the money that might be paid with negligible scrutiny. The Division that we have just had focused on that specific issue. We do not want the Bill to set a precedent. We do not want Bills such as this one to appear in future—Bills that not only enable the Government to do what they want in a panic, but give them sweeping powers to do similar things in future with even less scrutiny. I hope that the Government hear the message loud and clear: although they won the Division, neither this House nor the other place will tolerate Governments giving themselves such sweeping powers in future. I hope that Ministers in other Departments, who no doubt hang on every word of our debates, also take that message to heart.

The most interesting point to emerge from our discussions was made by the hon. Member for Braintree (Mr. Hurst) in his valuable contribution this afternoon. He said that Governments need powers to do things in a hurry—I think that that is a fair reflection of what he said. There is a saying: "Legislate in haste, repent at leisure". Our concern is that Governments acting in a hurry because they have got themselves into a mess set a dangerous precedent. To be fair, the hon. Gentleman suggested how that problem might be dealt with, but when the living standards of many of our most elderly and vulnerable citizens have been allowed to be severely damaged by an unfair local tax system and a local tax rebate system that does not work, and the Government's reaction is to invent a new scheme to tackle the problem because "something must be done", that is a dreadful approach to legislating.

The roots of the problem are two things that do not work. We have a local tax system that is unfair because it is not properly related to ability to pay, and a local tax rebate system that fails woefully to reach the people whom it needs to reach. If both those problems were resolved, the Bill would not be needed. If local tax reflected ability to pay, the Bill would be unnecessary because people over 70 would not be subject to an unfair burden. Failing that, if the rebate system worked as it should, the Bill would be unnecessary because poor people over 70 would not be paying. The Bill is needed because there are people aged over 70 who are poor and who are not getting the rebates to which they are probably entitled, but rather than make that system work, the Government invent another system that will, no doubt, cost millions of pounds to administer.

The Bill is an admission of failure—an admission that we have an unfair local tax system and that the rebate system designed to deal with that does not work. It introduces yet another scheme, one that will last one year. That raises another question: why is the measure to last for only one year? What are we waiting for? Surely, the local tax system will still be unfair and the rebates will still not reach the people who are supposed to get them the year after, so what is coming down the track? We hope that it is a fair local tax system, but we have seen no indication that that is what we will get.

[Mr. Webb]

This is a real sticking-plaster Bill. It is a response to two separate failures of Government—the failure to introduce a fair local tax system and the failure to introduce a fair rebate system. What makes the position worse is that there is a third failure of Government: their failure to support pensioners properly. If pensioners had a decent income in the first place, they would be able to afford to pay council tax. It is because so many pensioners over 70 do not have an adequate income—in seven years in office, the Government have failed to deliver one—that the Bill is needed. The Bill could almost be called the triple admission of failure Bill—failure to deliver a fair local tax system, failure to deliver an effective rebate system and, crucially, failure to ensure that our oldest and most vulnerable citizens have a decent income.

This is a sad day. Obviously, we will nod the Bill through because none of us will deny our elderly and vulnerable citizens £100, but would it not have been a better world if the Bill had not been necessary and the Government had not failed time and again on key policies?

2.7 pm

Malcolm Wicks: I do not intend to detain the House for long. The debate is not about pensions policy as a whole, or about local government finance, although I note the interest of the hon. Member for Tatton (Mr. Osborne) in that subject. I understand that he was a special advisor at No. 10 when the poll tax started to unravel—

Mr. George Osborne: The Minister is not going to tar me with that brush. I did work in No. 10, but long after the poll tax had disappeared.

Malcolm Wicks: I apologise if I got that wrong, but I note—as will the *Hansard* reporters—the use of the phrase "tar me with that brush". The poll tax is indeed not something of which to be proud. If that is the first apology that we have heard for the poll tax, I welcome it.

The hon. Member for Northavon (Mr. Webb) asked why we did not simply use the winter fuel payments mechanism—in fact, he was urging us to use secondary legislation. To have to be consistent is a terrible thing, but being a Liberal Democrat means never having to be consistent. It must be wonderful, but those of us in serious politics have to point out such inconsistencies.

Mr. Webb: So why did the Minister not do it then?

Malcolm Wicks: There is a good answer to that question. The winter fuel payments system draws on the social fund that relates to cold weather payments, and it is a tribute to the Government that winter fuel payments are now at such a level that they meet a large proportion of people's winter fuel bills. Legally, therefore, that system would not have been an appropriate way to deliver the £100. In any case, this £100 is related not to winter fuel, but to council tax. That is the answer to the hon. Gentleman's question.

The hon. Member for Northavon was not terribly generous about the fact that we are helping our elders and betters, and talked about the Government having a formidable track record. I plead guilty—we do have a track record, as we have reintroduced free sight tests for elderly people, which were abandoned by another Government in a mean-minded moment. We have a formidable track record of 3 million individuals now receiving pension credit; free television licences for the over-75s; and winter-fuel payments of £200, or £300 for households where someone is over 80. I therefore plead guilty to having a track record of which we are proud and which supports some of the most vulnerable people in the community. We will add to it with £100 for households where someone is 70 or over if Members support the Bill, which I commend to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Air Transport

[Relevant documents: The Sixth Report from the Transport Committee, Session 2002–03, on Aviation (HC 454) and the Government's response thereto (Cm 6047). The Third Report from the Environmental Audit Committee, Session 2003–04, on Pre-Budget Report 2003: Aviation Follow-up (HC 233) and the Seventh Report from the Environmental Audit Committee, Session 2003–04, on Aviation: Sustainability and the Government Response (HC 623).]

Motion made, and Question proposed, That this House do now adjourn.—*[Derek Twigg.]*

2.11 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): The White Paper entitled "The Future of Air Transport", which was published on 16 December, is recognised by many people as breaking new ground. In the history of policy papers on aviation, it is the first to make a comprehensive and integrated attempt to put in place a strategic framework with a 30-year horizon. Other White Papers, whatever the nature of the Government who produced them, were largely concerned with catching up with prevailing conditions. They did not look to the future or the 30-year vista established in the present White Paper, which shows that the Government are prepared to take difficult decisions and see that they are followed through. It shows the Government's commitment to modernising Britain's communications infrastructure to allow us to compete properly in the global economy. It recognises the importance of aviation in our economy and shows that we understand fully the critical balance between aviation and the environment. As I said, it provides the first strategic vision for our airports in nearly 30 years, and includes a programme of action to ensure that key policy objectives are met. As the Secretary of State for Transport said when the consultation was introduced, whatever policy prevails, doing nothing is not an option when it comes to making things happen.

People who would make sloppy, rather than intellectually rigorous, criticisms of the White Paper might dismiss it for taking a predict-and-provide approach. That, however, is an easy canard, as early drafts of the White Paper gave three graded demand curves on future aviation ranging from 400 to 600 million passenger movements. Total capacity will be nowhere near the higher end of that demand structure. Unless people have degrees in futurology or far-sightedness, they should not dismiss the White Paper for taking a predict-and-provide approach. That is not helpful, and we need a mature debate about the future of our air transport industry and aviation in general.

We have already had the opportunity to debate specific recommendations in the White Paper, including those on Scotland and the midlands. On an estimates day we had a useful but limited debate on the document itself, and I am pleased that we have a chance to debate it again today. I should like to paint a picture showing where we are six months after its publication and update the House on the way in which the Government and others are developing some of its recommendations in advance of the progress report that we intend to publish in 2006.

I am delighted that there is a great deal of interest in our debate. Even with the extended time now available, there is still a limit on Back Benchers' speeches. It is important that the Government hear people's views six months after the publication of the White Paper, when they have had time to reflect and resist any early knee-jerk reactions.

Our priority is to focus on realising the objectives set out in the White Paper; to ensure that the best use is made of existing airport capacity and that regional airports, where appropriate, continue to grow; and to follow up the commitment to increase capacity in the south-east of England. We have not been idle in the six months following 16 December, and work is already in hand. I shall set out what has been achieved so far and, more importantly, what we expect to happen next. I have been encouraged by the airport operators' positive response to the White Paper and their quick reactions in taking the policy forward. I hope that that will continue. I fully accept that communities close to all airports, not simply those earmarked for expansion, should have clear information about their development in the next 10, 15 or 30 years. We have asked every airport to produce a master plan by the end of the year, and we will consult on their form and timetable. Airports that will undergo lesser expansion, as well as those seeking to achieve significant increases in capacity, should explain how they might expand and, within their region, grow in spatial and economic capacity.

Mr. David Wilshire (Spelthorne) (Con): The hon. Gentleman said that he had asked every airport to produce a report. Does he agree that we can prevent misunderstandings and knee-jerk reactions by keeping local communities close to airports up to date with what is happening at all times? My experience is that that helps to get the truth across. If he is already doing so, is he prepared to give a step-by-step explanation of progress?

Mr. McNulty: On balance, I agree, with the exception of the phrase "at all times." It may not be appropriate to tell communities that certain meetings or processes are unfolding if there is not a tangible end product. With that minor quibble, I agree with the hon. Gentleman, and shall look at specific issues affecting Heathrow and Stansted, as well as larger projects discussed in the White Paper. Broadly, communities should have information about how their local airport is going to develop. There has been much discussion about development, not simply in London and the south-east but in other areas where people are troubled by the lack of information about the future of their airports. We are trying to facilitate the provision of such information—that is the essence of master planning, whether of larger airports in London and the south-east or of smaller regional airports. It is in the interests of operators and others to ensure that, even if they cannot take their communities with them as they develop, people are kept informed.

Mr. Alan Duncan (Rutland and Melton) (Con): Apart from the big three airports, there is no statutory planning process for approving airport expansion or, indeed, verifying the plans. Given what the Minister has just said, will he consider instigating a procedure whereby he adds his imprimatur to an airport's plans

[Mr. Alan Duncan]

and verifies them, so that there is recourse and redress if there is a complete collapse of trust, as there is with Nottingham East Midlands airport, and people do not believe what the airport says?

Mr. McNulty: I suspect that however eloquently put, the hon. Gentleman's question is slightly mischievous. He knows as much as I do about the legislative framework for planning, and he knows that his suggestion could not be implemented without a radical—even more radical than we have already carried out—change to planning legislation.

We are seeking master plans for every airport, including Nottingham East Midlands. Those master plans, as I understand it, will not have the status of development documents with the consequent implications for planning legislation, but they will be material planning matters that need due consideration under the planning legislation. I hope that in all cases there would be a good deal of consultation between the airports and their local communities about at least some elements of the master planning process, or at least some education about why the master plan goes in one direction rather than another.

In the end, those are commercial documents and part of the commercial growth and general plans of an airport. Clearly, as the hon. Gentleman says, knowledge will be important. The local community's trust and co-operation will not be forthcoming if the plan is perceived as distilled and imposed from on high, rather than being subject to consultation, but as to whether we will change the law so that my legalistic imprimatur is on the plan and everything comes back to me if it all goes pear-shaped, I suspect that the answer is no. However, I will check whether that is correct.

Mr. Mark Prisk (Hertford and Stortford) (Con): Given the previous question, can the Minister tell the House in what way the plans will be accountable to the local community? They are business plans—commercial proposals—yet they are to be introduced into the quasi-legal process that is planning. How will BAA's proposals for Stansted, for example, be accountable to my constituents and those of the hon. Member for Braintree (Mr. Hurst)?

Mr. McNulty: As the hon. Gentleman knows, ultimately the proposals will be accountable—if that is the right word for a business document—through the planning process and the democratic input into it. The hon. Gentleman evidently does not have the confidence in Uttlesford district council that others have. That is the most appropriate place for development applications and processes to unfold. Those are essentially commercial documents. We are insisting on them because it is important that each and every airport ensures that its local community knows how the airport will develop.

In some cases—including Stansted, one would hope—planning applications will follow rapidly from the issue of master plans, because of the time frames laid out in the White Paper to which BAA is committed. In other cases the process will unfold over the long term. The hon. Gentleman knows that local and regional airports, especially those outside London and the south-east, will be at assorted stages of progress and development as entities, from Finningley, if I may use that shorthand description of the newest one in South Yorkshire, all the way through to Manchester, so their master plans and how they evolve will be markedly different.

Mr. Alan Duncan *rose—*

Mr. McNulty: I shall take one last question, but then I must make progress.

Mr. Duncan: To assist the Minister in developing the argument, I think he is speaking about the planning proposals that attach to an airport as its footprint expands on the ground. My point was about the volume of flight in the air. That is where there is a big planning deficiency.

Mr. McNulty: I apologise if I misled the hon. Gentleman. I mean all that. I do not mean simply precursors to planning applications. As will be clear from the consultation, when we speak of master plans we mean the growth and development of the airport in terms of noise, blight, footprint and possibly aspirational expansion into areas that are not part of the current footprint. Where such detailed planning applications are further down the line, we hope that that will promote the debate, discourse and information that the hon. Member for Spelthorne (Mr. Wilshire) seeks.

The master plans are at various stages of development, and I accept that they should include many of the considerations that apply to Nottingham East Midlands, in terms of an expansion of capacity for flights and passenger movements that will take place within the existing footprint but will have noise implications and affect various other public amenities.

The master planning process is right. We will continue to support the work of others on a wide range of issues, while respecting the ultimate backstop, or endgame: the planning process. We will continue to work closely with the regulator, airlines and airport operators to ensure that the right capacity is provided at the right time, at the right price and in the right locations. We will ensure that the elements of the White Paper for which we are directly responsible are provided on time and in conjunction with work carried out by others, and that they provide value for money for taxpayers. But that does not mean that we have stopped listening and learning. We want all stakeholder groups—I apologise for that phrase—to be involved in the continuing work, to assist us and, no doubt, to challenge us.

The first priority purely in terms of timing, as outlined in the White Paper, is a second runway at Stansted by 2012. We look to BAA as the airport operator to develop the detailed design for a new runway and associated development. BAA is working closely with local communities, airport users and all relevant agencies in taking that forward—not by any means with the full support of local communities, but working closely with them.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I am sorry to interrupt the Minister so early, but what does he imagine will be the immediate effect on the growth at Heathrow between now and the expansion that he envisages at Stansted?

Mr. McNulty: Between the development at Stansted and any subsequent decision to develop or otherwise a third runway at Heathrow, my hon. Friend knows that there are various matters to be considered, such as Heathrow maintaining its existing capacity or considering with an open mind the notion of mixed mode and other operations at Heathrow, and ways of optimising, with all the caveats relating to strategy and the environment, the development at Heathrow between now and the development of the first new runway in the south-east at Stansted, as discussed in the White Paper. There is much work to be done at Heathrow before any decision is taken about whether, particularly for environmental reasons, a third runway is feasible. But that does not mean that nothing will happen at Heathrow till then. My hon. Friend's point is well made.

We expect BAA to bring forward two planning applications to the local planning authority in due course, the first for an increase in capacity to 35 million passengers per annum, and the second for the construction of the new runway. As a first step to delivery, BAA has assembled a team to take forward development of the airport. It has also launched a home value guarantee scheme for about 100 houses within the airport boundary. The scheme allows home owners to sell to BAA at an appropriate time for the full market value of the property and entitles them to an additional payment once planning permission is obtained. I understand that BAA has agreed to purchase about 20 such properties so far. For those living very close to the airport boundary affected by noise, BAA has consulted on a home owners support scheme and is currently considering the responses received.

In line with our White Paper commitments the Government today laid before Parliament the draft statutory instrument to change the regulation of the aircraft movement limit at Stansted so that in future it will be managed by the local planning authority. Hon. Members will know that thus far the limit has been set by the House, rather than the local planning authority. There will be an increase in the movement limit, which has been agreed between BAA and Uttlesford district council.

The White Paper recognised Heathrow's central role in the UK aviation industry. Our efforts focus on considering ways of meeting the key environmental conditions for a third runway. I have said this before but it bears repetition: the environmental dimension to what the White Paper says about Heathrow is not intended as a sop to the green lobby while we let Heathrow do whatever it wants, nor is it intended as an impediment to development at Heathrow if those environmental concerns cannot be met. They are real concerns that must be met in full, as outlined in the White Paper, before we advance. Work is needed on those and other concerns before 2010 or 2012, as my hon. Friend suggested.

A substantial programme of work is under way to inform the White Paper progress report in 2006. Air quality is one major focus of the work, and development at Heathrow depends on our ability to comply with EU air quality standards, including the nitrogen dioxide limit, which comes into effect in 2010. We will re-examine the assessments of impacts made before the White Paper, and three technical panels have been set up to review the data and help to develop an accepted scientific basis for further assessments. New research and data collection are also planned for later this year.

Dr. Vincent Cable (Twickenham) (LD): On air quality, will the Government be solely guided by the European Union statutory limits on NOx emissions, or will they also take account of ground level ozone, which, as the Minister knows from the King's College London studies published this week, already reaches dangerous levels across west London on 70 days in the year?

Mr. McNulty: The three technical panels will review all the data. It is hard to discern where aviation-related impacts stop and car-related impacts start. The EU directive and the elements that come into effect in 2010 are important, but an environmental assessment will be made in the round—those elements must be factored in to determine the environmental dimensions appropriate to a third runway.

Mr. Brian H. Donohoe (Cunninghame, South) (Lab): The Minister mentions a possible European problem. Have studies of environmental impact been undertaken at Schiphol, Charles de Gaulle, Frankfurt or other international airports?

Mr. McNulty: I shall return to that point shortly, but I want to continue my little run through Heathrow and some other airports—the point is, of course, germane.

To ensure transparency, independent experts have been invited to sit on the panels, and we are considering a peer review of the panels' work. Again, the airport operator has been quick to react: BAA is currently examining the operational aspects of mixed mode under a range of possible scenarios, including the existing 480,000 air transport movement limit. National Air Traffic Services is carrying out work on the airspace design implications to help BAA develop scenarios that can then be tested for air quality and noise impacts.

I shall return to the point made by my hon. Friend at a more appropriate point in my speech. I am standing at the Dispatch Box two hours before I anticipated that that would happen, but I am sure that the House will indulge me and allow me to fill those two hours.

I shall stop here momentarily and discuss NATS. The public private partnership now handles record numbers of flights, and NATS has a consistently high safety record. Last week's events showed us how skilled NATS is in maintaining a safe and efficient air traffic system in this country. Upgrades to the old flight data processing system at West Drayton were first tested extensively in simulation. Crucially, they were then tested offline on the real system on last Wednesday night. When NATS started to turn the system back on, the system locked, so it shifted to the back-up manual system and imposed flight restrictions to ensure that safety was not compromised.

Those restrictions ensured that all incoming flights could land and that all flights in UK airspace could be handled normally—the only delay was to outgoing

[Mr. McNulty]

flights. The system was closed for rebooting at 6 am; it was running well by 6.40 am; it was fully operational at 7.5 am; and all flight restrictions had been removed by 8 am. Flights, some of which were cancelled, were then rescheduled by the airlines.

Although the system is serviceable and is widely used elsewhere, it is not new technology, and the PPP is bringing £1 billion of investment to NATS infrastructure over the next 10 years. The replacement for the flight data processing system is one of the key elements of that new investment. The new CASPIAN system, which will be introduced at Prestwick in 2009 and at Swanwick in 2010–12, will be vital in ensuring high safety standards across the UK and in the London area in particular. Just in case anyone thinks that that is a coded message, I emphasise that any proposal to introduce mixed mode at Heathrow would be subject to full consultation and environmental assessment—recent newspaper headlines about a "secret plan" are just daft.

The White Paper recognises that surface access solutions for Heathrow must be based around improved public transport and demand management. We have had an initial discussion on that point with key personnel and interested parties, and further discussions will follow. A series of work streams flows from the points about Heathrow outlined in the White Paper.

I have met a number of MPs for whom Heathrow is an immediate local concern. Following those meetings—this point relates to the issue raised by the hon. Member for Spelthorne—the key point is that I am struggling, but we will reach a stage where we can implement a mechanism to allow local communities to receive more significant feedback. These are still early days, and we have not been able to implement such a mechanism over the past six months, as I have said once or twice to hon. Members whose constituencies are in the area, but when time frames and deadlines have been implemented on mixed mode or other consultation processes, I assure hon. Members that I will seek to implement a device to keep the MPs concerned involved, if not some wider device to allow people access to clear information.

Dr. Jenny Tonge (Richmond Park) (LD): The Minister must know that the very suggestion of mixed mode makes my constituents feel that they will never have any peace—even with half a day's respite, they already suffer a great deal of noise. How long will the consultation on mixed mode take and when is a decision likely?

Mr. McNulty: As and when there are stories to tell and timelines and processes to unfold, I will let those hon. Members with a clear constituency interest in Heathrow know about them. We are not about to consult on mixed mode. The related work is complex and important and it must be carried out in full, so that the consultation has some substance and so that people are not led up and down the hill on more than one occasion. If I receive more information over the next day or so, I shall gladly write to the hon. Lady, but I suspect that I will not receive any such information.

The impact of such a change requires much technical investigation on, for example, whether the change occurs within the existing movements limit and what form it should take, and such issues must be examined in detail before we put the matter out to consultation. I take the point that people are unclear about what will happen; but I would far rather that they achieve clarity by a proper consultation process rooted in research analysis and based on firm proposals rather than by a Liberal Democrat referendum that asked, "Do you want mixed mode? Yes or no?"

Dr. Tonge: Will the Minister give way?

Mr. McNulty: With respect, I shall not. I was joking when I mentioned filling up the extra two hours of debate, but if I keep taking interventions liberally—no pun intended—other hon. Members will have no chance to speak.

In this debate I am keen to hear from Back Benchers, but I am also keen to hear from Conservative Front Benchers. The last speech made by a Conservative Front Bencher on aviation policy was 20 pages long, but it said exactly nothing, and it will be interesting to see whether Conservative aviation policy has advanced.

Environmental issues are particularly important for the UK, because of our leading role in international aviation and the success of the London airport system—the matter is not only an issue for Heathrow. The White Paper recognises that it is vital that the environmental impacts of aviation are adequately addressed, and, again, work is in hand.

The climate change impacts of aviation are a serious concern. Greenhouse gas emissions from aviation are rising, which is a global problem that requires global solutions, and the UK is showing leadership in addressing that challenge. Many sceptics and climate change-deniers exist around the world, and we must work hard to win them over. In February, the UK and other European states succeeded in persuading the rest of the world to develop guidelines on incorporating aviation in a future global emissions trading scheme, and we intend to press for the inclusion of intra-EU air services in the EU emissions trading scheme around 2008, and we will pursue that goal vigorously during next year's UK presidency of the EU.

A new international standard for NOx emissions from new aircraft engines comes into effect in 2008. It is 12 per cent. tougher than the current standard—we wanted more than 12 per cent., but 12 per cent. is better than a lower increase—and will help to slow down the absolute increase in global NOx emissions. We are also examining working practices and the potential for new technologies to minimise climate change.

It is fair to say that airport operators, too, are taking the environment seriously. For example, BAA is pursuing a range of policies to reduce emissions, including greater use of public transport, restrictions on the use of private vehicles, use of fixed electrical ground power, and the introduction of an emissions-related element in Heathrow landing charges.

On 15 January 2004, we announced our decision to continue existing night flying restrictions at Heathrow, Gatwick and Stansted for a further year—to 30 October 2005. We have also undertaken to consult on a new night noise regime for those airports to apply thereafter. We aim to publish the first of two consultation papers in the near future. Furthermore, we will, when

parliamentary time permits, seek powers to require greater use of noise charges, new mitigation and compensation packages for noise, and new legislation on the control of noise.

Mr. Peter Ainsworth (East Surrey) (Con): The Minister will be aware that the Office for National Statistics recently produced documentation showing that greenhouse gas emissions from aviation rose by 85 per cent. between 1990 and 2002. Will he take this opportunity categorically to deny that his Department sought to intervene in the press release that the ONS intended to issue in connection with those statistics?

Mr. McNulty: I categorically deny that, as have colleagues and others in the Department on numerous occasions. In the report produced by his Committee—the Environmental Audit Committee—the hon. Gentleman said that he was appalled by recent reports that the Department interfered with the publication of ONS environmental accounts. If he had rung me up to ask about that, I could have saved him from being appalled, because it never happened in any way, shape or form. That is what the chief statistician says, as does everybody involved in the process. As statisticians of some repute, they chose not to publish any information for which they could not reconcile figures from various sources. In fact, the figures on aviation were not a million miles away from each other. The aspect about which the ONS statisticians had serious concerns was the reconciliation of the impact of freight traffic on the environment. I can categorically and 100 per cent. deny that there was any interference of any description. I am sorry that the hon. Gentleman was so distressed that he had to mention it in his Committee's report, but I can gladly put his mind to rest.

Mr. Donohoe: Does my hon. Friend believe that we are on a level playing field with European airports such as Schiphol and Charles de Gaulle?

Mr. McNulty: I understand what my hon. Friend is trying to suggest. Certainly, much of the competition that the London airports—Heathrow, Stansted and Gatwick—face is not from other regional airports, but from Schiphol, Charles de Gaulle and others in the golden triangles surrounding London and the south-east and the equivalent areas in France and the Netherlands. Although we should bear that in mind, it is important that any increase in the capacity of airports in London and the south-east takes place in a firmly British policy context in terms of our legislative planning framework. Many people say that if travellers do not fly out of the London and south-east airports, it is not their natural second choice to go from Manchester or Birmingham, although it may be in some cases, so there is key competition from Schiphol, Charles de Gaulle and others. Equally, some airport operators claim that the planning framework and assorted other frameworks, not least those relating to the environment, are much more liberal—in the true sense of the word, not that hijacked by the Liberal Democrats—elsewhere, so it is far easier to expand Charles de Gaulle or Schiphol.

I take my hon. Friend's point, but I am not seeking a level playing field in the sense of moving towards greater liberalisation, because we understand that although those airports compete with those in London and the south-east, any further substantive development of capacity in London and the south-east must take place within the consensually-based legislative and environmental framework that prevails in British public policy.

In fairness to other hon. Members who wish to speak, I will deal with some other elements when they arise in the course of the debate—particularly the development of several regional airports and cross-regional concerns such as public service obligations and route development funds, which relate to the connectivity of London with the rest of the country. I do not skirt round those matters because they lack importance—they are extremely important for people in the regions—but to allow other hon. Members to speak.

Mr. Wilshire: I wholly agree that aviation policy and planning should be kept within a British context, but would the Minister extend that sentiment to keeping British control of the negotiations with the Americans rather than allowing the Europeans to sell us down the river to other airlines across the Channel?

Mr. McNulty: We were doing very well in getting through a debate of such sensitivity with reasoned, common-sense remarks from Opposition Members, even the hon. Member for Richmond Park (Dr. Tonge), but the hon. Gentleman's comment is as ridiculous as his tie. *[Interruption.]* It is more a case of Piglet than Winnie the Pooh. In terms of the relationship between Britain and the US, the future of aviation lies in our developing open skies policy between us. That process is better served by EU-US talks than by bilateral talks. That position is held by all European countries, including Britain, and by the US—by everyone, it would appear, except the hon. Gentleman.

Mrs. Dunwoody: He is not alone.

Mr. McNulty: And, of course, my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody)—I should have remembered that in view of the Adjournment debate that took place the other week.

The air transport White Paper sets out a long-term vision for the future of air transport in the UK. There is much to be done by 2006, when I promise the House that we will carry out a substantive progress review of what has happened since the publication of the White Paper. That review will show that we have made a good start. We are determined to get on with the job of delivering the White Paper's objectives—firmly within the framework of developing an aviation sector that can continue to make a vibrant contribution to our economy, but only within the clear and well understood environmental constraints that all hon. Members would broadly share and are outlined in detail in the White Paper.

2.47 pm

Mr. Damian Green (Ashford) (Con): I am delighted that we are having this debate. I should start by paying tribute to my hon. Friend the Member for North-East Hertfordshire (Mr. Heald), who has doggedly asked for such a debate week after week at business questions. His doggedness has been rewarded, and I am glad that Ministers listened to him.

[Mr. Damian Green]

I agree with the Minister that this is a good opportunity not only to discuss the White Paper, but to take stock of what has happened since its publication. The House will be grateful to him for the information that he conveyed, particularly in the early part of his speech before his pugilistic instincts got the better of him as he drew to a conclusion. I want to deal with the serious issues that are raised by the White Paper and I hope that he will be satisfied by my attempts to give the Government some helpful advice about the policies that they are pursuing.

In the course of the next few minutes—I shall try to be briefer than the Minister, because I am aware that many Members on both sides of the House want to speak—I will make some comments that the Minister will not like. I therefore preface them by saying that I fully recognise the difficulties that face any Government who find themselves in the position of having to produce a White Paper on aviation.

We should have a grown-up debate. We all know that the opponents of any project for expansion are likely to be more vociferous than its supporters and we know the passions that proposals for new runways arouse. I expect that many of them will be expressed today, not only about Heathrow and Stansted, but about Gatwick, Luton, East Midlands and Manchester airports—and possibly airports at all points east, west, north and south of those. However, hon. Members should acknowledge that aviation has been the transport sector's most obvious success story in the past 20 years, not least because it has been properly subject to competition and consumer choice. We want that success to continue.

I shall deal with the main issues in the White Paper and others that have arisen. They include some environmental considerations, thoughts on state aid for airlines and, most topically, the subject of the Transport Council later this week. The Minister considered that briefly in response to an intervention by my hon. Friend the Member for Spelthorne (Mr. Wilshire). The Transport Council could make decisions that have far-reaching and damaging effects on the future of British aviation. It is therefore timely for the House to consider it today.

I shall take the White Paper on its own terms. It sensibly sets out a list of balanced criteria against which we should judge it. They are the need to expand capacity and people's desire to travel by air alongside a wish to minimise the effect of airports on those who live near them and a requirement that aviation should pay the cost of its activities' impact on society. It is impossible to argue with any of that. Does the Government's policy live up to their laudable stated objectives?

When the White Paper was published, we said that the problems with it were twofold. First, it fudged some key issues and would therefore cause blight around airports as legal battles were fought. Secondly, there was little sign of the joined-up thinking that we are always promised, either between aviation and the rest of the Department for Transport's responsibilities or between the Department for Transport and other arms of Government. Six months later, both initial fears have been shown to be completely realistic.

Much of the debate about the White Paper inevitably centres on runway capacity in the south-east of England. The problems of fudging and incoherence are illustrated by events around Stansted. Some sort of legal challenge to whatever the Government proposed was always likely, but it is significant that the challengers are seeking judicial review on the ground that the development of the policy in the White Paper was fundamentally flawed. There were four flaws: lack of commercial justification for a second Stansted runway; the potential for mixed-mode use of runways at Heathrow; the failure to allow comments on proposals to extend the runway at Luton; and the failure to give proper consideration to other options in the south-east.

I am sure that others will want to deal with those matters in more detail and I shall therefore not detain hon. Members by developing the individual complaints. However, they show the disappointment in a White Paper that was a long time in gestation but, when it appeared, seemed to have missed some basic points and had been produced in a way that would not allow policies to be implemented without long, difficult and expensive legal challenges for those involved in bringing them and for the taxpayer.

It is legitimate to ask whether the Government's favoured option of an early second runway at Stansted will ever come to pass. Most of the recent growth at Stansted has been in low-cost flights that have done so much to increase people's opportunity to travel. A new runway would mean higher charges, which may well drive away the low-cost operators. If BAA tries to fund it with cross-subsidy from the airlines that use Heathrow, another round of bitterly contested court cases will take place. It is therefore reasonable to question the commercial viability of a second runway at Stansted.

The other issue starkly illustrated by Stansted is the apparent lack of communication between Departments. The Secretary of State for Transport says that he wants a second runway at Stansted in a few years because the surrounding area is thinly populated. Meanwhile, the Deputy Prime Minister wants to build thousands of new homes around Stansted. One can have a larger airport or more housing, but not both, without severe environmental problems. Page 33 of the White Paper speaks of discouraging or prohibiting inappropriate developments around airports. I hope that a copy has reached the Office of the Deputy Prime Minister by now because there is no evidence that he had one before it was published.

Mr. Edward Garnier (Harborough) (Con): Has my hon. Friend noticed a further contradiction in Government policy? The rural White Paper states that

"protecting the countryside from further intrusion of noise is not a luxury . It is about preserving and promoting a feature that is genuinely valued by residents and visitors alike."

Yet the transport White Paper states that the intrusion of noise in rural areas "is inevitable".

Mr. Green: My hon. and learned Friend makes an extremely good point, which extends my point that the lack of joined-up thinking and consultation is clearly not confined to the Department for Transport and the Office of the Deputy Prime Minister, but extends to the

Department for Environment, Food and Rural Affairs. The aviation White Paper illustrates that, because a successful aviation industry will affect millions of people who have no direct responsibility for it or perhaps derive no direct benefit from it. That is why I said at the outset that I recognised the difficulties that Ministers faced, but the least that people and, indeed, the House can expect is some coherence across Government. No Government in history have talked about joined-up government more than the current Administration, yet few Governments have practised it so little.

Stansted is not alone as an example of the failure to bring Government thinking together. Birmingham airport is the Government's preferred location for an additional runway in the midlands. So it is surprising—I put it no more strongly—that the Department shelved plans for an expansion of the M42, which would serve the airport directly. We are all aware of the delays and frustrations of the west coast main line development. It is as though the aviation White Paper was produced in a vacuum, with no input from other parts of the transport planning process, let alone the wider land use planning process. Perhaps that is best illustrated by the White Paper's attitude to the third runway at Heathrow. That is another proposal that inevitably arouses strong passions on both sides—I daresay that we will hear them expressed in the debate.

Whatever attitude one takes to the proposal, it is undeniable that it cannot proceed until we solve the emissions problems that would break EU permitted limits on NOX—oxides of nitrogen—by 2010, as the Minister said. It is equally undeniable that the main cause of the undesirable emissions around Heathrow is the cars that are stuck in queues on the motorways that serve the airport. The White Paper is silent about the way in which the Government propose to solve that.

It would have been useful to use the White Paper to start a debate on the merits of ideas such as the Airtrack scheme or a spur to the Great Western main line, but the chance was missed. The truth is that two thirds of the emissions problems at Heathrow are caused by difficulties with the road and rail infrastructure. Unless those problems are sorted out, all the good efforts by BAA and the airlines to clean up their act will not have much material effect.

In the past few days, we have seen a report that throws doubt on another part of the White Paper: the proposal for mixed-mode use of the runways at Heathrow. The Minister dismissed the report as simply "daft". I should like to explore that further and ascertain whether he meant that the report's contents were daft or whether perhaps the author was daft. The person who wrote it was Professor Peter Brooker, a former adviser to the Department for Transport on aircraft noise. He says that 42,000 people would be exposed to noise above the acceptable threshold under the mixed-mode proposal.

It is possible that, after the debate, not just in the House but elsewhere, the mixed-mode proposal will still be thought desirable and necessary, but it would be better for all concerned if the Government were to lead the debate on this issue and to try to get all the factual information as soon as possible, rather than trying to delay the consultation about which the Minister had an exchange with the hon. Member for Richmond Park (Dr. Tonge), in which he said that it would be held all in good time. It is inevitable, at a time when people do not necessarily trust everything that the Government are saying, that people will make their own calculations.

Mr. Wilshire: As my hon. Friend rightly says, there are conflicting views around Heathrow. Is he aware, however, that the one thing that probably unites most, if not all, of us with an interest in the airport is that we are implacably opposed to mixed mode?

Mr. Green: I was aware of that, and I dare say that the House will be made fully aware of such views by the end of this debate.

The Minister will know that, for good environmental reasons, we need railways before we can build runways. In a few weeks' time, we shall see the revised version of the 10-year transport plan, and I can only hope that it will demonstrate more effort to integrate surface transport with aviation than the White Paper did. There are, of course, wider environmental matters involved. My hon. Friend the Member for East Surrey (Mr. Ainsworth), the Chairman of the Environmental Audit Committee, will no doubt have much to say on this if he catches your eye, Mr. Deputy Speaker, so I shall not tread on his turf, but I will say a word about emissions generally.

All of us who wish to see a flourishing aviation industry that is able to innovate and create new markets, in the way that it has in recent years, need to take this problem seriously. No national Government can solve it. Indeed, striking the right balance between a flourishing aviation industry and the need to control emissions is something that cannot be done effectively even at European level, welcome though the idea of a European emissions trading scheme is. In the end, we need countries from well beyond Europe to sign up either to minimum standards or to the use of economic instruments to cope with these issues, and we need to be realistic and to recognise that this is not going to happen in the near future. So any British Government will have to do what they can.

We can and should apply increasingly stringent standards on emissions and noise, leading to the withdrawal of the noisiest and dirtiest aircraft. I think that I heard the Minister say that he would be introducing proposals to do that and, assuming that they are practical and sensible, we shall welcome them. If we are going to develop usable and fair economic instruments—which I hope is one of the Government's long-term aims—we certainly need something less crude than the present air passenger duty. If we are going to allow more night flying, we need much more responsive attitudes towards local communities from airport operators and airlines, involving insulation schemes and the purchase of the worst-affected properties.

Much of this is for the longer term, but there is a vital issue to be decided at the Transport Council over the next few days. The Minister will be aware that the Secretary of State will be asked to sign up to a deal between the Commission and the United States Government that is supposed to provide a much more liberal regime for airlines in Europe and the US. I hesitate to intrude on the debate between the

[Mr. Green]

distinguished Chairman of the Transport Committee and the Minister about whether those negotiations should be taking place at national or European level, but the fact remains that they are taking place between the Commission and the US, and that is what we need to deal with.

The Minister ought also to be aware that the deal that the Commission has negotiated is a bad one for large parts of the UK aviation industry. It will open up Heathrow to all US carriers, and give US carriers unlimited access to carry passengers and cargo within and beyond the EU. It does not give rights in return for our airlines to fly within the US, to buy a controlling stake in a US airline, or even to change the rules that prohibit by law any US official from using a foreign airline.

Other countries, with less to negotiate with, may well feel that an imperfect deal is better than no deal at all. However, it is very important that the Secretary of State resist this deal. Even if he is isolated, he should stand his ground. With an election coming up in the US, this is the perhaps the worst possible time to hope for flexibility from the American side. Waiting six months to get a better deal would be much better than rushing this one through.

David Burnside (South Antrim) (UUP): I want to support the hon. Gentleman's point by saying that American airline chief executive officers tell us that the best deal negotiated in the 1940s in Europe was the one negotiated by Her Majesty's Government on behalf of the British airlines in the bilateral negotiations with the United States. That is why the American airlines target this country more than any other in the European Union.

Mr. Green: I am sure that the hon. Gentleman is right about that, and I am grateful for his words of support.

The Conservatives want to see a more liberal regime on both sides of the Atlantic. I am aware that some UK airlines would love to see the slots at Heathrow freed up, and I sympathise with them, but that has to be done alongside a better deal from the Americans. If we miss this chance, it will damage the British aviation industry for years to come. The Secretary of State has a heavy responsibility this week, and if he fails in it he will rightly be castigated. I hope that he does not fail. That is particularly important given the continued and increasing worries about state aids.

In the wake of the terrible events of 9/11, it was perfectly reasonable for the American Government to support their aviation industry, but some years on, there is now a clear disparity between the subsidies being given to American airlines and those in this country and other parts of Europe. The issue of relative levels of state support for airlines is often presented in terms of the UK being virtuous and other European Governments being less virtuous, and that is quite right, but the difference between those levels of subsidy and those being given to American airlines at the moment is quite stark. For instance, the US Treasury recently announced that some $1.8 billion will go to meet pension commitments. I hope that such figures will provide a background for the Secretary of State when he is considering the so-called open skies agreement.

As I have said, I do not wish to make a tour of the country in this debate to talk about every airport mentioned in the White Paper, because other hon. Members with particular constituency concerns will wish to speak later. However, I will mention White Waltham in Maidenhead—which has been given encouragement to expand—as an example of a location at which the local people do not feel that they have been properly consulted. It is a recreational airfield, but in the White Paper the Government have deemed it ripe to

"offer potential capacity in the longer term for business aviation".

My hon. Friend the Member for Maidenhead (Mrs. May) has pointed out that

"the noise nuisance to local people is bad enough today. Just think what it would be like with business flights landing at White Waltham. The Government can't simply ignore local people's views."

I am sure that similar sentiments will be expressed on both sides of the House about various proposals in the White Paper.

As I said at the outset, I recognise the conflicting pressures on Ministers. We have an aviation industry that we can be proud of, but everything that it does impinges on people who have nothing to do with the industry and also on the environment. Ministers therefore have to strike the right balance. The White Paper tried to do this, but failed in too many respects. This reflects the deeper problem that aviation policy is not integrated with the rest of transport policy, or with the Government's ideas on land use planning. This causes unnecessary distress in communities around the country, as well as promoting uncertainty among airlines and airport operators. The White Paper has been a missed opportunity, and we will need to put that right in the future.

Mr. Deputy Speaker (Sir Michael Lord): Order. I should remind the House that there is an eight-minute limit on Back-Bench speeches, which applies from the next speech.

3.9 pm

John McDonnell (Hayes and Harlington) (Lab): Six months on from the publication of the White Paper, my constituents and I are not much clearer on the process that we will have to undertake in future to protect our communities from the development of Heathrow. I thank the Minister, however, for his courtesy and co-operation in meeting Members of Parliament from the areas surrounding Heathrow, and for undertaking to meet us and local community representatives on a regular basis.

Reference has been made to the difficulties of keeping people informed and it is important to establish some mechanism by which we can keep the information flow going directly to our constituents. The meetings that have taken place, and any future meetings, have not produced and will not produce answers to questions unless the work streams associated with tackling those questions are well under way. I have some doubts about how far some of those have been progressed. If it is a matter of resources being applied within the Department, I ask the Minister to look again at the prioritisation of some of those resources so that the work streams can be undertaken more thoroughly and effectively.

The White Paper concluded that Heathrow could be allowed to expand if the significant environmental problems were overcome with regard to air pollution. The first question that came to mind for my constituents was whether the White Paper was already out of date when it was published. Within the White Paper proposal for a third runway, BAA had slipped in a proposal for a sixth terminal. A sixth terminal would obliterate Sipson village. We would lose hundreds of homes, churches, community centres and a primary school. None of that was consulted on throughout the process of consultation leading up to the White Paper. It was referred to in only one submission by BAA, and in one paragraph in the White Paper. Slipping in a proposal of that magnitude undermined for many of my constituents the view that this was an open and transparent process undertaken by both the Government and BAA, and that undermined their confidence in the overall process.

The second question for my constituents is: what is the Government's approach to tackling not only the threat of air pollution from a future third runway, but the air pollution that my constituents are suffering now and that they are predicted to suffer over the next two years? If we examine the different scenarios facing my community, it is clear that many of my constituents are increasingly facing the prospect of being poisoned by air pollution, most of it resulting from Heathrow, from both aviation movements and the associated car traffic.

In relation to the scenarios given by the Government in their consultation papers, with terminal 5 built and a cap remaining at 480,000 traffic movements, it is predicted that by 2015, some 5,000 of my constituents will be poisoned by nitrogen dioxide, which will exceed the European limit set for 2010. Even without a third runway, that is the magnitude of air pollution poisoning that my constituents are facing. If we maximise the use of existing runways, however, as suggested in the White Paper, by a mixed mode operation, the traffic movements limit will be increased to, say, 515,000—which is a reasonable projection—and 22,900 of my constituents will be poisoned by nitrogen dioxide pollution within the local atmosphere. Those assessments are drawn from the Government's own figures. Even using the most aggressive assumptions in relation to potential future technology improvements, the south-east region airports study predicted that at least 5,000 of my constituents will still be exposed to levels above the EU limits if a third runway went ahead, and if the technology fails, 35,000 of my constituents will be poisoned by nitrogen dioxide. That is the prospect for the next two years that my community faces, and the prospect that it may face in the next 15 years.

On the basis of all that information, my community declared an air quality management area in 2001. We have started work as a local community and local authority. Since our latest report, which was published three years ago, and despite all our efforts, nitrogen dioxide pollution has not improved—it has got worse. The predictions for 2005 are that it will worsen further. We need action immediately. I know the commitment that the Minister has given on environmental issues. The decision was not a sop to environmentalists, but a real decision that the third runway would not go ahead if environmental targets were not met. However, we need action now.

We call on the Government to undertake an immediate, urgent dialogue with the local authority, the primary care trust and local community organisations on the mechanisms, strategy and funding, if necessary, that can be put in place not only to monitor air pollution levels in my area and the health effects, but to start to reduce the air poisoning of our community. It is not an exaggeration to say that unless immediate action is taken, we are moving ineluctably towards a major air poisoning crisis in west London. The figures are horrendous and the health effects are dramatic already. Those figures have not been drawn by campaigning organisations; they are in the daughter and sister documents published by the Government in December, and in some of the work produced subsequently. We need to construct a programme of measures to reduce air pollution. If funds are required, let us consider what financial contribution BAA, the airport operators and others associated with the industry will need to make to that work.

In the light of future air pollution levels, I do not believe that the environmental conditions will be met and I do not believe that a third runway will go ahead. In the meantime, my community suffers from some of the severest blight that can be expected around any major development. People cannot plan for their futures. They cannot even plan for the education of their children because three primary schools will be demolished if the third runway goes ahead. Already, 2,000 families are homeless and in temporary accommodation. If a third runway goes ahead, 4,000 families will lose their homes. They cannot plan for their futures.

People cannot comprehend the process of planning from here on in. We do not understand the status of the master plan for Heathrow airport. Although the Minister has tried to make clear today what will be the approach in developing master plans for each airport, BAA told us in a document sent only last week that it will produce an interim master plan based on existing runways and operating restrictions. Therefore, it is not even revealing its hand on the final location that it proposes for a runway and on the development of the terminal. That means further blight and uncertainty inflicted on my community, and we are not even sure of the process by which we can engage in that dialogue to ensure that we are protected. If not today, then in future dialogue with my community, I hope that the Minister can make clear that process and ensure that our environment is protected in the long term.

3.17 pm

Mr. Paul Marsden (Shrewsbury and Atcham) (LD): May I start by apologising for arriving slightly late? I received a telephone call saying that my wife had wrapped her new car around a concrete pillar. Fortunately, she is not injured. However, we will no doubt be having further discussions later today about what exactly happened.

I make no apology for the fact that I want to confine my remarks generally to the environment. The hon. Member for Hayes and Harlington (John McDonnell) made clear his personal concerns about his constituents, but we must take into account a much more serious global problem that will affect the skies and the planet for years to come in terms of global climate change.

[Mr. Paul Marsden]

We recognise that the aviation industry is extremely important, providing 180,000 jobs and about 8 per cent. of the United Kingdom's national income—about £7 billion a year. Some 50 per cent. of the population travel by air at least once a year, and most people, on the face of it, thoroughly enjoy those journeys without always thinking about or appreciating the environmental pollution problems that result from air travel. There are serious problems in west London, as Heathrow has 15 million passengers per annum and about 1 million people live under the airport's flight path. That will create huge potential problems with health risks and environmental damage over the coming years.

Dr. Tonge: They are not potential problems; they exist now with the present airport.

Mr. Marsden: I accept what my hon. Friend says. She is absolutely right to flag up the problems now.

I welcome what the Minister said about raising the bar to prevent a further runway if standards are met, but it is almost inevitable that figures will somehow be found to meet the target and that the runway will go ahead. That results from the Government continuing with the Conservative Administration's edict of predict and provide. It is a first resort to say that capacity has to be expanded and that demand will therefore be found to meet that new supply. To me and my hon. Friends, that is patently wrong. Expansion should come as a last resort, not a first resort. Nevertheless, I give credit to the Minister for placing on the record his concerns about the environment and future problems and for saying how seriously the Government take that.

Only this year, the Prime Minister told the climate group that we were

"talking about climate change, which is I think, probably long term, the single most important issue that we face as a global community."

Yet in spite of that rhetoric, the Select Committee on Environmental Audit said in July 2003:

"We regard the proposed growth in emissions into the atmosphere by the aviation industry as unsustainable and unacceptable. Were such growth to occur, it could totally destroy the Government's recent commitment to a 60 per cent. cut in carbon dioxide emissions by 2050."

That Committee has been in ongoing dialogue with the Government and the Department for Transport. Ministers refuted a number of the points and recommendations made, but the Committee followed up in its pre-Budget report for 2003, saying that

"as the DfT's own forecasts in Aviation and Global Warming suggest . . . by 2050 we will be in a situation where aviation emissions alone will comprise 70 per cent. of the UK target."

The Government disagreed with that, but even Department for Transport figures state that emissions will be responsible for 33 per cent. of the UK impact on global climate change by 2050—almost three times the present figure. That is the seriousness of what we face.

Mr. Peter Ainsworth: I may have misheard the hon. Gentleman, but I think that he said that the Government had refuted some of the figures produced by the Environmental Audit Committee. Surely he meant to say that they had attempted to refute them, unsuccessfully.

Mr. Marsden: I am happy to abide by what the hon. Gentleman says. Obviously, there is a dispute over the figures, but I am concerned that the Government's estimates err on the lower side of predictions and do not meet what the Environmental Audit Committee says.

Passengers—certainly Ministers—do not realise the actual effects of pollution. It is easy simply to take off without seeing what comes out of the back of jet engines or understanding the impact it will have. Pollutants such as nitrogen oxide and dioxide have a huge impact on air quality. Already, a Select Committee has established, from estimates from the scientific community, that there are between 12,000 and 24,000 deaths every year from air pollution. Aircraft currently contribute 3.5 per cent. of global carbon dioxide emissions, and that will rise to about15 per cent. over the next 50 years. We can look forward to sea levels rising by perhaps 0.9 m, so the fens and the coastal areas of this country will suffer. Alongside the health and environmental impacts across the country, we will see the real effects of global warming.

According to the 2000 report, "Aviation and Global Climate Change", which was launched by the Aviation Environment Federation, the National Society for Clean Air and the Heathrow Association for the Control of Aircraft Noise, air travel produces some 0.17 kg of CO_2 per kilometre travelled, as against 0.14 kg per kilometre for car travel. What that means in figures that people can understand is that for every kilogram of air kerosene that is burned, about 3 kg by weight of CO_2 is produced out the back of, for example, an Airbus A300.

Mr. Alan Duncan: Given that technological advance is not reducing emissions from aircraft in the way in which, during the past couple of decades, it has successfully done for cars, the only way in which the emissions that the hon. Gentleman so dislikes can be reduced is to have fewer flights. What exactly is his party's policy to bring that about?

Mr. Marsden: I shall deal later in my speech with precisely what we would recommend.

Because numbers of aircraft are rising by between 4 and 6 per cent. each year, noise pollution has a detrimental health impact. Cornell university in New York monitored the reading, memory, attention and speech perception of schoolchildren, and found that noise had a real impact. Over a two-year period, long-term memory, reading and speech were impaired in children newly exposed to noise near a new airport. Furthermore, it was found that reading and memory deficits in the group were more pronounced 18 months after the opening of the new airport than after the first six months. In other words, the problem was getting worse and worse.

This is where the British Government have failed. For seven years, we have had apologies. Lip service has been paid to what should happen but fundamentally, the "predict and provide" ethos has continued.

Mrs. Dunwoody: Does the hon. Gentleman accept that if we had a predict-and-provide policy in this

country, we would have another runway at Heathrow, another one at Gatwick and at least one other at Stansted? Will he please introduce just a tiny element of common sense into the debate?

Mr. Marsden: For the benefit of the Chairman of the Transport Committee, I am happy to reply. The precise point is that it is not only I and the Liberal Democrats who are saying that—umpteen organisations, such as environmental organisations, scientific bodies and other very astute people, are saying exactly the same thing, that—*[Interruption.]* I heard what the hon. Lady said, but if we continue as we are the Government's present plans in the White Paper will simply not be enough to meet the demand, which is going to treble during the next 45 years.

Dr. Tonge: I suggest that the answer to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) is that there would have been predict and provide during the past 20 years had it not been for the fantastic campaigning against the expansion of airports carried out by HACAN and other organisations.

Mr. Marsden: My hon. Friend is absolutely right. That is the hope for the future: that common sense will prevail, that there will be a greater responsibility for the environment and the effects on people's lives, and that we will not get into that situation. If we continue as we are, however, that is what will ultimately happen.

As the royal commission on environmental pollution said on 16 December 2003:

"The White Paper fails to take account of the serious impacts that the projected increase in air travel will have on the environment. Earlier this year the government published an Energy White Paper setting out its strategy for tackling global climate change, and set challenging but necessary targets for greenhouse gas emissions."

It says that, unfortunately, the

"White Paper undermines those targets and continues to favour commerce over vital carbon dioxide reduction measures."

The Government recognise the problem, there is no doubt about that. However, as the Royal Society for the Protection of Birds said, although it recognises that aviation

"contributes beneficially to the economic development and social life of the UK . . . this was not without considerable cost to the environment."

That is the pay-off. Are we prepared to accept it? The Liberal Democrats would say that expansion is perhaps the way forward as a last resort, but that it is not the first resort.

English Heritage has recently said, in a briefing to hon. Members:

"To protect the historic environment, measures to manage demand—and therefore reduce the need for increased airport capacity—are crucial."

We have to manage that demand—that is what the Government's own watchdog on cultural and historical sites is saying.

The Woodland Trust was particularly scathing in its recent briefing.

It said:

"In the last century, nearly half of our remaining ancient semi-natural woodland was cleared and replanted with conifers or lost forever to agriculture or development. If the White Paper on air transport is anything to go by, it seems that we are starting the new century having learnt nothing and are heading down a similarly destructive route."

Those Members who say that this is not a problem and that we can continue to expand and everything will be all right should reply to those environmental organisations, which are particularly concerned—*[Interruption.]* I am quite happy to come to the solutions.

We have to start at a global level. We need to amend the Kyoto protocol to include an emissions trading scheme. In particular, we must press the US Government to sign up to Kyoto. On sustainable transport, we must strike a much greater balance by replacing short-haul flights with long rail journeys. My hon. Friend the Member for Caithness, Sutherland and Easter Ross (John Thurso) has continually campaigned for high-speed rail links throughout the country, which would reduce the number of internal flights.

We must continue to examine environmental standards on all modes of transport in order to reduce pollution. We must also consider regional airports. Such schemes should be dealt with through devolved powers, so that local people can decide whether they want such airports. A case in point is Bristol, where there are two sides to the argument. It can be argued that the trebling of capacity is not required, but there is a very good case for arguing that expansion is needed in the interests of commerce, and that such expansion should be located away from the south-east so that we can bring more jobs and greater economic development to the regions.

Finally, we need an EU agreement on tax. It is clearly wrong that the aviation industry does not pay the costs associated with the noise and pollution that it creates, and it pays no tax on aviation fuel and no VAT on new aircraft. Liberal Democrats argue that the departure tax—the air passenger duty—simply is not working. It is another stealth tax and it should be scrapped. Instead, we should be working extremely hard—this Government certainly are not—to introduce a new form of tax on kerosene, which will begin to impact on airlines. The airlines must realise that they need to be far more efficient in the number of passengers that they carry and that they must invest in further new technology to clean up their planes. We have to get away from predict and provide and to say that enough is enough. We should put the environment at the centre of this agenda, rather than regarding it as a bolt-on.

3.32 pm

Alan Keen (Feltham and Heston) (Lab/Co-op): Before offering any criticism, I want to make a point that I have made before in this place. There is a massive difference this time, in that—thank goodness—we have a consultation process. The terminal 5 protestors—on that occasion, I was not one of them—had to defend themselves and to pay legal fees after the planning application was made for the terminal. But at least we have a consultation process this time, and despite the fact that neither my hon. Friend the Member for Hayes and Harlington (John McDonnell) nor I are happy about the current situation, it is at least good to discover that the Minister is listening. That is a massive improvement on what used to happen.

[Alan Keen]

I have lived within six miles of Heathrow for more than 40 years, and for 13 years I worked only half a mile from the touchdown point of the southern runway, directly underneath the flight path; so I understand what it is like to suffer such noise in a stressful situation.

My hon. Friend the Member for Hayes and Harlington has explained what will happen if there is a third runway. We have all seen the television pictures of planes that look as though they are touching the chimney pots of houses, and the constituents in question are mine: they live in Waye avenue and Berkeley avenue in Cranford. To live under that is absolutely appalling. Even people who live two or three miles away from the touchdown point cannot go into their gardens in the summer for half the day—so no barbecues—because the situation is absolutely impossible. We cannot continue to ignore this problem.

I am opposed to the third runway, but I should point out that this is the first time that I have opposed expansion of Heathrow. I was pleased to note that one Opposition Member who has always supported expansion is also against the third runway.

I know at least one other Member who has changed his mind on the third runway. I regard myself as a friend of air transport and I was not happy when the Secretary of State launched the White Paper and sarcastically asked whether my hon. Friend the Member for Hayes and Harlington understood the economic benefits of Heathrow airport. We have lived among people there for such a long time that we certainly do. We were not pleased to hear that question. It raises people's tempers when these issues are dealt with in that way.

We have always been told that it is critical for Heathrow to compete with the Charles de Gaulle, Schiphol and Frankfurt airports, for example. Over the past 18 months, however, we have been told that Heathrow should not be a major hub, but a second-level one. I am not satisfied that that position is based on logic. It may be a form of words designed to persuade people that we do not need a brand new airport where planes can land and take off over water. It is a form of words intended to persuade us that the policy has not changed. We are now faced with the Government apparently backing short-termism—not looking far enough ahead—which we always used to criticise British industry for. I was able to secure agreement from someone in the airline industry that I was right on that issue, but no one is admitting it at the moment.

I am a friend of British Airways, which I believe has done its best for local people, but it is always governed completely by shareholders. If the Department for Transport listens to BA, it needs to know that BA will never say that it needs to look well ahead and provide a new airport with less environmental damage to residents. BA is continually criticised for having a virtual monopoly in the south-east. If we had a new airport in the south-east, I am sure that BA would not be the operator because there would be too much opposition. We need to understand that BA is bound by its duty to shareholders and we need to take that into account as we consider the issues.

In my remaining three minutes, I want to focus on local people. I have already mentioned Cranford. The Cranford agreement has existed for many years; it goes back to the 1950s. There is no legal reason for it to remain. If there were no people living underneath the flight paths, mixed-mode operation would be quite acceptable.

Before going any further, I want to make it clear that colleagues on both sides of the House often express two fallacies. One is that the footprint has got smaller, so that must mean progress. However, the planes would have to take off and land vertically for Cranford to be outside the footprint. For the people that I am talking about, it makes no difference, however the aeroplanes are modernised. The second fallacy is that the planes are quieter nowadays when they take off than when they are landing. That fallacy is often perpetuated by the hon. Member for Richmond Park (Dr. Tonge) and colleagues in the Heathrow Association for the Control of Aircraft Noise. I have praised HACAN many times and do so again. The reason that take-off seems to be quieter is that by the time the planes are over Richmond Park, Sheen and Putney, most of them have already turned away, so people do not even hear them.

Under the Cranford agreement, aeroplanes taking off to the east do not use the northern runway, so people living in Cranford do not hear such planes taking off over their houses.

That is why the television always shows aeroplanes coming in to land, rather than taking off. We cannot afford to allow the Cranford agreement to be destroyed by a mixed-mode solution that would mean that the people there had to suffer from even more noise. That would not be acceptable, as they already suffer enough.

I was pleased to hear that the poor quality of the air had been proved, but one does not need to be a scientist to know that the air is bad. One has only to stand with my Cranford constituents in their gardens, or even inside their houses, when a plane is taking off to realise that the conditions are not acceptable. No hon. Member would be prepared to live like that.

We must look at all aspects of the problem. My constituents have been happy to put up with what has gone on at Heathrow because of the economic advantages that the airport has brought, but things have gone far enough.

3.40 pm

Mr. Mark Prisk (Hertford and Stortford) (Con): I welcome this debate, but I want to preface my remarks by expressing my disappointment that the Government have allocated only half a day to this very important matter. Does the Minister really believe that this short debate is sufficient to consider 30 years of air travel? I doubt that he does. People will conclude that the Government are not very interested in dissenting views or fresh ideas.

Given the limited time available, I shall confine my remarks to the impact of the plans in the White Paper on Stansted airport. The decision to allow an additional runway there is both perverse and unworkable. It is perverse, not just because it runs counter to the original views of the inspector and the local community, but because it goes against the views of many people in business and in the aviation industry. The White Paper ignores the views of more than 60 local bodies, from parish councils to county councils, and the petition signed by 35,000 people that I presented to the House

some months ago. It also overlooks the opinion expressed by the 89 per cent. of people who voted against the runway in the referendum organised a little while ago by Uttlesford district council.

Yet the opposition to the new runway goes far wider even than that. The National Trust, the Council to Protect Rural England, the Woodland Trust and the Royal Society for the Protection of Birds all oppose it, as do many leading voices in the world of business. In a detailed survey by the London chamber of commerce and industry, 80 per cent. of the businesses that responded made it clear that they preferred Heathrow to Stansted.

Even in the aviation industry, it is clear that many airlines do not want to use Stansted. British Airways has stated:

"A runway at Stansted would not get built. Nobody wants it. Nobody would pay for it. The tarmac wouldn't even get laid."

If businesses, many airlines and the vast majority of people in my community do not want the runway, why do the Government want to press ahead with it? The answer lies in the Government's intimate relationship with BAA.

When BAA was first privatised, that close relationship was perhaps understandable, but it now clouds Whitehall's judgment. The result could be a runway to which no one wants to go, and for which no one is prepared to pay.

My concern about the new runway is that it will prove unworkable, both logistically and financially. As the House knows, our rail service struggles already to meet the demands of the 12,000 or so daily journeys from the airport. The new runway would generate over 20,000 daily rail journeys, but the Government have no plans or proposals to increase capacity, and no funds have been allocated for that purpose.

The Government plan that a new runway will be in place in eight years, but many people may not be able to get there. That is a bizarre scenario. When he replies to the debate, will the Minister say how passengers from central London will be able to get to the new runway, given that the 10-year plan for rail contains no proposals to make that possible?

I said that the decision was unworkable logistically, but it is also unworkable in financial terms. BAA plc estimates that the project—runway and infrastructure—will cost some £400 million. As always, that is an initial estimate, and the figure will undoubtedly rise considerably. Who will pay? The White Paper appears to give a clear commitment on that, when it states:

"The Government will not promote or pay for the development of Stansted. New airport capacity should be paid for by airport users."

That would appear to mean that Ryanair and easyJet, which represent 93 per cent. of Stansted's business, would have to stump up the vast majority of the costs through higher landing charges. But both companies have made it clear that they are not prepared—or, indeed, even able—to support a rise in landing charges.

A commercial reality underpins that viewpoint. The market for low-cost air travel is very cost-sensitive, and the profit margins are tight. Therefore, unlike the mobile phone sector, for example, the money is not there to invest in long-term infrastructure projects. That is why the Government are now planning to seek cross-subsidies from Heathrow and Gatwick to help pay for a new runway at Stansted. However, it is clear that such subsidies may prove commercially and legally unenforceable. One leading airline has said of cross-subsidies:

"Virgin Atlantic is totally opposed to cross-subsidisation. Airlines operating from Heathrow and Gatwick should not be expected to fund an airport for which they did not ask and will not use, or equivalently, to subsidise their competitors."

In my opinion, that is entirely right.

Ministers should be under no illusion. Attempts to cross-subsidise will face challenges both in the courts and from the competition authorities. Perhaps the Minister can tell the House what will happen if an agreement cannot be reached, or the policy is successfully challenged in the courts. After all, the development programme will probably be under way. Planning permissions may have been granted and contracts let. Who will pick up the tab then?

The Government say that they will not promote or pay for the development of Stansted. What exactly does that mean? Does it include, for example, the road and rail infrastructure outside the airport area? Does "promote" mean that the Government would not be willing to grant planning permission to enable BAA plc to enjoy commercial development rights on its site? Does the policy of non-promotion extend to all arms of Government, including the eastern regional office and the East of England Development Agency?

Those are crucial questions that will determine the viability of the proposals at the heart of the White Paper, but it fails to answer them. I hope that in his reply the Minister will do so. The proposal is neither commercially nor logistically viable. The original inspection said that a second runway at Stansted would be "an environmental disaster". That is true. The danger is that we will end up with a runway that nobody wants, few can get to and even fewer can afford. That is the reality of this misguided decision, and that is why I genuinely urge the Minister to think again, even at this late stage.

3.48 pm

Mr. Tony Colman (Putney) (Lab): I declare an interest as vice-chairman of the all-party parliamentary group on sustainable aviation. The group is especially pleased that we are having this debate on the Floor of the House, and we look forward to hosting the launch of the response to the White Paper by the Sustainable Development Commission later this month. I particularly wish to thank Jeff Gazzard, of the Aviation Environment Federation, for his work in providing information to Members on both sides of the House to better inform this debate.

I have spoken on aviation in the House on several occasions, because Heathrow airport, aircraft noise and pollution remain the No. 1 issues for my constituents. It is always good to follow my hon. Friend the Member for Hayes and Harlington (John McDonnell) in such debates, and I am sure that the hon. Member for Richmond Park (Dr. Tonge) will also seek to catch your eye, Mr. Deputy Speaker. The link between our constituencies is that we all suffer under the flight path.

Two weeks ago—the Minister will note that this is, as he would wish, six months on from the White Paper's publication and not a knee-jerk reaction—the Putney

[Mr. Tony Colman]

Society arranged a public meeting at the Putney Methodist church to bring its members up to date. The meeting was packed. Gerald Jones, the chief executive of the London borough of Wandsworth, spoke of his and the council's concerns. John Stewart of HACAN spoke about the forthcoming challenge to the White Paper, given that it is under judicial review in the High Court. I expressed my deep concern that the Government are not listening to my constituents, as is evidenced by the White Paper. Three key questions come from that meeting, and I should like the Minister to respond to them. I realise that there were perhaps clues to the answers in parts of his opening statement, but I should like to go through the questions quickly. The first question concerns the cap on traffic movement, the second is on night flights and the third is on mixed mode.

First, will the 480,000 cap on air transport movements still be the legal limit for Heathrow? That figure compares with 457,027 air traffic movements in 2003. The Minister has said that a draft statutory instrument has been laid before the House today to allow local authorities around Stansted to decide whether any removal of the cap or any change in the number of air traffic movements is necessary. I hope that he will consider introducing a similar statutory instrument to cover air traffic movements at Heathrow, which should perhaps be under the control of the Mayor and the Greater London authority.

Secondly, the Minister has announced—if I heard him correctly—that a new consultation on the 16 night flights at Heathrow that are the bane of my constituents' lives will be held in the very near future. Perhaps he could say what that means, thus enabling us to question him on the nature of that consultation, before the House rises for the summer recess. There are rumours that the definition of any possible new regime would relate not to the number of flights, but to the overall noise level during the night. Could the number of flights be increased beyond 16? Will the consultation allow for the banning of all night flights to and from Heathrow? Will it take account of the new World Health Organisation community noise exposure guidelines that have now been brought into play? I was concerned to hear the hon. Member for Ashford (Mr. Green), speaking for the Opposition, use the phrase—if I heard him correctly—"if we are going to allow more night flights". I would be interested to hear whether the Opposition are therefore in favour of more night flights, as that would be of great interest to my constituents.

Thirdly, there is concern about mixed mode—the end of alternation on runways at Heathrow. Those at the meeting in Putney were concerned that the White Paper was ambivalent on the subject. I received a letter from the Minister in which he said that, as yet, there is no proposal to end alternation and that, if there were such a proposals, there would be full public consultation and environmental impact assessments, which could not be completed before 2007. Only then could consultation take place. Perhaps he can confirm that. Again, for the record, I wish to say, as hon. Members on both sides of the House have said, that I totally oppose the end of alternation. The Minister said that the press reports to date have been "just daft". I hope that he will keep us informed of the issues and ensure that the MPs who live under the flight path are fully involved.

We meet three days before the elections on Thursday. I understand that the Labour party mayoral candidate, Ken Livingstone, opposes the third runway and any night flights. The Mayor's significant planning powers must come into play on those issues, as they did not on terminal 5. Given the European elections, I should mention that Robert Evans, the current lead Member of the European Parliament for London on aviation, has also opposed the third runway and night flights. If he is re-elected—I am sure that he will be—he will continue to work with the European Commission and the European Parliament for united opposition to night flights into major cities across Europe and to fight for new, more stringent noise and pollution standards. It is very important to bring together all the concerns that are equally expressed by those who live under the flight paths to Schiphol or Charles de Gaulle airports.

I have previously begged the Minister to attend the International Civil Aviation Organisation meeting in Montreal this September, but he said that it is for civil servants only. Last month, I met Sharon Pinkerton, assistant administrator of the United States Federal Aviation Administration, and she is certainly going. She is lobbying Ministers for a voluntary emissions policy, not a mandatory one as the European Union wants. I ask that, at the G8 meeting in Georgia and the follow-up meetings, the impact in terms of global warming of uncontrolled aircraft emissions and the need for mandatory controls be on the agenda. Let me point out that the G8 meeting is literally "The Day After Tomorrow."

The United States Minister pointed out that aviation fuel for domestic use is fully taxed in the United States, that tax being hypothecated to deal with environmental damage due to the aviation industry. I know that the Minister has met with his US counterpart: he might want to put on record his wish to follow that US lead in the taxation of aviation fuel.

I note the Minister's commitment to meet local groups and MPs on whom changes at Heathrow will have an impact. To date, such meetings have not taken place with the Putney MP or Putney groups. It is extremely important that the BAA and all those involved in the debate, including the Minister, ensure that all those affected by the potential changes at Heathrow are involved and consulted at every stage. Sustainable aviation is possible, but it needs leadership from my Government beyond that which they have shown so far.

3.56 pm

Mr. Francis Maude (Horsham) (Con): I have only a few points to make—indeed, that is all I have time for. I accept the need for greater runway capacity in south-east England. I am not one of those who believes that capacity should be controlled, restricted or capped: the free availability of air travel is an undoubted good. In addition, I am a Kyoto sceptic who doubts that reducing air travel will do much to alleviate the effects of global warming. I am not a luddite—I accept the need for expansion. I have said many times that my preference is for the Government to make long-term, serious investment in a new airport, preferably on the coast so that flight paths can be over water and not over people's houses, and where 24-hour operation is therefore possible. That seems to me to be the long-term way to

build a secure future for Britain's important aviation industry, but I concede that that argument is over—at least for the time being.

I am not opposed to expansion at Gatwick—the airport with which I am most concerned from a constituency viewpoint. There are about 30 million passenger movements a year at Gatwick, and there is scope with a single runway to increase that number—an increase that I support—to 40 million or 45 million, if that is what the infrastructure can sustain. All of us whose constituencies are near Gatwick appreciate that it is an important economic motor for the area. We support the airport's continuing expansion, but that is a far cry from supporting either a second runway there, or the option of a second runway being allowed to remain open at this stage.

Gatwick MPs might, at first sight, be thought likely to appreciate the Government's perhaps not so surprising commitment not to seek to overturn the legal agreement between West Sussex county council and the BAA that no new runway will be built before 2019. One might have assumed that that commitment would be taken as given, but it was not. However, our confidence in the commitment has been shaken somewhat by the lack of consistency in the Government's pronouncements on the subject of Gatwick in the past few years. In their original consultation paper, published in July 2002, the Government stated, in very clear terms:

"The Government has concluded that an option for a new runway"—

at Gatwick—

"that could not be available until very late in the 30-year period of the forthcoming White Paper would create unnecessary blight and anxiety."

Hurrah to that, we thought at the time. We all know that that decision was overturned by the High Court and the Government were forced to look again at least at the decision-making process that they went through, but we thought that the substance of the decision, which must have been carefully thought out before the Government put it in print in a consultation paper, would remain solid.

Not a bit of it—when the White Paper eventually saw the light of day, that decision was changed in substance, and the Government proposed

"to keep open the option for a wide-spaced runway at Gatwick after 2019."

That is the Government's fall-back position, to be used if it is impossible for airport operators and developers to overcome the environmental hurdles against a third runway at Heathrow. One might expect that option to be bottomed out and a conclusion reached soon, but that has not been the case. I think that the Minister said—he will correct me if I am wrong—that it will be 2010 or 2012 before the issues relating to a third runway are resolved. In response to a parliamentary question in which I asked whether the Government would release the safeguarding of land at Gatwick when a decision was made on Heathrow, he said:

"The situation at Gatwick will be reviewed at the stage when any planning application for a new runway at Heathrow has been decided."—[*Official Report*, 7 June 2004; Vol. 422, c. 1W.]

Again, that postpones a decision on Gatwick. It took two years just to write the report on the inquiry into a fifth terminal at Heathrow, and the whole planning process took seven or eight years. If we add seven or eight years to the date on a decision on overcoming environmental objections at Heathrow, we approach the time when the legal agreement on Gatwick comes to an end anyway.

The position is unsatisfactory for many reasons. When the Government published their initial consultation nearly two years ago, they said many splendid and bold things that I applauded. In section 1.3 of the introduction, entitled "Why are we looking 30 years ahead?", they said:

"A long-term framework will provide greater certainty both about those developments that are likely to happen and those that are not. This will help reduce the anxiety that uncertainty causes."

None of that anxiety has been removed. A maximum amount of long-term blight has been created, and the Government have done nothing to reduce it.

A second runway at Gatwick would have a devastating effect on the area. It is already highly developed, with increasing pressure for development. The Deputy Prime Minister has instructed that 50,000 houses should be built in West Sussex over the next 15 years or so. The economists hired by the two county councils affected by Gatwick concluded that a new runway would require the building of housing equivalent to another Crawley. We all love Crawley dearly, but the prospect of building another Crawley on top of the development that is already being imposed on West Sussex is not viewed enthusiastically in my constituency or in the environs of Gatwick. The maximum amount of uncertainty and blight has been created, not just around Gatwick but around all the airports in the south-east. I hope that the Government will think again, and do what they can to accelerate the decision-making process so that the uncertainty, blight and anxiety, to use the words that they themselves use, can be lifted from as many people as possible as soon as possible.

4.3 pm

Laura Moffatt (Crawley) (Lab): It is a pleasure to follow the right hon. Member for Horsham (Mr. Maude). Gatwick is wholly within my Crawley constituency, and I must be one of the few Members to travel through an airport every day to work at the House of Commons. It is a fantastic airport that not only provides air travel but offers an excellent interchange for a fast and efficient bus service, coaches and trains. It is therefore a valuable resource that we very much treasure in Crawley.

I have not come to these issues lately, as I grew up with the airport and the new town of Crawley.

I have been a member of the consultative committee for some nine years and chaired the environment committee that put in place noise and track-keeping schemes and penalty schemes to make sure that our airport functioned properly and did not cause enormous trouble for the people around it. I consider myself to be a critical friend of Gatwick airport and continue to be so.

It is important to recognise what a valuable asset the airport is, particularly as development goes on. The new bridge that has just been erected is a wonderful feat of engineering. Gatwick supports 26,000 people on the airport and many thousands more around it. The

[Laura Moffatt]

conclusions that I reach differ from those reached by the right hon. Member for Horsham. On expansion, there are serious concerns about the way in which Gatwick has been left on what Sussex Enterprise inventively calls the subs bench.

Listening to the debate, I thought how poignant it was that hon. Members were speaking about consultation. We as Members of Parliament have a crucial role to play. That is why on two occasions I have held major consultations with the people of Crawley—not just those who come to me to complain—about what they feel about expansion. In the first consultation we had a large seminar in our town centre that brought together all sorts of people who had an interest in our airport—in noise issues, employment and all the features that make an airport part of a community.

The debate in Crawley has been much more finely balanced than elsewhere. It was important that people were able to express their views about airport development. As in the debate today, there was complete consensus that the use of our airports must be maximised at each site. It is good to hear that. I am keen to pursue surface transport issues, because with a fast efficient service between Gatwick and Heathrow, we would get much more out of those two airports. We could use the two airports as a combined London hub, as is done in the United States, although I entirely understand that the principle of a single hub is the only one that succeeds, sad as it is for me to admit that.

The continuing success of our airports is vital. The outcome of the consultations, e-consultations and debates around my constituency was finely balanced. A small majority felt that there should be no further development. Many of those people were closely associated with the airport. It is important that we take on board the views of those who will bear the brunt of expansion. In other parts of the town, the views were different. People wanted Gatwick to be part of the development of air transport.

If we had time, we could have a long debate about whether the aviation industry should grow. I firmly believe that it should, and that Gatwick should be part of that growth. I want it to be at the heart of future plans, but it is clear from the White Paper that we are in a difficult position. If there were to be expansion at Gatwick, my preference would be for a close parallel runway, because that would mitigate noise and disturbance for many more people than would a wide parallel runway.

We are faced with the enormous dichotomy of environment v. expansion.

It is no good MPs saying that the environment is important, but that we should move ahead and ignore it, and it is no good their saying that the industry is important, but that the environment is paramount. We must find new ways in which to move forward, and I have no doubt that the series of debates on the subject in the House will continue. New technologies can be used—they have been implemented at Gatwick, and I have seen how they can reduce noise in simple ways, such as ensuring that pilots fly their planes properly.

Few people in Crawley criticise the Government's approach, which is a brave move forward on one of our most successful industries. Wherever I go, people acknowledge that the Government have tackled the issue. Under the last Government, who ducked the issue, I sat through endless debates on the development of runway capacity in the south-east and on the south-east and east of England regional air services study.

I understand the White Paper's objective. I want the Minister to tackle issues such as air passenger duty and fuel, but I also want him to think carefully about how we can ensure that all air passengers travelling abroad receive the same protection as those who travel as part of a package.

The White Paper contains a raft of interesting and vital issues. The debate will continue, and, as MPs, it is our duty to ensure that our constituents understand that point—I will certainly ensure that the views of people in Crawley are brought to the House. The debate will continue until we reach a conclusion, but at last we have a Government who are tackling it.

4.12 pm

Mr. Peter Ainsworth (East Surrey) (Con): It is a pleasure to follow the hon. Member for Crawley (Laura Moffatt), whose constituency borders mine.

As the Minister knows, the Environmental Audit Committee, of which I am the Chair, yesterday published the Government response to our report, "Aviation Follow-up". In doing so, we took the opportunity to take issue with the Department for Transport about numerous aspects of its response, which we considered superficial and inadequate. We are therefore happy to invite the Government to have a second go. Next time, I hope that they address some of the issues that we have raised, rather than seeking to avoid them.

In particular, I hope that the Government will resist the temptation wilfully to distort the Committee's views on aviation. For example, the Government response implies that we advocate that the growth of aviation

"should be stopped in its tracks",

which is simply untrue. For the record and for the benefit of the Minister, our position is neither that the Government should halt the expansion of aviation nor that they should set out to satisfy inflated predictions of future demand, but that, bearing in mind aviation's impact on the environment, which nobody doubts, and the current and likely future state of the industry, it would simply be responsible to plan for a reduced rate of growth. If that course were adopted, the Government would save itself a major headache, which they are hearing about this afternoon, and millions of people would be spared from blight and environmental degradation—it would also help to reduce the disturbing acceleration of climate change.

As I said, the environmental impacts of aviation are hardly disputed. Equally, I do not dispute the economic benefits that aviation can bring, and I listened carefully and with some approval to the remarks made by my right hon. Friend the Member for Horsham (Mr. Maude) on that point. My constituency borders Gatwick, which is an important source of jobs for thousands of my constituents, and Gatwick is generally recognised as a key driver for the local economy. Although the overwhelming majority of my constituents are broadly content to see Gatwick reach its maximum use, they emphatically do not want another runway.

Turning to the White Paper, my hon. Friend the Member for Reigate (Mr. Blunt) and I were delighted by the unequivocal rejection of the frankly ridiculous proposal to turn Redhill aerodrome into an international airport, but I share the concerns expressed by my right hon. Friend the Member for Horsham about Gatwick.

The White Paper creates the invidious position whereby after 2019, Gatwick's fate is left entirely dependent on circumstances beyond its control—namely, whether pollution at Heathrow can be reduced to acceptable EU levels. The uncertainty of that was demonstrated when the hon. Member for Hayes and Harlington (John McDonnell) said that there was no chance of Heathrow meeting those targets and the hon. Member for Shrewsbury and Atcham (Mr. Marsden) suggested that it was likely to do so.

Where does that leave people who live around Gatwick, whose future environment depends on the decisions that are being taken? Gatwick has been given a conditional sentence but left with no control over how or whether those conditions can be met. That is a classic recipe for blight. Local people are rightly concerned about that. They are also extremely anxious about the profound and irreversible impact that a second runway would have on the local environment. Their concerns extend beyond noise and pollution to embrace the huge demand for extra housing that would be entailed, the loss of more countryside and the massive extra pressure on our infrastructure. Those concerns are not only for hon. Members and other people located around Gatwick—they apply equally to Stansted, to Heathrow and to every area where new runways are proposed. I regret that the Government have so far failed to place a monetary value on the impact of their plans on the landscape, tranquillity, heritage sites and biodiversity; they should do so as a matter of urgency.

I hope that I can bring hon. Members some good news. The approach advocated by the Environmental Audit Committee is very clear and offers a solution to problems such as those described by the hon. Members for Hayes and Harlington, for Brentford and Isleworth (Ann Keen) and for Putney (Mr. Colman) and by my hon. Friend the Member for Hertford and Stortford (Mr. Prisk)—even by my right hon. Friend the Member for Horsham, if I could persuade him to be slightly less Kyoto-sceptical.

We need to look again at whether expanding runway capacity on anything like the scale proposed in the White Paper is really necessary, bearing in mind the existing underutilised capacity. I urge hon. Members to look carefully at the Government's forecasts. Two critical interrelated assumptions underpin the White Paper and all that follows from it. The first assumption is that demand for air travel will continue to grow at an average of 4 per cent. a year to 2030. That implies a threefold increase in air travel over the next 30 years, which must be highly questionable. There is every reason to believe that at some point, probably quite soon, the industry will conform to the usual law of economics and mature into significantly lower growth. It is important to understand that that 4 per cent. per annum increase over the next 30 years would lead us to a position in which by 2030 we will need a new airport the size of Heathrow every three years. That is a ludicrous proposition, but the White Paper asks us to accept it.

The other basic assumption in the White Paper concerns the cost of flying. The Department is assuming that the cost of air fares will fall by around 40 per cent. over the next 30 years. That was hard to believe even before the recent rise in the price of oil. We should note that for forecasting purposes, the White Paper assumes that the price of oil will remain at an average of $25 a barrel—right now, it stands at more than $40 a barrel. That seems challenging, to put it mildly.

The Government also appear to believe that the voracious competition at the low-cost end of the industry will be sustained. It is more likely that many of the competitors will disappear from the market and that the industry will consolidate and gradually try to increase fares. Some hon. Members have also referred to increased landing charges. All that is supposed to happen without any new fiscal measures, which my hon. Friend the Member for Ashford (Mr. Green) was right to mention as a possibility.

It is beyond doubt that a policy that predicts a massive increase in demand for aviation and subsequently sets out to provide for it is a predict-and-provide policy. The environmental consequences are potentially devastating and I urge the Government to think again.

4.20 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): It is a pleasure to follow the hon. Member for East Surrey (Mr. Ainsworth), but it will come as no surprise to him that I do not altogether agree with his arguments either in the Chamber or in the report for which his Committee is responsible.

Let me make it clear: aviation will grow. It is like a child who is lolloping around in short trousers one day and the next day appears to be a full size male. That will happen whether we like it or not. We therefore have a choice—we can begin to face up to the responsibilities that that presents or run away and pretend that somehow it can be left to the forces of capitalism to decide our future.

There is no question of predict and provide in the Government's policies. Were that the case, we would be considering the construction of a new runway at Heathrow almost immediately, a clearly delineated plan for a second runway at Gatwick in the foreseeable future, and growth in regional airports. That is not the Government's position. Some of us believe that it might have been better if they had chosen one of those three and decided to concentrate on future development there for the time being. However, such a position is not outlined in the White Paper, and Ministers have not displayed such an attitude in debates.

There is an immediate problem—much of our economy is directly tied up with aviation because we are considering the movement not simply of people but of goods. That constant movement is intimately involved in the development of aviation and we must therefore make several difficult decisions. It would be far better if we made them now rather than by default. Default is never a good decision maker.

Mr. David Marshall (Glasgow, Shettleston) (Lab): Does my hon. Friend agree that although the debate has centred mainly on the south-east, any decision on that

[Mr. David Marshall]

area impinges on other countries in the United Kingdom—Scotland, Northern Ireland and Wales—and on the regions of England? The economic benefits or consequences of the decisions could seriously impinge on the rest of the UK. Does my hon. Friend share my hope that when the Secretary of State makes a decision, it will be in the best interests of the whole of the United Kingdom, not only that of specific localities?

Mrs. Dunwoody: I confidently expect that that will be the case. Airports in the south-east, which are becoming increasingly congested, will, in the next five years, have to decide their policy on transatlantic flights and regional flights. At governmental level, we will have to decide whether we can protect the interests of regions or whether we shall simply allow circumstances to develop in which those who have the money and can bargain for slots at busy airports will be the only ones capable of getting into the south-east.

I want the Government to state plainly that they not only understand the need of regional airports for access to the south-east, but are prepared to protect that. It is noticeable that the Crown dependencies have not even been mentioned. Guernsey was faced with the prospect of losing its slots. It believes that it is essential to have such access and was therefore prepared to purchase an airline. Even so, access is not protected in the way in which it should be in future. The problem will arise in relation to Scottish airports, some Welsh airports and those in the south-west.

We have to deal with these questions now; they will not go away. The chaos will not only cause great costs to fall on the taxpayer, but complicate and confuse our transport planning.

The Airport Operators Association has stated plainly that it understands the need for sustainable development and the need to take the populations around airports with it. It says that it believes in an emissions trading scheme and that it will undertake the responsibility of consulting the populations that are most affected, in order to develop some important plans. However, the reality is that unless the Government are prepared to use the development of master plans to sort out certain priorities, we shall simply drift, over the next five or six years, without a clear idea of where we are going to expand. Given the conflict of interest between the British Airports Authority and the commercial needs of the industry, it is impossible to accept that the BAA should be the only people deciding on the development plans in the south-east. This situation presents us with a real difficulty, and it will present the Government with a real problem if it is allowed to continue.

A number of important decisions will be taken this week at the Transport Council. I hope that the United Kingdom Government will stand up not only for the interests of the UK traveller, but for all those who want to see the planned and sensible economic development of aviation within the Community. Heathrow is a vital hub—it does not matter how we present that fact—and Gatwick must automatically be the second airport to be of concern. But unless their interests are looked at in terms of the United Kingdom economy, and not simply as a bargaining pawn for the European Commission in reaching some kind of second-rate agreement with the United States, we shall all suffer. The House would then have to debate as a matter of urgency the decisions that had been taken.

Mr. John Wilkinson (Ruislip-Northwood) (Con): The hon. Lady is making a most cogent speech, as usual. Is there not a grave danger that the United Kingdom, which has premier status on the north Atlantic route in particular, could lose that position in the longer term through its extraordinary decision to allow the European Union to negotiate on its behalf air service agreements that should properly be the interest of our country alone?

Mrs. Dunwoody: That is exactly the case. This is frightening because, of course, the interests of mainland European airports will not be the same as those of Heathrow. How could they conceivably be? Nor will the negotiation of individual slots or services at both our major airports be capable of any simple solution involving half a dozen other national airlines. That would not only produce great confusion, but place considerable pressure on the Government.

The production of the White Paper represents the first step towards a sensible appreciation of the fact that, as with so many other forms of transport over the past 30 years, we decided that we did not have to take clear planning decisions, and that they would somehow all look after themselves. The results of that lack of determination are plain to see in all the other forms of transport. In the one form that is really successful—aviation—the last thing that we should do is repeat the policies of chaos and indecision that have got us into such difficulty elsewhere.

The Government have begun to confront that issue, but they must go further. They must accept that many unpopular decisions will have to be taken. We have heard hon. Members today expressing their genuine concern to protect the interests of their constituents, but we cannot allow this to become an esoteric argument based solely on some rather iffy science regarding what may or may not happen. We know what will happen: the economy of this country will suffer; people will continue to travel; and we shall not manage to restrict the development of aviation in the United Kingdom in any way. All that we shall do is damage the interests of the British people. The Government have the right idea, but they had better come clean and say that they are prepared to follow it up.

4.29 pm

Dr. Jenny Tonge (Richmond Park) (LD): I congratulate the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) on a powerful speech, but I hope that she does not regard all environmental science as iffy science. It is the science of the future, and extremely important.

This year is my 30th anniversary: the 30th anniversary of me campaigning against the expansion of Heathrow airport. That is 30 years of trying to hold back the tide of air traffic movements and the noise and pollution that they cause, and 30 years of broken promises. After the terminal 4 decision in 1979, we were promised no more expansion at Heathrow, and a limit was set of 270,000

air traffic movements a year. The Ministers of the day and the executives at the British Airports Authority must have been laughing all the way back to their offices. Almost before the ink was dry on the terminal 4 inquiry, plans for terminal 5 were announced. We now have the joy of a third runway to look forward to, and a sixth terminal will follow as night follows day.

Heathrow is there, our hub airport, and the shops are lovely—"Airside Bond Street", as it was described in *GQ* magazine some time last year. Heathrow is there, so people come, so more facilities must be provided, so more people come—and it is spreading. As the hon. Member for Hertford and Stortford (Mr. Prisk) and the right hon. Member for Horsham (Mr. Maude) have pointed out, Stansted and Gatwick are also in the south-east, and they are suffering the same fate. We, who have lived around Heathrow for the past 30 years, do not want the same thing to happen to Stansted and Gatwick. Why is it always the south-east? Other parts of the country need economic development and want more jobs. We are a tiny country. Why must it always be the south-east, and, of course, why Heathrow in particular?

First, let us consider air traffic movements. I remind the Minister that the inspector, when giving the go-ahead for terminal 5 at Heathrow, limited air traffic movements to 480,000 per year. That was confirmed to me when I asked a question of the then Secretary of State. Some of my constituents were reassured, but others, including their MP and the redoubtable Heathrow Association for the Control of Aircraft Noise, were sceptical, knowing the betrayals of the past. Sure enough, when I challenged the present Secretary of State about saying that there would be 655,000 air traffic movements a year, I was told that that was with a third runway. But, of course, the previous Secretary of State had neglected to mention the third runway—economies of truth indeed.

A new report from the Civil Aviation Authority in December 2003 admitted that numbers were underestimated—*[Interruption.]* I do not know what the Minister is saying from a sedentary position, but I know that among his many attributes, gallantry is not one. It was admitted that numbers were underestimated and that a third runway would mean 700,000 air traffic movements per year. Were mixed mode introduced, having already got a third runway—I do not put that past them, as they have betrayed us in the past—another 35,000 planes could use Heathrow, making a grand total of 735,000 planes a year, which boils down to 84 an hour. If we take into account daytime hours being more popular, that is about 100 planes using Heathrow every hour. That is ridiculous, but it could happen.

Has the Secretary of State worked that out—as the Government have tried to do in the White Paper—in terms of global warming and adherence to the Kyoto protocol? A fuel tax is rejected on the ground that it would have to be international and that could not be achieved. The report talks of getting aviation included in the European emissions trading system. There seems to be no evidence that he will get any support for that. If he does not, where does his flagship policy of the polluter pays go?

Why are the Government not making the aviation industry more responsible? We may think that it is tremendous to have extremely cheap flights. A friend of mine recently flew to Milan for £1, but is having to save quite hard for the return flight, which will cost £5.99. Is that really responsible pricing by an airline that is polluting the environment to such an extent?

Air pollution is a serious problem about which we have heard a great deal this afternoon. I just say thank God for the European Union. Long may it prosper and continue to set limits on our environment, make us look to the future of our children and stop the appalling pollution. The Government are looking at the third runway like Mr. Micawber and hoping that something will turn up so that everything will be all right in the end. However, the White Paper admits:

"on the basis of the evidence available, we cannot be confident that air quality limits at Heathrow with a third runway will be met, even with aggressive mitigation measures."

Those are the Government's words.

Most of the complaints that I receive from my constituents are about noise. People who are hard of hearing cannot hear at all in my constituency. Teachers cannot teach and children do not learn properly because of the noise. Sunday afternoons in the garden are ruined, which can be a problem if it is one's only day off. We are constantly told that an average noise level of 57 dB marks the approximate onset of significant community annoyance—that is a nice phrase. However, aircraft noise is not average, and it is disingenuous of the Government to exclude from consideration early morning hours during which the bulk of the night flights disturb my constituents.

Page 33 of the White Paper recognises that

"noise from aircraft at night is widely regarded as the least acceptable aspect of aircraft operations"

and says that the Government will

"bear down on night noise accordingly"—

so why did the Government challenge my constituents in the European Court of Human Rights after they had won the right to a decent night's sleep? We are all worried that having won the appeal in Strasbourg, the Government will try to increase the number of flights at Heathrow at night. I beg them to defend my constituents' rights to a decent night's sleep.

Those of us who live near Heathrow have been promised much over the years, but we have been betrayed over and over again. Will the Government please stop the expansion of Heathrow airport before the south-east in the 21st century is turned into the equivalent of the noisy and polluted dark satanic mills of the 19th century?

4.37 pm

Mr. Graham Stringer (Manchester, Blackley) (Lab): The hon. Member for Richmond Park (Dr. Tonge) cares passionately about her constituents, and I shall try to answer the question, why Heathrow and why London? The answer is simply that Heathrow is one of the world's premier airports. It is losing out competitively to Frankfurt, Charles de Gaulle and Schiphol, and that is important not only to her constituents in Richmond Park, but to every single person in this country and our economy. The issue is not only local, and I may return to that point.

I am grateful for the opportunity to speak in our second debate on the aviation White Paper. In the first debate, I was moderately and constructively critical of

[Mr. Graham Stringer]

the Government's policy. They could be doing more and achieving that faster, and I agree with many of the comments made by my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody). However, after I read the report by the Environmental Audit Committee, I went scurrying to the barricades to protect and support the Government because at least they understand the essential importance of aviation to the country. The Committee has not even grasped the basics that would allow it the benefit of criticism. Its report reminded me of annoying undergraduate conversations that one can have in which after three or four hours of arguing, one suddenly finds out that the participants have been using completely different definitions of whatever they have been arguing about.

I do not know why so few of my hon. Friends on the Environmental Audit Committee are here to participate in this debate, but I want to say to them that providing accurate definitions would be useful in taking forward a difficult debate involving hon. Members with constituency interests to look after and a Government who have the country's interests to consider. I ask for three definitions. I have yet to receive from anyone a clear definition of sustainability. Everyone is in favour of it but nobody uses the same definition. It would be helpful for future debate if we could agree on that.

Secondly, the leader of the Green party in the European Parliament said today that we should not subsidise aviation. It would be helpful if we agreed on a definition of subsidy. Actually, the aviation industry gets next to no subsidy by comparison with buses and trains, but in the mad world of the Green party buses and trains are considered not to be subsidised and aviation, which supports itself commercially, is considered to be subsidised.

Thirdly, the Government have been accused of taking a predict and provide approach. Let us define that. The Committee's report also accuses the Government of promoting growth. Excellent, say I: growth in aviation is growth for the economy. I want more of it, not less. I am amazed that hon. Members on the Committee are against growth, which is an excellent thing.

David Taylor (North-West Leicestershire) (Lab/Co-op): My hon. Friend makes a crucial point. At the centre of the debate is the tension between a standard of living and a quality of life. The standard of living is for the 7,000 people who work in and around East Midlands airport and the quality of life is that damaged for many thousands by night flying and other things. The same applies at other airports. How are those things reconciled in my hon. Friend's equation?

Mr. Stringer: The aviation world has an excellent record on mitigating and dealing with such problems. Compensation can be made. Double glazing can be put in. Houses can be knocked down and people moved. The hon. Member for Shrewsbury and Atcham (Mr. Marsden) said earlier that noise causes problems, and so it does, but he forgot to mention that around Heathrow about a sixth as many people are now affected by noise as were 25 years ago. That is the reality of improvements. I am not saying that the issue is an easy one, but that is the reality.

On predict and provide, if the Government really were providing, there would be a mass of new runways in this country. In fact, one new runway has been built since the second world war. There is no provision out of public funds. The Government are not predicting what will happen; they are saying, "If this happens, individual airport operators should, commercially, be able to expand to meet demand." That is a completely different point from the one made in a phrase that came from the anti-road movement about predicting and providing, and completely different from the odd theory, on the basis of Rocasta reports, that that would induce extra traffic, which is only the case in specific circumstances. There is no direct comparison between road movements and what is happening in aviation, and the Government are right to deny that there is.

Mr. Paul Marsden: I am interested in the hon. Gentleman's bulldozer diplomacy: sort out noise pollution by getting those pesky constituents out of the way. May I draw his attention to the Royal Society for the Protection of Birds, which said three days ago that, in effect, the Government had abandoned their declared intention of adopting a sustainable aviation policy in favour of predict and provide? Surely the hon. Gentleman agrees that the RSPB is a respectable organisation, which knows what it is talking about.

Mr. Stringer: In previous debates the hon. Gentleman has failed to tell me what "sustainable" means. When he does so, I will answer that part of his question; I have already answered his points on predict and provide.

Mr. Marsden *rose—*

Mr. Stringer: I have relatively limited time and would like to move on.

I hope that the Environmental Audit Committee will take my points on board. I should use the last half of my speech to mention something often mentioned in passing but not discussed as often as it should be; that is the air cargo industry and, in particular, the express part of that industry. I congratulate the Minister and the Secretary of State on not giving in to pressure to designate East Midlands airport so that there would be control on its night flights. It is not as well understood as it should be how fundamental the express cargo industry is to industry in this country. Increasing numbers of businesses require widgets and machinery parts within 24 hours and for that, they need to have access to air freight that can get in and out very quickly. There are increasing restrictions on the London airports, and if East Midlands, Edinburgh and other airports are not allowed to have those night flights, businesses will move because if the cargo is not flown at night, they cannot carry out a 24-hour service. A CBI survey showed that if businesses could not have that night service, one sixth would remove and one third thought that they would lose business.

To return to the position taken by the hon. Member for Shrewsbury and Atcham, more cargo is now going through East Midlands airport, but there are fewer planes. The airport has moved from chapter 2 to chapter 3 planes, so there is less noise. That is very good for the east midlands economy.

Mr. Andy Reed (Loughborough) (Lab/Co-op): As someone who lives under the flight path of East Midlands airport, experiencing that particularly at night, I can assure my hon. Friend that the noise of aircraft still disturbs many of my constituents. I agree with him on the importance of air cargo and the future use of East Midlands airport, but to return to his views on sustainability and noise problems, how far would he go in giving powers to local authorities and others to restrict noise without stopping evening flights?

Mr. Stringer: There must always be a balance in such issues. The 57 dB limit is a good one, but to try to contract that, or to reduce the number of people within the noise footprint or to get support to them for noise insulation are among the ways of achieving that balance. Basically, the question is whether we mitigate the effects of economic growth on those people who suffer bad effects from it, or whether we throw economic growth into the rest of Europe. That is what some of the constraint policies in this country have done. Schiphol, Frankfurt, Charles de Gaulle, Brussels and Copenhagen are all benefiting because there is not sufficient capacity in the UK system.

Transport in national policy is a Cinderella service. Over the past 10 or 12 years, what has been spent on transport has changed from 2 per cent. to 1 per cent. of gross domestic product—although that is partly because of economic success, and it is not a great measure. The real task of the Ministers in the Department is not only to fight for aviation and to ensure that our industry is competitive with Europe, but to get the resources needed to give those airports the ground transport system that will make them as efficient and effective as possible. Without that, the airports will not work. I know that my right hon. and hon. Friends in the Department have a tough job because they have to compete with education and health, but aviation is vital to the future of this economy.

4.48 pm

Mr. Edward Garnier (Harborough) (Con): I was interested to listen to the words of the hon. Member for Manchester, Blackley (Mr. Stringer) because I, too, want to speak about East Midlands airport. I notice that my hon. Friend the Member for Rutland and Melton (Mr. Duncan) is here, as are the hon. Members for Loughborough (Mr. Reed) and for North-West Leicestershire (David Taylor). We all have constituency interests in the thriving of East Midlands airport, but we also have constituency interests in ensuring that as it expands—as it no doubt will—it does so in a sensitive and co-operative fashion, without damaging the rights and interests of our respective constituents.

It is interesting that the hon. Member for Manchester, Blackley thought it appropriate to mention East Midlands airport, and I accept that the cargo industry is of national importance. But what Members might not realise is that Nottingham East Midlands airport, as it is nowadays called, is part of the Manchester Airports Group, which, even though it is a public limited company, is wholly owned by the 10 local authorities of Greater Manchester.

The former leader of Manchester city council has just addressed us. He, as a Manchester councillor, had more influence over the governing policies of the airport that affect my constituents and whether they can sleep at night than I have as the Member of Parliament for Harborough. My constituents cannot even buy shares in Manchester Airports Group and attend the annual general meeting in order to sack the board, because the board is controlled by, and its appointments are made by, the leaders of the 10 local authorities in Manchester.

Mr. Stringer: The hon. and learned Gentleman is completely right about the governance of Manchester Airports Group, but he is completely wrong in saying that I had any influence over East Midlands airport. At the time of my membership of the board, Manchester Airports Group had not acquired East Midlands airport, so I hope that he will accept that I was debating this issue in the interests of the United Kingdom economy.

Mr. Garnier: I absolve the hon. Gentleman of any personal responsibility for the damage that is going to be done to my constituents; I was using him figuratively. A Manchester councillor has greater influence over the direction of Nottingham East Midlands airport's policies than I have as a Leicestershire MP, or any local authority councillors have, be they councillors in the city of Leicester, in the district councils or in the county council; still less is the influence of the voters and individual residents of Leicestershire who will be affected by the increase in the number of night flights into and out of East Midlands airport.

Nottingham East Midlands airport says in its publicity material that it is

"the largest pure freight airport in the UK and a hub for DHL and UPS",

which are probably the two biggest freight-forwarding companies operating in this country. It continues:

"It is also now the ninth largest passenger airport in the UK, largely thanks to the introduction of low-cost services from carriers such as bmibaby and easyJet."

None of us wants the economy to be damaged, and we all want jobs to be drawn into the east midlands. If those jobs are at the airport, all well and good, but a balance has to be struck between the rights of a company controlled by the 10 local authorities in Manchester—operating in Leicestershire—and the rights of my constituents, those of my hon. Friend the Member for Rutland and Melton, and those of the hon. Members for Loughborough and for North-West Leicestershire.

It is estimated that in the next few years, if the Government do not control Nottingham East Midlands airport's expansion—they show absolutely no sign of getting a grip on this issue—the continuous disturbance that night flights cause to my constituents will become intolerable. At the moment, flights come into the airport predominantly from the west. As I understand it, there are few if any approaches from, or take-offs in, an easterly or south-easterly direction. The proposal is that the airport's capacity to take in freight be expanded, particularly at night. Of course, although cargo does not mind at what hour of the day it flies, the freight customer does. They like it to arrive first thing in the morning, so that when the office opens, it is there. That suggests to me that there will be a great many more night flights over Leicestershire.

The Civil Aviation Authority was invited to conduct a noise assessment, and it did so on the basis that most of the flights would come in from the west. It now

[Mr. Garnier]

transpires that it was basing its calculations on a false premise, because there will now be two additional approach and departure routes. One route will fly over Market Harborough, and the flights will be so numerous that a stacking procedure will be needed over Market Harborough and the villages just outside it. What that will do for emission pollution, let alone noise pollution, time alone will tell.

The other route will be from a slightly further north direction towards Melton Mowbray and between there and Nottingham. We are now going to be hit by an additional number of flights at all hours of the day and those flights will be completely beyond the control of the Department for Transport and, I have to say, beyond the control of the residents and elected politicians of the county of Leicestershire.

I want to see the East Midlands airport designated under the Civil Aviation Act 1982. Gatwick, Stansted and Heathrow are so designated, and the circumstances on the aviation scene in 1982 will soon apply to the East Midlands airport. It is growing to the size that those other airports were then, and it seems logical to translate the regime that applied to those airports in 1982 to what is about to happen to the East Midlands airport. If we do not, the only control over the adverse expansion—adverse to my constituents—of the airport will be the planning procedures that are available to the North West Leicestershire district council. If that council is similar in its financial dimensions to the Harborough district council, it probably has a revenue budget of about £7 million a year. I dare say that the East Midlands airport shop will shortly—if it does not already—take in that amount of money pretty well every week of the year. The imbalance in weaponry, power and political influence between a district council planning authority and the airport company only has to be described for one to see the consequences.

Mr. Reed: The hon. and learned Gentleman is entirely right to say that a balance has to be struck between the expansion of the airport and the controls necessary to deal with the noise problem. What impact does the hon. and learned Gentleman believe that designating the airport would have, and what does he believe is meant by the White Paper's reference to "stringent" noise controls? So far, I have seen no definition to help us understand what that means. Can the hon. and learned Gentleman enlighten us?

Mr. Garnier: The first advantage that designation will bring is that the number of flights and the level of noise caused by them will be controlled by the Government, who are accountable to the House rather than to any number of councillors in and around the city of Manchester. I have no idea what "stringent" controls means; nor does the hon. Gentleman. I do not suppose that the Whip or the Minister with responsibility for aviation—he has temporarily absented himself, no doubt for good reasons—knows either.

Both I and the campaign group, East Leicestershire Villages Against Airspace, of whose committee I am a member, are anxious that the East Midlands airport is brought to realise that it must behave as a responsible neighbour rather than—I say this quite deliberately as a Conservative MP—as a capitalist marauder. Unless it begins to realise that it must find a sensible and co-operative space in Leicestershire, it will lose out in respect of public appreciation and political support. I want the East Midlands airport to thrive, but I also want it to thrive in a sensible and agreeable fashion.

The airport has produced a noise policy "10-point plan", but I want it to come up with some concrete proposals that can be enforced at the say-so of either local authorities or the Department for Transport. The intervention of the hon. Member for Loughborough (Mr. Reed) highlighted the point. We cannot trust the organisation to produce a system that will operate to the benefit of the residents of Leicestershire.

David Taylor: I congratulate the hon. and learned Gentleman on the campaign that he is leading in south Leicestershire. Is he aware that consultants for the North West Leicestershire district council drew up the so-called Rupert Taylor—no relation—proposals, but they were not taken seriously?

Mr. Garnier: I wish that they would be taken seriously.

I have 25 seconds left in which to ask the Government to invite Nottingham East Midlands airport and the Department for Transport to behave like the Ministry of Defence. On 4 June, the Minister of State with responsibility for the armed forces wrote to me to warn me that the Royal Air Force was to conduct exercises over Leicestershire. We get no warning at all from the managers at East Midlands airport. They do not even consult the county council, which used to own the real estate on which the airport stands.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I call Mr. Alan Hurst.

5 pm

Mr. Alan Hurst (Braintree) (Lab): Thank you, Mr. Deputy Speaker. I make no apologies for devoting most of my time to Stansted airport, which of course lies in your parliamentary constituency. I concur almost entirely with the remarks made earlier in the debate by my near neighbour, the hon. Member for Hertford and Stortford (Mr. Prisk). It is no surprise that hon. Members of different parties should agree about the proposal for Stansted. In north Essex and Hertfordshire, opposition to the proposals enjoys tripartisan support.

The county councils of Essex and Hertfordshire share the same approach, as do the local authorities in Braintree and Uttlesford, even though those bodies have been under the control of all three main political parties over the past few years. That unanimity was described in a poetic prologue by Mr. Eyre, the Queen's counsel who chaired the 1985 inquiry, when the proposal was to raise the volume of passengers beyond 25 million a year. The inquiry concluded that the target would be an environmental disaster, but the present scheme would go even further.

People are worried about the preferred option in the White Paper, which is not the somewhat easier possibility that a new runway could be squeezed inside the present boundaries. The current scheme amounts

almost to a gratuitous insult to local people, as the proposed site for a new runway lies well beyond the airport's present boundaries. If adopted, the proposal would mean that a much larger area of countryside would be destroyed, many more houses would have to be removed, and a much larger number of historic monuments and buildings would be lost.

Does the proposal have any economic vitality? It may seem contradictory for people to be worried about what will happen if the scheme goes ahead, and also for them to ask if the scheme has any economic common sense but, as the hon. Member for Hertford and Stortford said, Stansted at present is a cross-subsidised airport. Most of the flights from Stansted—well over 90 per cent. of them—are cheap flights at giveaway prices that do not make real economic sense.

In an earlier speech on this matter, I mentioned the half-forgotten figure of Freddie Laker. People of a certain age will recall that this is not the first time that cheap flights have been available. It has happened before, and essentially it came to nowt.

The worry for people in the Stansted area is that schemes are sometimes begun but only half completed. The result is desecration: monuments are pulled down and land acquired, but the scheme does not reach fruition. I do not suggest that airport companies are engaging in a cynical ploy, but it might be more profitable for them to acquire valuable land that can be used for other purposes after a time than to go ahead with an airport scheme that appears to be a pure loss-maker in economic terms. That will certainly be the case if cross-subsidisation from Heathrow comes to an end, as will surely happen.

The shareholders of the major airlines will not put up with cross-subsidy on a scale that means that they pay high charges at the airports from which they fly, when companies such as Ryanair and easyJet can offer flights at giveaway prices. One does not need to be a corporate lawyer to see the potential for lawsuits in that area. Therefore, it does not seem sensible, in economic terms, for the BAA to go ahead with the proposed scheme. However, it could become the master of vast swathes of potentially very valuable land as it went about the process of implementing the proposals.

Local people would find that equally difficult. They would lose all the things that they treasure—countryside, buildings and communities—and, even if the airport does not expand as much as is anticipated, the acquisition of land for commercial and other purposes would detract from the beauty of the area.

One might argue that compensation would have to be paid, but under the Land Compensation Act 1973 only those directly affected—at least to begin with—would be fully compensated. The BAA would be required, under the terms of the White Paper, to bring forward compensation schemes for those who suffer from more general blight. Indeed, it is fair to say that the BAA has produced two such schemes, but they cover a very limited number of properties and the hurdles that have to be surmounted include proving a loss in value or a certain level of noise.

It is estimated by the anti-expansion groups that the fall in property values in the Uttlesford district is already some £28,000 for the average property, compared with the rest of the region. Properties in that part of the world are fairly expensive, but that leads to the other unanswered question on expansion for Stansted: where will the people who work at an expanded airport live? We do not have an overabundant supply of economic housing in Braintree or Uttlesford. The only way for the necessary labour force to reach the area, which has almost no unemployment, is up the M11 or along the A120, which is about to be dualled. They will almost exclusively have to travel by private transport, and therefore the benefit of the road improvements that we have seen recently will be lost, because the weight of traffic will increase manyfold.

The railway connection does not have the capacity to bring in the numbers of passengers contemplated. The White Paper says that all the issues connected with the expansion will be a matter for the airport operators, but I cannot imagine that the BAA will say to its shareholders that they will need to pay for an expanded rail link—or for expanded road capacity, for that matter. If the expansion goes ahead, the burden will fall on the taxpayers to make it even halfway economically viable. For that and other reasons, which time prevents me from elaborating, I oppose the expansion of Stansted, and I think that my constituents share that view.

5.8 pm

Mr. John Wilkinson (Ruislip-Northwood) (Con): I apologise to the Minister for not being here for his speech, but I had to attend a civic funeral in my constituency. I also apologise to the hon. Member for Hayes and Harlington (John McDonnell), but I am sure that I would endorse his remarks.

It was notable that Members from both sides of the House who have constituencies near Heathrow airport opposed the building of a third east-west runway there. Some hon. Members who have always supported the full development of the airport, including the hon. Member for Feltham and Heston (Alan Keen) and myself, believe that a further runway would be unacceptable on environmental grounds. To locate a runway to the north of Heathrow, between the A4 and the M4, in an area of green belt with no proper surface access—or tube access, where an additional terminal and parking facilities would be necessary—is wholly unacceptable. It would also cause great damage to Harmondsworth village and its historic sites.

The Government have rightly adopted stricter criteria for engine emission pollution when considering whether a third runway should be built. It is not acceptable, for all Londoners, and I hope that the Government will bear that in mind. The White Paper is half sensible, although I am in serious disagreement with one of its suggestions.

The Government are correct to take a gradualist approach. The future of air transport is exceedingly uncertain. We are correct also in trying to make the best use of existing facilities, rather than going down the predict and provide route, which many hon. Members have described.

It is noteworthy that those who really understand aviation—such as the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), who chairs the Transport Committee and whose authority on these matters we applaud, and the hon. Members for Manchester, Blackley (Mr. Stringer) and for Crawley (Laura

[Mr. John Wilkinson]

Moffatt)—all spoke eloquently about civil aviation's economic benefits to this country. We are all deeply saddened that, during our political lifetimes, we have seen great industries virtually disappear from the United Kingdom—shipbuilding, textiles, whole swathes of engineering, and much of motor and motor-bike manufacture too to a large extent—but civil air transport is a great provider of jobs. It brings prosperity to whole regions of the country that otherwise would have been passed by, and it brings in a great deal of foreign exchange to Britain, which we so badly need.

The Government also need a measure of commendation for stressing the regional development aspect of civil aviation. One has only to consider the crucial factor of air access for the highlands and islands and air access to important airports from the Crown dependencies, alluded to by the hon. Member for Crewe and Nantwich. I chair the British Manx group, and the fact that airlines from the Isle of Man no longer have access to Heathrow is regretted on the island.

There are many considerations, and I wish to put before the House some of the uncertainties. Given the current oil price rise, there is a possibility of a serious reduction in the profit expectations of the low-cost carriers, Ryanair and easyJet. Big airlines, such as United and US Airways have been under chapter 11 protection in the United States. Swissair and Sabena went bankrupt after the 11 September tragedy. Alitalia is now in trouble. The conjunction of the effect of the 11 September atrocities and the rise in oil prices poses a serious challenge to the industry, as does equipment: whether major carriers will go down the A380 route—ultra-large, jumbo-sized airliners—or something like the 7E7 ultra-economic airliner, which is better suited to point-to-point operations.

Another key question is whether hub airports are of prime importance or whether, in the new civil air transport environment, there will be further development of point-to-point services. I rather incline towards the latter, but if we want to develop civil aviation in Britain, we must also take into account the social and economic changes in the south-east of England. With the Thames gateway developments and the likelihood of further growth in population, business and economic activities in the corridor from north-east London, to Stansted and on towards Cambridge, the Government are correct to go for a second runway at Stansted. That is where much of the growth in civil air transport movements has occurred because of the burgeoning of the low-cost carrier sector.

It would be sensible in the longer term to start the further development of Stansted, which could be a better location for a major hub airport than Heathrow in the decades ahead, although the Government disagree. If there were, for example, further al-Qaeda terrorist outrages, people would question the wisdom of building a further runway at Heathrow, in the middle of a very densely populated area. I doubt the wisdom of that.

There is still further potential—is there not?—for high-speed rail in Europe, and we have only started to see the beginning of its development in this country, with the eventual extension of the channel link to St. Pancras.

The Government are on the right track, especially in terms of the development to the full of existing airports. As the hon. Member for Luton, North (Mr. Hopkins), who is another aviation authority, might tell us, Luton airport offers immense potential, with the extension to the runway foreseen in the White Paper and the development of a parallel taxiway and other infrastructure and services. Birmingham, too, has potential with another runway, as does Edinburgh. We are, by an large, getting it right. What pleases me most is that we as a country are acknowledging that aviation is a golden goose for Britain. We must not let the Liberal Democrats kill it with crazy tax impositions.

5.15 pm

Mr. Kelvin Hopkins (Luton, North) (Lab): I rise to praise the Government for their wise decision to give the go-ahead to the expansion of Luton airport, making the maximum use of its single runway—extended, of course. That is a significant development, which will quadruple the number of passengers going through the airport and make a serious contribution to passenger numbers in south-east England. In addition, the airport is a major economic boon to my constituency. Although situated in the constituency of my hon. Friend the Member for Luton, South (Margaret Moran), my constituents look to the airport for jobs following the decline in manufacturing in my area. The Vauxhall and Electrolux plants have closed, as have many smaller companies, so Luton airport is important to us and I applaud the Government for their decision.

We would like the Government to encourage and facilitate Luton airport's expansion at an early date, because Luton could solve some of the problems that we have been hearing about this afternoon. A green light to growth at Luton could alleviate, at least in the medium term, some of the tensions and difficulties at Heathrow and Stansted. Initially, we thought that BAA was pushing for its own airports to be expanded and that Luton was being marginalised—indeed, I think it was on no one's radar screen but ours. The decision is testimony not only to successful lobbying by us, but to the fact that the Government listened to the arguments. We made the case and, in the end, the Government acknowledged that it was a sensible one.

We have heard talk of forecasts of the growth in air passenger traffic over the next 25 or 30 years. Forecasts are always hazardous. Passenger forecasts for the channel tunnel proved to be overblown—its construction was predicated on forecasts that never came to fruition and seem unlikely ever to do so. The salvation of the channel tunnel's economics lies in pushing a lot of rail freight through it, not in passenger numbers. We can make the trains faster and encourage as many people as possible to travel by Eurostar, but there will never be enough passengers to make the channel tunnel economic; vast quantities of freight are needed to do that.

The White Paper sets out a range of forecasts. Some may prove to be overblown, but whether or not they are correct, Luton's case will remain strong. If the high forecasts prove to be accurate, Luton will clearly be needed, but it will be needed even if the lowest forecasts are not realised. We can then make a case, not for having additional runways at other airports, but for maximising the use of existing runways at those airports

and maximising Luton's expansion on the single runway solution. I have here some figures, drawn from the White Paper and elsewhere, which state that maximum use of existing runways at Heathrow could result in an extra 26 million passengers passing through that airport, at Gatwick an extra 11.5 million passengers, and at Stansted an extra 10 million passengers; and developing Luton could result in an extra 23 million or 24 million passengers passing through the airport. Therefore, even if no new runways were built, airports in the south-east could accommodate an extra 70 million passengers a year. If serious problems arise in relation to oil or terrorism, or if we encounter economic problems that we cannot predict, or if we face serious environmental problems with which the world has to deal, there might be less demand for air passenger transport than we have come to expect.

I suspect that those additional 70 million passengers will not be enough, but Luton can make a great contribution even at the lowest forecast. Moreover, if expansion of other airports proves unacceptable to this Government or a future one, there is the option of a second runway at Luton, which would make the airport ten times its present size. That option was rejected as unfeasible by the White Paper, but it remains a possibility in the longer term. Even in difficult circumstances, Luton might provide solutions.

We need economic expansion locally to compensate for job losses in manufacturing. We have a ready-made work force, in contrast to other airports, who are experiencing labour shortages. There is significant unemployment in parts of my constituency and that of my hon. Friend the Member for Luton, South, even though Luton is in the south-east of England, so we can provide workers for jobs. I can say without fear of contradiction that we have the best further education college in the country, as it was the first one to be awarded beacon status. We have the capacity to train people locally in every possible skill, and have a work force who need work.

There is everything to be said for expanding Luton and giving it the go-ahead as soon as possible. My only qualification concerns the master plan. Yesterday, I spoke to the airport management, who say that the time scale for its completion is too short. It is a time-consuming exercise that they want to get right, so I urge my hon. Friend the Minister to allow a little more time for the plan to be completed properly.

Finally, to strike a note of current interest, I am pleased that yesterday the England football team flew from Luton. As an English person, I hope that they will win, and I hope that the Scots, Welsh and Irish will support us—but that is another story. The team flew from Luton in a British Airways aircraft, and we were pleased to see that aircraft there.

John McDonnell: There could be many more.

Mr. Hopkins: Indeed. We could offer Luton as a base for some British Airways services, as we have the capacity and workers. We would welcome the company, should it choose to fly from Luton, which has a great future, and I hope that the Government will continue to support it.

5.22 pm

Mr. Alan Duncan (Rutland and Melton) (Con): May I risk shocking the Minister by paying him a compliment? Since the war, successive Governments have been extremely bad at planning. When Ted Heath was Father of the House, he was asked what was the longest period for which he had planned as Prime Minister, and he said, "Oh, about 10 years." I can therefore extend some measure of congratulation to the Government for at least trying to take a 30-year view or even longer. People might take a view of only 10 years when building a motorway, tunnel or airport, but time flies by, and when work is completed everything is out of date.

Such a long-term view, however, throws up stark projections. The statistics that affect Nottingham East Midlands airport are of most concern to me, as they are to my hon. and learned Friend the Member for Harborough (Mr. Garnier). Paragraph 9.25 of the White Paper says that

"our consultation document forecast that there could be over 60,000 cargo flights a year by 2030, and a substantial proportion of these are likely to be in the late evening or the night."

At a rough estimate, that could involve 100 or 200 night flights that, unlike Heathrow, would grow from a base of almost nothing. Because of current flight path routes and the volume of flights, there are almost no night flights to disturb our constituents. They are just beginning, and are beginning to annoy people. The projections in the White Paper, however, are massive.

That throws up a serious question of policy. Does the current policy or any policy in the White Paper properly cope with the magnitude of the issue described in it? Is there a control or planning process that can redress grievance and adjust, tweak or change what is predicted so as best to balance the environment with the economy? The answer at present is no. There is no planning process for freight volumes. There is a planning process for the expansion of an airport apron, but there is no planning process for where those flights go and how many of them will be permitted.

The Minister has yet to answer the question how great the scale and impact of such a change must be before it triggers some sort of formal approval regime. I cannot think of any other area of activity that has such widespread detrimental consequences which is not subject to some sort of control. Gatwick, Stansted and Heathrow, the three big airports, are subject to control, but no other airport is. Nottingham East Midlands airport, which will have 60,000 cargo flights well within our lifetime, is subject to no regulation whatever. There is nothing contractual or statutory that is able to govern its growth.

The Minister spoke about master plans. I am not familiar with master plans and I do not know much about them, but I do not see that they have the force of law, compulsion or influence that a growing number of our constituents are demanding. Perhaps the Minister would tell me that there is a process of consultation. Our experience of that so far is pretty bitter. Apparently it has been going on for a year— no one knew about it. A letter to a council provoked a letter back, and it is only in the past two or three months that people have begun to comprehend the consequence of the changes being proposed. Our constituents are shocked. They did not know that that was happening, and they are shocked by

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their lack of power as individuals through their representatives and through the process of government, consultation, appeal and planning to do anything about it.

John McDonnell: Will the hon. Gentleman give way?

Mr. Duncan: I hope the hon. Gentleman will forgive me if I do not. I want to see the point through, if I may.

We were told at first that there would be a few night cargo flights coming in down the A47 towards the south-east of Leicester, and that they would be at about 8,000 or 10,000 ft so we would not hear a thing. We are suspicious that the flight path has been shifted from west-to-east to east-to-west, so they are now coming over all of rural east Leicestershire, that the numbers are enormously higher than anyone has ever been prepared to admit, and that the altitude of the flight path is nothing like that described to us by Nottingham East Midlands airport.

We have no confidence in what we are being told. We do not trust what we are being told. In the White Paper there is nothing that describes a process whereby we can invoke our power as representatives to reflect our constituents' concerns. In fact, matters are worse. Paragraph 9.28 states:

> "At the same time, given the particular importance of air freight to the future national and regional economy, and of East Midlands Airport as a centre of these operations, we consider that the projected expansion of air freight operations at East Midlands should be permitted."

Mr. Stringer: I have been listening carefully to the hon. Gentleman making a good case for consultation and for regulation. I am sure the House listens to that with sympathy and understanding. Does he accept the case that the country needs night flights for express cargo somewhere in the country?

Mr. Duncan: Yes, I do, but I am perturbed, because it seems that established patterns of flight are about to be turned on their heads. Those who are used to flights going over their houses will suddenly find that flights—potentially 60,000 flights a year within 30 years—are moved to areas in which people have no experience or expectation of them, which is what I object to. The process by which flights are apparently being switched on the sly causes severe upset for my constituents, the constituents of my neighbour, my hon. and learned Friend the Member for Harborough, and others. We are suspicious of the process—in fact, a process is not apparent, and the White Paper does not contain one.

Returning to my earlier intervention on the Minister, we must try to find a way to bridge the complete gulf in trust between the management of Nottingham East Midlands airport and MPs, councillors and parish councillors representing constituents in east Leicestershire, who are concerned not to be cheated or deceived. We need a means to join the facts with the administrative process of approving or amending the apparent proposal.

I should like the Minister to invoke his authority and verify the proposals at Nottingham East Midlands airport, which would allow us to hold the airport to account. We must record what the airport says and monitor what subsequently happens. We cannot identify culprits 8,000 ft up in the air from ground level, and we need administrative co-operation and honesty to link the concerns and observations of people on the ground with the noise in the air.

On noise, although 57 dB might be okay in a busy urban area with a lot of background noise, it is not good in a rural village in east Leicestershire.

Mr. Garnier: I am grateful to my hon. Friend for giving way at this late stage in his remarks. If 60,000 cargo trucks were to move down the A47 or the A6, the Department for Transport might do something, but it seems utterly careless about 60,000 cargo aeroplanes flying over the A47 or the A6.

Mr. Duncan: I totally agree with my hon. and learned Friend.

In the few seconds that I have left, I ask the Minister in a spirit of co-operation to establish a process that goes beyond the White Paper to engender trust, which is severely lacking at the moment, on NEMA's planned expansion. Trust has not been established and the facts have not been verified. My constituents are suspicious that thousands of planes will suddenly start flying over their houses at relatively low levels in the middle of the night and that they will have no statutory opportunity to amend the proposal or to object to it.

In conclusion, I ask the Minister to confirm that he will work with all of us who are involved in the matter to ensure that the threat that unfairly looms over our quiet rural environment does not turn into reality.

5.33 pm

Albert Owen (Ynys Môn) (Lab): I shall concentrate on the Welsh dimension to air travel. Indeed, I am the first Member from the Celtic fringes to speak in this debate, although I see that the hon. Member for Edinburgh, West (John Barrett) is trying to catch your eye, Madam Deputy Speaker.

The White Paper is important for the future of aviation in the United Kingdom, and it is also important for the future of integrated transport per se. True integration means road, rail, sea and air, and as someone who represents an island constituency I am conscious of the needs of all those modes of transport. The White Paper is comprehensive and it contains the first forward planning for many decades.

Historically, principal towns grew around seaports, and rail and road links followed much later. The challenge for the future is that we plan to integrate extended airports into the modern transport system. Regional air services in general, and in Wales in particular, are important and new. I shall concentrate on the maximisation of the economic benefit to periphery areas that are served by conventional modes of transport.

Aviation makes a great contribution to employment, trade and the economy in general, but that does not detract from the important issues of the environment and the planning process that hon. Members have mentioned.

The White Paper acknowledges the importance of links with the south-east and other regions of England, as well as the nations of Scotland, Wales and Northern Ireland. In Scotland, it suggests increasing the capacity of the major airports and possible enhancements to the highlands and islands. I have travelled from Campbeltown to Glasgow on several occasions—that model could be repeated in many parts of Wales. In Northern Ireland, the White Paper focuses on the international and city airports of Belfast, but also on more regional airports in terms of linking and working with the Irish Republic Government.

In Wales, the White Paper correctly concentrates on the south-east in the shape of Cardiff International airport. Cardiff is a vibrant European city—one of the fastest-growing cities in Europe—and it needs that attention. However, it is important to acknowledge the importance of an intra-Wales air service that links the north and the south of the country. The White Paper notes that Wales relies a great deal on English airports. Although it is true that Manchester and Liverpool serve a great proportion of north Wales, Birmingham serves the middle of Wales, and many people travel to Bristol from the south. So there is a standard London-centric view that all Welsh roads and rails lead to England. In fact, the nearest international airport for my constituents is in Dublin, which is some two hours away by fast ferry.

The advent of devolution offers new transport opportunities for the people of Wales. I welcome the co-operation that has already taken place between the National Assembly for Wales and the Government. Co-operation on transport matters is important in planning integrated systems and dealing with the reserve and devolved matters that lie in Cardiff and London. Last night, there was a debate in the Procedure Committee on the draft Welsh transport Bill, which is an experiment whereby the Select Committee on Welsh Affairs will work with the National Assembly to achieve a properly integrated system.

The White Paper has allowed the Welsh Assembly Government to work out a network of intra-Wales air services linking north and south Wales, thereby reducing road journeys. Anyone who travels down the A470 or takes the rail journey from north to south Wales—as I am sure that you have, Madam Deputy Speaker—has to go via England, and the journey takes four to five hours. The Welsh Labour party included the new air link in its manifesto for the Welsh Assembly and is now committed to developing it. I am pleased that the White Paper gives close attention to that idea.

North-west Wales has suffered economically as a result of being on the periphery both of Wales and of the United Kingdom. Many potential investors have cited travel as a barrier to relocating to the area or setting up businesses there. A regional airport would help to remove that barrier, enhancing the railway and the links between my constituency's principal port of Holyhead, which could in future cater for large cruise vessels.

Since the White Paper was published, I have worked with the business community, the unions, the RAF, the Wales Tourist Board, the Welsh Development Agency and the county council to put forward a plan to make RAF Valley in my constituency the principal north Wales airport. As it already has the infrastructure in place, that would very much reduce any environmental damage caused by building new runways. It is used to noise, because it is the main RAF Hawk training school, and it is close to the A55 Euro-route, the main line and the sea port, with the potential for offshore gas and oil installations.

The RAF has been very supportive and I led a delegation to the Ministry of Defence. That shows that we have genuine joined-up government on transport issues. Consultants are working on a business plan with the Welsh Assembly Government. The north-south link from north Wales to Cardiff has the potential to provide another link to Dublin, thereby connecting two vibrant European capitals. The Welsh Assembly recently debated intra-Wales services and was supportive in principle. I want to put it on the record that RAF Valley is the top candidate for such a service. The catchment area is wide and some 200 public sector workers travel along the route from north to south every day. If only a third of them were encouraged to use a new air service, they would provide the core for the future.

There are working models. I have already mentioned Campbeltown to Glasgow and there is also the service between Newquay St. Mawgan's airport to Stansted. Three quarters of it is full through the new demand for tourism and windsurfing. I hope that the public service obligation matter can be sorted out and that route development will shortly be established. Airbus in north Wales has provided the air industry with a great structure and I want north-west Wales to be part of that.

Irish success shows that regional airports work and have spread economic prosperity throughout the Republic. I want that to happen throughout the United Kingdom. I want Wales to be an integral part of that and my constituency to benefit.

5.41 pm

Mr. David Wilshire (Spelthorne) (Con): My starting point is the wish for Heathrow to continue to flourish. Some 26 per cent. of my constituents in work depend on it for their jobs; many of my elderly constituents derive their pensions from it; many of my local businesses owe their profit to it; many national and international firms choose to be in my constituency because of the airport; and local house prices are high because Heathrow is successful. I therefore make no apology for approaching the debate with the best for my constituents at the forefront of my mind.

There are two questions. What would happen to Spelthorne's economy if all new runways went elsewhere? What would happen to Spelthorne's environment if Heathrow got one of the runways? The answers lead in different directions and the challenge that faces my constituents is how to strike a sensible balance between those considerations.

Early public debate was led by environmental campaigners. Much of it was based on exaggerated claims, a few of which we heard again this afternoon. As the Minister said, most of it was knee-jerk. However, I am ready to admit that if the worst predictions of the anti-Heathrow campaigners are true, the price to be paid for a new runway would be too high.

I therefore welcome the research that is being undertaken and the commitment of BAA and the airlines to do their best to solve those problems. Until the research has been completed, we need to keep our

[Mr. David Wilshire]

minds open. In the meantime, it makes sense for BAA to start its planning and I welcome its open and honest dialogue with my constituents. However, the chances are that the final decision will flow from a planning application. Please God we do not have a rerun of the stupidity, waste and delay of the terminal 5 inquiry. It has been incredibly difficult to persuade those with strong views about Heathrow to consider the possible economic consequences of its not getting another runway. They could be catastrophic for the airport and for local business and jobs.

To keep its place as Europe's No. 1 hub airport, Heathrow needs to stay ahead of the competition. No airline wants to leave Heathrow for Stansted or Gatwick. Indeed, airlines are queueing up to get in. If they are to go elsewhere, we must have new traffic distribution rules to force them to move. If forced to move, some airlines would move most or all their operations elsewhere and some would probably move to Amsterdam, Frankfurt and Paris rather than to Stansted or Gatwick.

If that were to happen, and without another runway, Heathrow would, at best, decline and, at worst, close. No other airport in the world has two neighbouring, flourishing hub airports.

I realise that some people consider me to be alarmist when I claim that Heathrow is under threat. They tell me that it is bound to survive, whatever happens. My response is to invite them to join me at my favourite Thai restaurant overlooking the Pool of London—a port that many said would survive, whatever happened—and if they can spot a docker while having lunch, I will pay for the meal. If they cannot, they pay. To date, no one has taken me up on that offer.

There are others who accuse me of wanting to help the airlines only to help their shareholders. That is utter rubbish. Trade unions are not noted for putting shareholders first, yet they accept the economic case for another runway, as do the local and regional chambers of commerce. In addition, national and international businesses say that a flourishing Heathrow is absolutely essential to the success of UK plc. But however worthy these supporters of the economic case are, the opinions that I respect most are those of my constituents. The majority of those whom I was elected to represent do not support the anti-Heathrow campaigners who keep claiming to speak on their behalf. I shall give the House an example. I recently came across a press release on the proposed new runway issued by one of my local councils, which stated:

"We will continue to support our residents in resisting these developments".

When challenged, the council's chief executive told me:

"I can confirm that we have not carried out any recent opinion research on the third runway proposal."

Well, I have.

Since the White Paper was published, I have distributed to my constituents more than 40,000 questionnaires that include at least one question about the possible new runway. The results in 2002–03 showed that between 50 and 55 per cent. of them were in favour of the runway, and that 40 to 46 per cent. were against it. After the period of reflection that the Minister mentioned earlier, two recent large surveys have suggested that support for the runway in 2004 is higher. They reveal 63 and 66 per cent. in favour, and 43 and 28 per cent. against. That might come as a surprise to those who knock Heathrow, but it does not surprise me. That is because my constituents want not only to live in a pleasant environment, but to keep their jobs. They want to support their families, pay their mortgages and protect the value of their homes.

Mr. Patrick McLoughlin (West Derbyshire) (Con): In the surveys that my hon. Friend carried out, was there a way for people to express the view that they were more interested in seeing a decision being taken, so that the uncertainty could come to an end?

Mr. Wilshire: My guess is that that is absolutely true. By the end of the farce known as the terminal 5 inquiry, even those among my constituents who were against the proposal were almost on their knees begging for somebody to take a decision, to put them out of their misery. That was the stupidity of the matter, and my hon. Friend is absolutely right to make that point.

I started by saying that I was going to speak up for my constituents. Before I finish, there is one other group of people for whom I want to speak up: air travellers. I understand the anxieties of the environmental campaigners, but I see no need to apologise for supporting cheap and easy access to air travel for as many people as possible. I do not believe that air travel should be the prerogative of the better-off who can afford to pay the extra tax and duty being called for by the people such as the Liberal Democrats.

I am glad that we are having this debate and I am pleased that the Minister said earlier that he was keen to hear what my constituents thought after a year of thoughtful reflection, even if he does not like the ties that their MP wears when he comes to the House to tell him about it. I would add in passing that the choice of some of my ties is down to the Minister goading me all the time to go out and buy more. He is therefore to blame for them, not me.

In Spelthorne—this is the message that I want the Minister to take away with him—a huge majority of my constituents want Heathrow to flourish. A smaller but growing majority accept that that will probably mean another runway, provided—it is a big "provided"—that the real environmental problems can be overcome.

5.50 pm

David Taylor (North-West Leicestershire) (Lab/Co-op): First, may I apologise to the Minister and the House for not being present for the whole debate, despite having put my name down to speak? I was at the funeral of my friend Jim Marshall, the former Member for Leicester, South, who was a magnificent ambassador for his adopted city, an effective voice for the dispossessed in that city, and a powerful champion for the friendless in all parts of the country. I felt that that was a priority.

To the north of the North-West Leicestershire constituency lies East Midlands airport or, as we must now not call it, Nottingham East Midlands airport, a former local authority initiative and enterprise, owned jointly by Derby city and county councils, Nottingham

city and county councils, and Leicestershire county council, in shares of ninths. At the point at which its expansion was halted because of difficulty of access to capital, it was sold to National Express.

Prior to that sale, the population in the vicinity at least had access to elected members, who indirectly operated the airport, who were able to respond to the concerns that they might have from time to time. The key concern then and during the ownership of National Express—it remains so under the more recent ownership of Manchester Airports Group—was night noise, which is linked predominantly to freight flights. A history of difficulty has worsened over the years. I can only agree—unusually, perhaps—with my county colleague, the hon. and learned Member for Harborough (Mr. Garnier), in urging the Minister to look for designation under the Civil Aviation Act 1982 as an appropriate way ahead.

When the Secretary of State for Transport launched the White Paper, there were frequent references in that speech, and since, to stringent controls on noise and particularly on night flights—an elusive phrase. The detail on that is lacking. I hope that the Minister, in summing up today, or in the months that follow, will direct the efforts and energies of his experts and civil servants to putting some flesh on the bones in relation to what is meant by stringent night noise controls. Designation has something to offer in that regard.

My other county colleague, the hon. Member for Rutland and Melton (Mr. Duncan), talked about community involvement, although he did not use that phrase, and the fact that when new directions and flight paths were introduced, those populations who were affected had hardly been consulted and had received very little information. That is all of a piece with what has happened in recent times, sadly, under the ownership of the Manchester Airport Group. As my hon. Friend the Member for Manchester, Blackley (Mr. Stringer) has said, one would hope that the 10 local authorities would be more sensitive to community concerns. Their very raison d'être is to listen and respond to the communities for whom they are responsible. Their normal way of working is to respond to the concerns that are raised, but that is not happening. I know that my hon. Friend chairs the relevant parliamentary group, and I hope that he will use his influence to get Manchester to listen much more closely to the communities that lie around East Midlands airport.

Night flights are the problem. The hon. Member for Rutland and Melton has pointed out that within his lifetime, as he is a relatively young man, but perhaps not within mine, we shall see something like 60,000 freight flights a year—200 a night—within what is an almost unrestricted environmental framework.

That is the problem. Under local authority ownership, rigorous control of the pattern of usage and the timing of flights was, perhaps, not considered a high priority, since local authorities could respond to concerns that emerged. We now have the largest dedicated freight airport in the country working with almost no control framework.

We have heard a bit about low-cost airlines. The White Paper sets out growth for the industry to 2030, and much of it is allocated to the low-cost sector. About 36 million passengers fly with the likes of Ryanair and easyJet, to name but two who, when this speech started, were still in business. The Government foresee about 103 million people flying with low-cost airlines by 2030. I am pleased to see the Minister back in his place, and I ask him whether he really thinks expansion is likely to continue at that rate. In his in-tray, filled by appropriate civil servants this week, he will find the authoritative industry magazine *Flight International*, which has a clear article analysing the battle in the skies between low-cost carriers and charter companies. In essence, the charter holiday market is being hit very hard by low-cost operators. One can only agree with the hon. Member for Richmond Park (Dr. Tonge) about some of the lunacies of the low-cost market, which can function only because of the special low-taxation status that the aviation industry has learned to enjoy in recent years.

Will the Minister discuss with the Secretary of State the Department for Transport's and the Civil Aviation Authority's route licensing policy, which currently seems not to take environmental considerations into account, such as the extra impact of noise and road traffic around East Midlands airport, caused by air wars that mean airports vying to outdo each other in how much subsidy they give to airlines? Can the Department take more effective action in that regard?

I travelled today to Leicester and back through St. Pancras station, where the huge investment into high-speed rail to our continental near neighbours is clear. Will the Minister use the DFT-CAA route licensing system to discourage air routes to Paris, Brussels and Amsterdam, and to divert that traffic to the effective intercontinental rail system that is being built in north London and the area around it? It would be economic and environmental lunacy not to ensure that the new framework was used to greatest effect, discouraging some of the hugely environmentally damaging and unnecessary short-haul flights to certain European capitals.

5.58 pm

John Barrett (Edinburgh, West) (LD): I have a direct interest in the debate and the Government's policies on aviation. The White Paper, "The Future of Air Transport", contains extensive plans for the development and expansion of Edinburgh airport, which is in my constituency. The plans come on top of existing, ongoing developments, such as the extension to the taxiway, a project that is well under way. I have watched the airport grow over the past 30 years from a small regional airport into a major international link.

Even if I did not have that specific constituency connection, however, I should, as someone concerned about the environment, be keeping a close eye on the words and actions of the Minister. It is clear from the debate, and the debate going on outside this place throughout the country, that I am not alone. As a number of Members have said, the debate, the White Paper and the issue are very important. They have an impact on business and communities the length and breadth of the country.

Four months ago I secured a Westminster Hall debate on this issue, and I shall not repeat what I said in February. One very important addition to the discussion on air transport since then, however, has been the publication of the report by the Select Committee on Environmental Audit.

[John Barrett]

That report has to be one of the most critical that I have read. It is not the longest report produced, but it presents a serious case for the Government to answer. For that cross-party group to provide such criticism in a parliamentary report only confirms what many of us had feared: that the Government have no idea of what they mean by sustainable development. In a spirit of helpfulness to the hon. Member for Manchester, Blackley (Mr. Stringer), I suggest this definition of sustainable development: development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. Is there anything wrong with that definition?

The question now is what can and should be done to mitigate the considerable impact that an expansion in air travel will undoubtedly have. Whether we listen to the Royal Commission on Environmental Pollution, the Institute for Public Policy Research or the House's own Environmental Audit Committee, there is wide consensus that the White Paper, if implemented, will run every risk of wiping out all the Government's progress on reducing carbon dioxide emissions and could undermine their entire climate change strategy. It is important not to forget the nitrogen oxide and water vapour pollution produced by air transport, emissions that make a considerable additional contribution to global warming. The White Paper makes no mention whatever of those.

The Government have, of course, consulted extensively on the fiscal measures that can be exploited to ensure that aviation pays for the damage that it causes, yet for all the consultation there seems to be precious little progress. The Government have, to all intents and purposes, put all their eggs in the emissions trading basket. They must look again at the issue of aviation fuel taxation, because there are without question enormous disparities between how we tax different modes of transport. It seems that the air transport sector is getting off pretty lightly at present, a situation that is simply not sustainable in a sustainable aviation policy.

Mr. Wilkinson: Before the hon. Gentleman waxes even more eloquently in favour of the Liberal Democrat policy to put further taxation on aviation, will he tell us his view of the White Paper proposal to safeguard land at Edinburgh airport for the possible construction of a second, parallel runway?

John Barrett: It makes sense to protect the land, but no decision needs to be taken yet. There might be no requirement for a second runway—a subject that I shall come to later.

One of the most disappointing aspects of the White Paper is how little it says on air-rail substitution. I find it extraordinary that a Government who espouse the importance of an integrated transport policy seem to view air transport policies as separate—almost in isolation—from other modes of transport. The fact is that short-haul flights, which make up an enormous amount of the traffic arriving at and departing from Edinburgh airport, are the most polluting. By providing good, reliable, affordable high-speed rail links between north and south, we would create an alternative, much more environmentally friendly, way of connecting Scotland with London and the south of England. Approximately 50 per cent. of all flights into and out of Edinburgh are to and from cities in the UK that could be reached by rail. Back in February, the Commission for Integrated Transport produced a thorough report on that very issue. As the Secretary of State and the Minister will know, it argued that Edinburgh to London journey times could be cut to as little as two and a half hours. At present, it takes much longer to get from the centre of Edinburgh to the centre of London, a journey that I do every week by four separate modes of transport.

As I have said, about two thirds of flights arriving at Edinburgh airport come from other UK airports accessible by rail. Just think of the pollution that could be prevented if the passengers on those flights were transported by rail instead of air. Yet, for such a long White Paper, relatively little is said on the importance of investment in the development of rail routes. That is yet another example of this Government's mistaken priorities.

The Minister will know that, without question, the most controversial parts of the White Paper from an Edinburgh perspective are the statements surrounding the second runway.

The debate rages about the degree to which projected capacity can be accommodated at Edinburgh by the one existing runway. Surely such a question would not even arise if the short-haul flights that take up so many of the existing slots were redundant because of high-speed rail. High-speed rail would also help to free up airport capacity for the direct international flights that so many of us in Edinburgh want to see expanded, and it would be good for local tourism and for business.

The current construction of the Royal Bank of Scotland headquarters next to the airport will create 3,000 new jobs in the constituency. But given the location of a major airport in my constituency, and coming as I do from a city that is heavily dependent on tourism, I recognise the importance of air transport to Edinburgh and to the wider Scottish economy. The airport acts as a gateway to Scotland. It employs thousands of people directly and indirectly, it is increasingly providing my constituents with a greater choice of direct international holiday destinations, and it offers a greater number of potential foreign visitors a direct link to Edinburgh and Scotland. In the past year alone, new direct flights have been established to Prague, Moscow and New York.

These developments are to be welcomed. I am not against all expansion of air transport, but I am not in favour of uncontrolled expansion, which is almost what the Government are proposing. It is vital to get the balance right. A balance must be struck between economic interests and the environment, and it is clear to me and to many of my constituents that the Government have a long way to go before that balance will be struck.

6.6 pm

Mr. McNulty: With the leave of the House, I shall bring this extremely interesting debate to a conclusion. I want to start by associating myself fully with what my hon. Friend the Member for North-West Leicestershire

(David Taylor) said about our friend, Jim Marshall, the former Member for Leicester, South. He will certainly be missed.

The contribution of the hon. Member for Edinburgh, West (John Barrett) is a timely and useful place to end our deliberations. There have been some extraordinarily useful and thoughtful contributions, but he was the first to argue that, as I understood it, he wants a runway but does not want it. He wants to tax aviation far further, but he wants to welcome tourists to Edinburgh. He wants significant investment in even more high-speed rail links—without recognising the investment that has been made thus far—but he wants tourism in Edinburgh to flourish. That sums up the Liberal Democrats, a point to which I shall perhaps return shortly.

John Barrett: Will the Minister give way?

Mr. McNulty: Given that I have mentioned the hon. Gentleman, of course I will.

John Barrett: Will the Minister complete his summary by saying whether he agreed with my definition of sustainability?

Mr. McNulty: If that was the best definition of sustainability that the hon. Gentleman could come up with, we had best leave the matter there. *[Interruption.]* It was not a broad definition of sustainable aviation in the context of the White Paper, which is what my hon. Friend the Member for Manchester, Blackley (Mr. Stringer) was seeking.

This has been a very useful debate and, as I said, Members on both sides of the House have made thoughtful contributions. Some contributions rightly focused on national policy, and others focused on economic and environmental issues, as is equally right and proper. Yet others rightly focused on local issues and raised specific concerns about local airports. I shall try to deal with as many of the contributions as I can.

The hon. Member for Ashford (Mr. Green) struggled to find fault with the White Paper. Reference was made to fudges and a lack of joined-up government, and there were some frilly bits around the edges, but his heart really was not in it. I am extraordinarily grateful to him for repeating a speech that he made to the aviation club on 1 April, which I missed. It is quite useful to have the advantage of simply reading out a speech, which one often does for the benefit of one's own colleagues. It was not a bad little speech and I am grateful to him for sticking to it; consistency is surely to be admired. However, its bare substance showed that he found little to disagree with in terms of the White Paper's thrust. Indeed, not many Members found much to disagree with, save for their concerns about their local airports, which I fully recognise.

Like other assorted panaceas offered in a simplistic fashion during the day, rail substitution has been mentioned, but it is not necessarily the full answer, and the notion that the Government have no policy on rail at all belies the experience of the last couple of years. That will be made more than clear by the time we get to the rail review.

The notion that, simply because there has been significant investment over the years in high-speed rail in France—whereas there has not been in this country—there are suddenly no short-haul domestic flights is absolute nonsense. The best part of 250 domestic flights are made in France every single day. The notion that, if there is more high-speed rail and more encouragement for people to operate on rail, lo and behold, they do and there is no longer a need for shorter-haul domestic flights is simplistic nonsense, which does not add any substance to the debate.

As the hon. Member for Edinburgh, West will know, about 93 per cent. of business trips from Scotland to the south-east are by air. I suspect that, whatever happens to the west coast and east coast main line, that will still prevail. I glory in the fact that that is partly why there is such substantial investment throughout the curtilage of Edinburgh airport. That is why—it is not because of rail links.

David Taylor: I am disappointed that the Minister uses the old debating tactic of summarising what people have said in a wholly inaccurate way and then knocking the argument down. No one has suggested that substitution to fast rail services would remove the need for internal flights. We are talking about containing growth and securing the best benefit from the welcome investment that the Government have made in the St. Pancras to Ebbsfleet line and elsewhere. Could the Minister please be a little more accurate in his summing-up speech?

Mr. McNulty: My hon. Friend would have been better served—I know the reasons why he was not—had he been in his place for the whole day and listened to the whole debate and the whole of the rail substitution arguments advanced today, rather than just part of them. With the best will in the world, I understand why he was not—I said that at the outset and I respect that—but to enter the debate belatedly and to make comments about the course of the whole debate is not entirely fair on my hon. Friend's part. I say no more than that.

It is the same when we come on to taxation. Saying that we should scrap air departure taxes paid by passengers and that it would be much fairer if airlines paid a duty on every plane—passenger or freight—taking off from a British airport, as though that were a new way forward that would solve all our environmental problems, is again short-sighted nonsense. The proposal to tax the aeroplane and not the passenger is based on the principle of the polluter paying, but that is not the case. It does not take a genius to work out that those charges would immediately be passed on to business, commercial and personal flights. It will not be the polluter that pays.

That idea is simplistic and crude, at best. It does nothing about providing incentives to cut back on emissions, as we are proposing, either in respect of landing charges or the EU emissions trading scheme. It does nothing to incentivise people to reduce noise through noise charges or to bring about compensation and mitigation measures, which already apply to freight rather than passenger flights. It makes no allowance for discerning qualitative differences between aircraft—both this and the last Government have recognised the importance of that—and it takes no account of the

[Mr. McNulty]

economics of an industry that already creates incentives to obtain high load factors. Of itself, the idea is crude and it is not necessarily a panacea, which is the usual context in which it is offered. It comes from the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy). It does not go far enough and it is in no way a substantive contribution to the debate: it is entirely knee-jerk.

The comments of the hon. Member for Edinburgh, West and others, including the Chairman of the Environmental Audit Committee, on the EAC's report are entirely right. It is one of the most critical reports ever made of the Government, but it is equally, as I said earlier this morning, one of the most flawed reports that a Committee has ever produced. The EAC persists in comparing aviation total climate change impacts with CO_2-only impacts of other non-aviation sources. The figures are simply wrong. We have made the offer in substance, and I repeat it now, to sit down with members of the Committee and anyone else and go through the figures in detail.

The EAC report is manifestly wrong. It does not acknowledge that figures for international aviation emissions include all emissions from flights departing from the UK, even though the Kyoto protocol does not allocate those emissions to states. I suspect that that will be news to the hon. Member for Richmond Park (Dr. Tonge).

The UK is the only country in the world to produce figures that allocate international aviation emissions in this way. There is much noise about Kyoto and the attempt to sort out emissions, but the White Paper's provisions, if they came to fruition—

Mr. Paul Marsden: That is a big if.

Mr. McNulty: Of course it is, but would the hon. Gentleman prefer us to do nothing? The White Paper's proposals, if they came to fruition, would go way beyond Kyoto. They include emissions that are not mentioned in Kyoto, and in an environmentally managed system. That must be good for everyone.

Mr. Peter Ainsworth: Will the Minister give way?

Mr. McNulty: Of course, given that I am talking about the hon. Gentleman's Committee's report.

Mr. Ainsworth: The Minister is being more than usually patronising. He is also incorrect in his analysis of the EAC report, with which he disagrees. He knows that we have calculated—using the Government's own numbers and forecasts, and the policies announced in the White Paper—that aviation will account for about 70 per cent. of all UK CO_2 emissions by 2050. We discussed this matter on the radio this morning, but he did not explain then why the Department has assumed that there will be no decrease at all in non-CO_2 greenhouse gas emissions for the next 50 years. Will he explain it now?

Mr. McNulty: I did deal with that this morning. I said that those figures were simply modelling constants that statisticians tell me are factored in, in a standard way, to provide a description of prevailing conditions in 2030 and 2050. However, I repeat that the EAC report compares apples and pears—that is, two distinct sets of figures.

We have dealt with the national and regional dimensions of this matter, but the international dimension is also important. The EAC report quotes selectively from the Johannesburg declaration, which makes it clear that sustainability involves a range of economic, social and environmental measures. The declaration rightly deals also with the need for efficient and affordable transportation and access to markets. It recommends that transboundary pollution should be dealt with through international consensus and not unilateral action.

How can we penalise smaller third-world and developing countries that want to grow by imposing on their aviation systems the standards that prevail in the developed world? The question has arisen before, and the answer is that a balanced approach is required.

Mr. Ainsworth: Will the Minister give way?

Mr. McNulty: I will, as long as the hon. Gentleman answers one key question to do with his report. He exhorts the Government to deal with "unnecessary" air transport. I should be grateful for a short definition of what "unnecessary" air transport might be, and how it might be policed.

Mr. Ainsworth: It is for the Government to respond to our report, not for me to respond to the Minister. He will know that the Government signed up to a sustainable consumption policy as part of the Johannesburg commitments. How does he square that policy with the fact that air traffic is to treble over the next 50 years?

Mr. McNulty: Again, the hon. Gentleman selectively quotes the Johannesburg declaration. I agree that the declaration talks about sustainable consumption, but it also talks about efficient and affordable transportation, access to markets, and about dealing with transboundary pollution by international consensus as opposed to unilateral action. The Johannesburg declaration dealt with all those elements, which are all very important when it comes aviation's international role, especially in respect of developing countries. It is not sufficient to focus on one line of the declaration.

The EAC report contains no suggestion as to what "unnecessary" air transport might be, but I forgive the hon. Gentleman for that. I am sure that "Is Your Journey Really Necessary?" posters will be put up at all airports. The suggestion in the report was ridiculous, and remains so.

David Taylor: I sense that the Minister is about to leave the topic of emissions trading, so will he confirm that there will be a stringent cap on emissions under the emissions trading scheme? Will he assure the House that that cap will be progressively lowered, that the process will be transparent and that alleged reductions will be independently verified?

Mr. McNulty: If my hon. Friend reads the ICAO—International Civil Aviation Organisation—report on emissions trading, which was partly funded by the Government, although the Committee suggested that it does not exist, he will see that the mechanisms involved are discussed. That work has been repeated by both OXERA and DG ENV. Appendix B of the White Paper contains some of the early work on a possible emissions trading scheme for the European Union. I cannot confirm that the system he has just described will be the one that prevails but it sounds not dissimilar to a system that I would intuitively be happy to accept.

Someone said earlier that there was little support for an emissions trading scheme in the EU, but they were profoundly and utterly wrong. The support in the EU for a trading scheme grows by the day and the month. I freely admit that there is some resistance to the scheme, which is why we want to get some impetus behind an EU scheme at the ICAO level—not least from some of the larger member countries. It is no accident that the larger members of ICAO who are resistant to such a scheme are not unlinked to those who have yet to sign up to Kyoto, let alone ratify it.

The hon. Member for Hertford and Stortford (Mr. Prisk) and my hon. Friend the Member for Braintree (Mr. Hurst) will have to forgive me, but I shall not discuss Stansted when we do not even know whether the legal challenge permitted by the High Court will be successful.

Mr. Prisk: Will the Minister give way?

Mr. McNulty: The hon. Gentleman will no doubt attempt to draw me further on that issue, and I can assure him that if he does, I will not reply.

Mr. Prisk: I would not want to upset the Minister, who is naturally very sensitive, by trying to lead him in that direction. However, the issue of cross-subsidies is not related to the legal case and I specifically asked what would happen in that area, given the changing competitive environment.

Mr. McNulty: The sensitivity relates to the legal dimensions that I must respect as a Minister. On the issue of cross-subsidies, I say simply, as I have said before, that the day after the White Paper was published, Sir Roy McNulty—no relation—said that the CAA, as the regulatory body, had no plans to change the system that prevails, and the Government have not demurred from that statement.

Some hon. Friends asked about the master plan in detail and when the guidance would be published. I will seek to ensure that the guidance for the master plan is published before the summer recess.

Mr. Hopkins: I made a specific point about the time scale for the delivery of the master plan, because I know that London-Luton airport is concerned about that. We do not want to rush it, because we want to get it right.

Mr. McNulty: That is why we will insist, as someone else mentioned, that all airports with traffic movements above a certain level should submit at least an interim master plan by the end of this year. We will then discuss the approach to a finalised master plan, and that will be in the guidance when it is published. I understand the concerns. Whether one supports the master plan or not, clarity is important.

John McDonnell: I raised the issue of interim master plans. It would be helpful if the guidance clarified the relationship between the master plan and other planning guidance or mechanisms, and what impact the master plan will have on those.

Mr. McNulty: The master plan will not be a statutory planning document. It will not be part of the package of development documents that will prevail under the new system. Nor will it be statutory planning guidance under the existing system. However, it will clearly be a material planning matter.

What is in the master plan will need to be duly considered in subsequent planning processes. For those hon. Members who do not know, a material planning matter is an item that does not have statutory force, but must be taken into account in any subsequent planning inquiry.

John McDonnell: I am sorry to persist on this point, but is it therefore open to people other than the airport operator to develop the master plan for any airport site?

Mr. McNulty: In one sense, strictly speaking under the law, yes, of course it is, in the same sense as I am entirely free to submit a master plan and a planning application for the house owned by the hon. Member for Ashford, although I have no desire to do so. People are allowed to submit such plans, but they would not have the same force rooted in the requirement for the master plan in the White Paper, so such plans sit between statutory documents and material planning matters.

The White Paper makes clear the importance of clear guidance on considering the public service obligations and route development funds, and we are considering those details at the moment. We will issue draft guidelines for consultation shortly. Some regions have made considerable progress in respect of RDFs—not least Northern Ireland, where quite significant route development support seems to have been developed during the past couple of months, which is encouraging. Taken together, RDFs and the public service obligations—my hon. Friend the Member for Ynys Môn (Albert Owen) mentioned them in relation to the periphery—will seek to protect both the viability and the development of regional airports, as well as the crucial interconnectivity to London.

I am grateful to those hon. Members—clearly, not everyone—who suggested that this is not about predict and provide. It simply is not about that. I can be certainly nowhere near as eloquent in that regard as my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody). Clearly, to use predict and provide as a charge against the White Paper is nonsense. If predict and provide were used and things were determined purely on economic and demand-led criteria, there would already be a rush to build a third runway at Heathrow, at least a second at Stansted and certainly a second at Gatwick, without real discussion. If just economic criteria drove the final policy decisions, the White Paper would take a very different shape.

[Mr. McNulty]

I half take the point about the notion of drift. The master plan process does not equal drift; it starts to provide at least some direction. I take the point made by my hon. Friends and others, including the hon. Member for Ashford, that some serious and far-reaching decisions need to be made, at least in some regards, during the forthcoming Thursday and Friday meeting of the Transport Council, including on the EU-US talks, flight-time limitations, training and other issues. We will report the outcome of those discussions to the House in due course.

Mr. Wilkinson: The slot system currently operated in the UK has worked well, by and large. Airport committees have reached consensus agreements in the end, after much haggling and bargaining, thus ensuring grandfather rights and the right of new entrants to fly services into those airports. Will the EU take over total power to allocate slots in the EU? Is that the EU's objective? Would Her Majesty's Government accede to such an idea?

Mr. McNulty: I will certainly not speculate about what may or may not be the objective of the Commission or anyone else in the EU. We have said before that we want a slot allocation system that encourages the more effective use of scarce capacity, and we are considering in some detail the report that came from the Commission in January. The hon. Gentleman's interpretation of that report may differ from the Government's, but we are considering it in some detail, and I am sure that that will help to inform the UK's negotiating position. As has been said, we start from the premise of recognising Heathrow's importance not just to London and the south-east, but to the whole economy.

I think that I have had three full meetings with hon. Members to discuss Nottingham East Midlands airport, and at least one with the Manchester Airport Group at which I conveyed local MPs' concerns in respect of night noise and plans for the airport. Provided that the largest group possible is involved, not little groupuscles, I am more than happy to meet all the MPs involved again to try to build a bridge of trust between local MPs and Manchester Airport Group and to introduce a little clarity into the process.

Mr. Alan Duncan: At the risk of being seen as someone who is even smaller than a little groupuscle, may I ask the Minister to consider whether in our planning procedures there is not quite a gap between extreme regulation and no regulation? Does he not think that the White Paper offers scope to reconsider the guidelines and procedures that govern a change of such magnitude, which is currently totally unregulated?

Mr. McNulty: There might be something in what the hon. Gentleman says. At present, all we have is informal local agreements, or planning inquiries at which all matters can be revisited, or designation, which, as he implied, is the nuclear option. Perhaps there is scope to look at that matter. However, within current parameters, I am more than happy to meet the group of MPs concerned about Nottingham East Midlands airport to see whether we can make progress. As I said, I have raised the matter with Manchester Airport Group, so it is aware of my concerns and everyone else's.

Mr. Reed: I am grateful to the Minister for that offer. I am sure that many MPs present today, especially those from Leicestershire, will take him up on it. I accept his comments about the choice being between the nuclear option and no restrictions whatever, but I hope that he will discuss the term "stringent noise controls". We shall be happy to work with him to achieve a clear definition of such controls. Perhaps some form of regulation based on that will offer a way forward in which we can all work together.

Mr. McNulty: We can discuss that when we meet. The White Paper says that, among other things, we shall consider legislating in that respect. However, when we meet, I do not want to discuss recent history and opportunities missed to get more rigour in the control relationship between the airport and the locality. I could go on about that now for another 20 minutes, but I shall not.

Any change to Heathrow's 480,000 air traffic movements limit would require planning permission. It would be for BAA to make a planning application, which would be considered through the normal planning process. There are rumours and speculation about night flights. I want to ensure that the first consultation in that respect takes place before the summer recess, so that we can at least get started.

Mixed mode has to be considered. As my hon. Friend the Member for Feltham and Heston (Alan Keen) said, it would require the cessation of long-standing arrangements, such as the Cranford agreement and runway alternation agreements. We are at a very early stage of consideration and, despite what the hon. Member for Richmond Park suggested, there is no on-off switch—it is not a simple alternative. There are huge technical, environmental and other issues to take into account. As we said in the White Paper, between now and the taking of a decision on a third runway, it is incumbent on us to examine optimisation of capacity at Heathrow, as we are doing at all other airports through the master planning process. Revisiting mixed mode is part of that process, but I assure the House that we have an open mind. There are no secret deals and no hidden theories—incidentally, it is the latter that are daft, not the individuals concerned, as I made clear in my opening speech. However, I shall be very surprised if we have anything on which to consult the public before early 2006.

Mr. Wilshire: In my 17 years as an MP I have been trying to find a copy of the Cranford agreement. Does the Minister have one?

Mr. McNulty: I have lots of paper about my person, but not a copy of the Cranford agreement. It is not an illuminated manuscript kept under glass in the Department, but if I find it, I will certainly give it to the hon. Gentleman.

It is important to keep an open mind on the mixed mode option, and the technicalities mean that we will consider it later rather than sooner. The first phase of consultation on night flight guidance, however, will be issued in summer. These are serious matters, and the publication of the White Paper is far from the end of the process. Huge work streams at a national, international, regional and local levels spring from the document. Different progress has been made on each one depending on the position of each airport. I repeat that we are determined to get the balance right between, on the one hand, the significant economic contribution that aviation makes throughout the country, the importance of airports as key economic drivers, access and links to London and, on the other, as everyone would agree to some extent, a genuine concern with environmental issues, including emissions, CO_2, noise and the impact of airports on the locality, about which the hon. Member for Rutland and Melton spoke. Environmental considerations are extremely important, but they are not served, to conclude on a happily discordant note, by simplistic panaceas offered up to satisfy the green lobby and make everyone feel good. In fact, they achieve nothing and, paradoxically, do not serve the environmental cause. Simplicity is not in anyone's interest in public policy, whatever side of the fence one sits on. I thank hon. Members for their contributions in the main, and I am sure that we will have another debate on the White Paper, which deserves more than only seven or eight hours of debate. I look forward to everyone being here next time.

Mr. Maude: On a point of order, Mr. Speaker. I appreciate that this is difficult matter for you and other occupants of the Chair to manage, but this is an important debate, both nationally and for many of us with specific constituency matters. The Minister spoke for 40 minutes in his opening speech—I am not criticising him, as he was subject to frequent interventions—and 30 minutes in his winding-up speech. I believe that there are 22 minutes left for debate, yet Back Benchers were subject to a severe eight-minute limit on speeches—a discipline that I was perfectly happy to accept, but the debate was unduly skewed away from Back Benchers, and that might have been avoided.

Mr. Speaker: There are two ways of looking at it. If there had been no time limit, a Back Bencher might have taken 20 or 30 minutes, and put other Back Benchers at a disadvantage. I think that I did the right thing by imposing a time limit—I do not have a crystal ball and do not know what is going to happen. In the Minister's defence—I do not often defend Ministers except this one—on such a subject hon. Members tend to intervene on Ministers to make a point. I believe that everyone in the Chamber has been able to make a contribution, which makes me very happy indeed.

Vernon Coaker (Gedling) (Lab): I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Tuesday 15th June,

(a) notwithstanding the provisions of paragraph (2)(c)(i) of Standing Order No. 14 (Arrangement of public business) and the limits on half-days in paragraph (2)(b) of that Order, proceedings on a Motion in the name of the Leader of the Opposition may be proceeded with, though opposed, for three hours, or until Four o'clock, whichever is the later, and shall then lapse if not previously disposed of; and

(b) notwithstanding the provisions of Standing Order No. 16 (Proceedings under an Act or on European Union documents), the Speaker shall put the Questions necessary to dispose of proceedings on the Motion in the name of the Prime Minister relating to New Financial Perspective and EU regional policy not later than Seven o'clock, or three hours after the commencement of proceedings on the Motion, whichever is the later; proceedings may continue after the moment of interruption; and the Orders of the House of 28th June 2001 and 6th November 2003 relating to deferred Divisions shall not apply.—*[Vernon Coaker.]*

PETITION

Post Office Closure

6.39 pm

Mr. Tony Colman (Putney) (Lab): I present a petition signed by my constituents opposed to the closure of the post office located in a successful retail outlet at 2A Montford place, Princes way, Southfields. The closure is opposed not only by me and my constituents, but by Wandsworth council, and is being strongly queried by Postwatch.

The petition reads:

To the House of Commons

The petition of residents of Southfields in the constituency of Putney,

Declares that the Post Office has proposed the closure of the post office in Princes Way in Southfields; protests that this closure will have a detrimental impact on the local community, especially the elderly, less mobile and disabled and parents with young children; notes the hilly nature of the terrain in which that post office is situated and that there is not another post office within easy walking distance and deplores the farcical so-called consultation process initiated by the Post Office in which the general public's and other stakeholders' views are contemptuously set aside.

The Petitioners therefore request that the House of Commons urge on H M Government to exercise their shareholders' rights to direct the Post Office to withdraw this closure proposal.

And the Petitioners remain, etc.

To lie upon the Table.

Educational Psychologists

Motion made, and Question proposed, That this House do now adjourn.—*[Vernon Coaker.]*

6.41 pm

Mr. David Heath (Somerton and Frome): I understand that today we witnessed an astronomical phenomenon, the transit of Venus, which occurs very infrequently. From my research, debates on the role of educational psychologists appear to be equally infrequent. Not only is it remiss of the House not to consider an important profession, but it is odd, given that right hon. and hon. Members on both sides of the House frequently have cause to look into the work of educational psychologists because of casework emerging from our surgeries. We are often approached by parents who have children with special educational needs, and we often make pleas on their behalf for the support that the parents would like their children to receive.

Educational psychologists are a crucial part of much of the Government's thinking, as I understand it, in terms of multi-agency work and some of the inclusion work that is clearly laid out in the Green Paper, "Every Child Matters", and much of the ongoing work of the Department for Education and Skills. We are speaking of a small but important profession and the work that it does.

I express my thanks to my friend Dr. Sandra Dunsmuir, who first approached me on the subject, and her colleague from University college, London, Norah Frederickson, and to the Association of Educational Psychologists and the British Psychological Society, both of which were helpful in providing me with information in support of this debate.

In the time available, I shall touch on three broad matters—first, the supply of educational psychologists within the profession; secondly, their training; and thirdly and briefly, the role that they play. On supply, it is recognised throughout the country that there is a significant problem with the number of entrants to the profession and the number of educational psychologists who are available to local education authorities to do the statutory work and the extended additional work that we would like them to do.

I had a discussion earlier today with David Webster, the president of the Association of Educational Psychologists and the chief officer for Lancashire county council. He tells me that his authority is typical of many throughout the country in holding three vacancies out of an establishment of 41. In addition, several members of staff are on maternity leave. He cannot fill the vacancies successfully, but without filling the vacancies he cannot begin to ask people to apply for the temporary vacancies that would enable the authority to do some of the non-statutory work that we would all wish it to do.

Brian Harrison-Jennings, the chief executive of the Association of Educational Psychologists, told me that a major authority in the north of England recently advertised for three senior educational psychologists and received not a single applicant for those three posts, which is surprising, given that one would expect people in the profession to apply for such posts. One's initial reaction might be that it is good for the profession that educational psychologists are fully employed and that those who are qualified can find posts, but I suspect that that is not the case. Local education authorities increasingly face a lack of cover and over-extension and educational psychologists are being forced to perform statutory duties as a priority, simply because that is what LEAs require, and do not have time to do their jobs in a wider sense.

Those who want to enter the profession face difficulties. A statistic struck me. As the Minister knows, 110 training places are currently available each year for educational psychologists and 482 people applied last year. Those 482 applicants have degrees and are ready to enter the profession, but the required training places are not available. That only 110 places are available is, of course, part of the problem. In December 2003, the Department for Education and Skills commissioned a report—I see the Minister nodding—that identified the need for 150 places a year in order to provide for the sustainable development of the profession.

The lack of available qualified educational psychologists has an impact on their work. Children often need to wait for assessment and, as I said earlier, many hon. Members know from their advice surgeries how frustrating it can be for parents and children when a child must wait for a long period for an assessment, which prevents the sort of therapeutic intervention that we would like to see at an early stage. Educational psychologists are spending less time with children. For an educational psychologist to see a child for a second time is a luxury, which is not what we want to see in a profession that provides ongoing support. As I said, that places the emphasis on statutory duties rather than on preventive work, on which I know many in the profession would like to concentrate.

The answer has already been identified, and it is to the credit of the Department for Education and Skills, the professional associations and the employers, through the LEAs and the Local Government Association, that they have been able to come together and identify it. As the Minister knows, the answer, at least in part, is the new model for training educational psychologists. It involves increasing postgraduate professional training for educational psychologists from one year to three years, while removing the obligation for educational psychologists to hold a teaching qualification and two years' teaching experience. The net result is to reduce the overall training period from eight years to six years and to concentrate on experience that is relevant to the actual profession that applicants want to enter, rather than on training in a profession—classroom teacher—that applicants have no desire to enter, valuable though it is.

That model has a high level of acceptability. In May 2001, the Department for Education and Employment—as it then was—provided a summary of the responses to its consultation.

Of the 101 responses—the fact that 77 came from local education authorities indicates that a strong view was expressed by the employers as well as the profession—90 per cent. agreed that the new model would meet the training needs of the profession in future and 94 per cent. said that the package would be viable from the perspective of higher education providers and

employers. A clear picture is emerging: this is a solution that it is in everyone's interest to implement at an early stage.

Moving on from that consultation, the Department engaged in discussions on an implementation strategy, and it was believed that it saw the proposal as a high priority. It is right that it should do so. We have to deal with the current shortages, and the fact that everyone is pointing in the same direction at once represents a window of opportunity that should not be missed. Moreover, as the Minister will be aware, in March 2003 the Department of Health introduced a requirement for the statutory regulation of psychologists. That suggests that regulation via the Health Professions Council, which starts in March 2005, would be met by the new arrangements, but not the present ones.

There is substantial impetus behind the proposal and a generally agreed view that it needs to be put in place at the earliest opportunity. The implementation date was set for September 2005, and that has been the working assumption of those in the profession for some time. There has to be a two-year transition period—one cannot immediately switch on the tap from one training module to the other, because people are already involved in the training process. In the course of that two-year transition, some of the cohorts in training would start at the point of the new three-year postgraduate professional training process, some would be in the middle of the previous process, and some would be at the end of the previous process.

That means that a transitional cost is involved as well as the ongoing costs of providing such training. It has always been understood that local education authorities, although they are perfectly satisfied with the arrangements and believe that they can sustain the outcome, will always need help from the Government in achieving the transition from one process to the other. There is no reason why that should not be the case. However, a fly in the ointment appeared in the shape of a letter dated 2 March 2004 from the Minister for School Standards to the Association of Educational Psychologists. That letter sent a disturbing signal to the profession. In it, the Minister says:

> "However, it is important that you understand that funding agreed for the Department in the Spending Review will reflect overall Ministerial priorities; there can be no guarantee that funding will be found to enable implementation from 2005."

That is clearly true. The Minister must have the flexibility to direct priorities within the Department in the coming year, the comprehensive spending review is still under way, and sanction from the Treasury is necessary for the global spend in the Department. Not a single word in the letter is untrue.

However, it sends a signal that there is uncertainty about implementation. Although I am not sure about the Department's total spend, I suspect that we are not considering a high percentage of it. The letter conveys the message that the Department is unclear about whether it can find the necessary cash—£4.7 million in the first year—for implementation on the expected date. That figure is petty cash for the Department for Education and Skills. Nevertheless, it appears to be in question. The figure for subsequent years is £10.4 million.

The effect has been not only confusion but some dismay. That applies not only to the profession, but, crucially, to those who are applying for training places. They do not know what they should do—whether to enter teaching training and whether to assume the existence of funding packages. Many educational psychologists who are currently training are self-funded. We could start a debate about the effect of top-up fees and loans, but that would be out of place. However, if people must fund not only their way through university but their professional training, some will consider the subsequent debt and wonder whether it is worth while.

Many potentially good applicants are asking for advice and the professional associations and the higher education establishment are unable to provide answers simply because of the uncertainty that the Department has engendered. Some applicants are going ahead regardless, some are wondering whether they should take an odd sort of postgraduate gap year and others are simply going away and saying that perhaps they will return when the Department has sorted itself out and they know where they stand. That is not satisfactory, so if the Minister can provide any clarity he will do a great service to the profession and those who need its services in future.

I want to conclude with a few words about educational psychologists' working practices. I express my opinion purely as a lay person who sees people in my surgery and teachers in schools. There is something desperately wrong with the assessment process. I get the impression that educational psychologists are increasingly finding themselves producing reports, assessments, reports on whether a report should be prepared, reports on whether an assessment should be conducted and so on, instead of dealing directly with the children.

The statementing process, which was once a protection for the child and the parents, became a protection of a funding stream for the school. Nowadays, schools appear to prefer not to have devolved special educational needs funding budgets because it pre-empts their decision making. They argue that a statement is often unnecessary. It is sometimes an obstacle to children getting the support that they need.

I understand why parents feel cautious about the matter, because they want a guarantee that their child will get the necessary support. However, if the process of creating the guarantee soaks up the resources that should provide the support, something is wrong. We would all like educational psychologists, who are highly skilled, not to write endless reports but to deal with children, take a more holistic approach to the children in their care, and perhaps work more generally on the design of school teaching and the causes of exclusion in the school environment. They should be allowed to work one to one with a child. They rarely get the chance to do that. They should be able to do more preventive work rather than statutory work and concentrate on some of the schemes that the Government are anxious to promote, such as portage schemes, Sure Start and behaviour improvement projects.

Most of all, educational psychologists should deal with inclusion. They are a critical factor in creating the circumstances for proper inclusion for children who are disaffected, have specific needs or could do better in their school environment. I hope that the Minister can

[Mr. David Heath]

assure us that that is also the Government's understanding and that they are taking the necessary steps to reassure the profession and enable it to move forward.

It being Seven o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Coaker.]*

7 pm

Mr. David Drew (Stroud) (Lab/Co-op): I shall make just a few guarded remarks. I welcome what the hon. Member for Somerton and Frome (Mr. Heath) has said. He performs an invaluable service in dealing with the Cinderella subjects that are so often ignored.

I would like to make two observations. Some educational psychologists have written to me to say that they are a wee bit worried about the implications of the changes to their profession. I know that they welcome the additional resources, but I suppose that their starting point would be—as the hon. Gentleman made only too clear—to ask how the training will take effect, what impact it will have on people already in situ, and whether there is any danger of a two-tier service developing. It would be appropriate if my hon. Friend the Minister could allay those fears.

My other point follows the hon. Gentleman's final remarks about the role of educational psychologists. Traditionally, this service has been directed by and through local education authorities. Now, with devolved budgets, schools are much more able to determine how they want their special educational needs budgets to be allocated. To some extent, that means that there is the potential for conflict in the role of the educational psychologist, in that schools might want to allocate the money for SEN on a more general basis, while parents might wish to identify the particular problems of their children. We have had an active debate on the value of statementing as a means to an end rather than an end in itself, so it would be helpful if my hon. Friend the Minister could allay any fears that we could be creating a more complicated situation in which there is even more room for disagreement, if not conflict, between the different parties.

In all the dealings that I have had with educational psychologists, I have found the service that they provide to be greatly undervalued and very important. At the end of the day, children who have difficulties in the schooling system clearly have to be looked at and helped by educational psychologists, and there is always a risk that the service might be spread a bit thinly. The Government can therefore be proud of anything that can be done to ensure that our children are given the appropriate help in a transparent and fair manner, and anything that my hon. Friend has to say about that will be gratefully received by the whole House.

7.3 pm

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Stephen Twigg): I congratulate the hon. Member for Somerton and Frome (Mr. Heath) on securing this important debate, and I thank my hon. Friend the Member for Stroud (Mr. Drew) for his intervention in it.

In opening, the hon. Member for Somerton and Frome informed the House that debates such as these are infrequent, so I thank him for giving us this opportunity to address this important subject. We are talking about an important group of professionals who make a vital contribution to our education service and, more generally, to children and young people in education. I certainly concur with what both he and my hon. Friend said about these issues coming up in our own constituencies, and all hon. Members will be aware of cases in which failings or weaknesses in the service have undermined the education and upbringing of children and young people in our constituencies.

Educational psychologists play a major part in helping to identify the learning needs of individual children and young people, including those who have special educational needs, and a critical role in supporting local authorities and schools in meeting those identified needs. They are a key resource in building the capacity of the education system to respond to children's learning needs.

At the end of his remarks, the hon. Gentleman addressed some broader challenges that we face in relation to assessment and special educational needs. I want say a few things about the broad picture with respect to SEN before addressing the specific issues that he raised in the main part of his speech about the role and training of educational psychologists.

The theme of building up capacity is central to our recently published document on special educational needs, "Removing Barriers to Achievement", the new strategy on SEN, and to the Green Paper, "Every Child Matters", to which the hon. Gentleman referred, and the associated legislation currently going through Parliament. The SEN strategy sets out our long-term vision and an ambitious programme of sustained action nationally and locally to enable all children with SEN to realise their potential. We are seeking to recognise some of the weaknesses and inconsistencies to which he referred. It is not about changing the legal framework, but about setting out ways in which real effect can be given to it, so that we make sure that the current system works as effectively as possible to meet the needs of children.

There are four key themes to which I will refer briefly: early intervention; removing barriers to learning; raising expectations and achievement; and delivering improvements in partnership. Each of those is relevant to some of the specific issues that the hon. Gentleman raised.

With respect to early intervention, we want to ensure that children with learning difficulties can receive the help that they need as soon as possible, and that parents of those children have access to suitable services, including child care. The strategy therefore seeks to embed in national practice the principles of the early support pilot programme for very young children and their families, and to implement a new strategy for child care for children with special educational needs, including working with voluntary organisations to consider the feasibility of establishing a national early intervention centre of excellence to use evidence about what works to inform practice. This emphasis on early intervention provides a real opportunity for educational psychologists to spend more time working with schools, working with individual pupils, and supporting teachers

and other staff in putting in place programmes and interventions to address the individual needs of each child at the earliest possible stage.

The second strand in that strategy is removing barriers to learning. Children's learning difficulties often arise because the learning environment is not suitable. In developing the kind of inclusive practice about which the hon. Gentleman rightly spoke, we seek to meet the needs of every child. A new inclusion development programme, bringing together education, health, social care and the voluntary sector, will therefore develop effective approaches to provision for children with special educational needs. Initially, the programme will focus on autistic spectrum disorder, behavioural, emotional and social difficulties, speech, language and communication difficulties, and moderate learning difficulties. We are developing proposals to improve the quality of education for children with more severe behavioural, emotional and social difficulties, including addressing the regional planning of provision and providing practical guidance on reducing reliance on high-cost placements. We will also be developing minimum standards for SEN advisory and support services.

In terms of raising expectations and achievement, we have set out a strategic approach to developing the skills of staff working with children with SEN, and we are discussing with the Teacher Training Agency and others practical ways of ensuring that teacher training, induction and continuous professional development provide a good grounding in SEN.

We are sharpening the focus on SEN within our national primary and key stage 3 strategies, ensuring that we make the very best use of the data available and breaking down barriers between the Government and the voluntary and private sectors to improve the quality of planning to support young people in making the transition between the different stages of education and adult life.

Finally, we seek to deliver improvements in partnership working. As my hon. Friend the Member for Stroud said, despite some progress in recent years, children still face a postcode lottery in terms of the support available. That applies with respect to educational psychologists and more broadly to special educational needs. That is why the strategy contains a number of measures to promote greater consistency, including a team of SEN advisers working with local authorities to provide support and challenge, and a key role for our network of SEN regional partnerships in spreading effective practice. We are also building on the opportunities provided by the Green Paper, "Every Child Matters", and the Children Bill to integrate education, health and social care around the needs of children and families. The children's national service framework will set national outcome standards for health and social services, and we seek to align it with the SEN strategy through a joint implementation plan.

I do not at all underestimate the scale of the challenge that we face, which was well set out in both speeches earlier. I do believe that our strategy, combined with our work on inclusion in the White Paper and the Bill, will provide a real opportunity to get system-wide improvement for all children with special educational needs.

Mr. Heath: I wholly welcome the framework that the Minister has set out, particularly the fact that teacher training will include specific training for children with SEN. Does he accept, however, that most of it cannot work without sufficient trained educational psychologists to underpin the system? That is why recruitment and retention are critical to the strategy's success and why early decisions are necessary.

Mr. Twigg: I am coming to that point, and I certainly accept that it is important that we should have the right people in place to ensure that the strategy can be effective and successful, and consistently so across the country.

Educational psychologists have a central role to play in working with children with SEN. Their work on statutory assessments and the drawing up of statements is a key function, but they also have an important contribution to make in the area of early intervention and providing support when a child's needs are first identified. I have already addressed early intervention with respect to educational psychology. Four years ago, we published the report of the educational psychology working group, together with a major piece of research on how services operated and how they were seen by their users. That work identified core functions in the areas of working with early years settings, schools and multi-agency teams. It also identified critical factors for success and pointed to good practice. It recommended that all educational psychology services should: apply psychology to promote the attainment and healthy emotional development of children and young people from 0 to 19 years; ensure that early intervention is a priority; be linked to local authority strategies to meet local and national priorities for raising standards in schools and supporting inclusion; be delivered in school settings as well as in local authority and family settings; focus on assessment, intervention and consultation; develop multi-agency approaches to support schools and parents; and be accessible to users independently of schools.

The research confirmed what the hon. Member for Somerton and Frome and my hon. Friend the Member for Stroud said about parents and schools finding educational psychologists a hugely valuable resource. Parents see them as a key link to the school and other agencies and placed particular value on home visiting.

Teachers and SENCOs value educational psychologists for the advice that they give on strategies for the classroom and for providing practical demonstrations, and see them as having an important contribution to make to training. Similarly, educational psychologists make a key contribution to work with children who have, or who are at risk of developing, behavioural, emotional and social difficulties. They are a vital component of the behaviour and education support teams.

The hon. Gentleman rightly focused on the numbers of educational psychologists working in our communities and, in particular, the numbers who are

[Mr. Twigg]

being trained to enter work in future years. I am pleased to say that the data that we have available, which we collect from local authorities, suggest that there has been an increase in recent years in the total number of full-time equivalent educational psychologists. In 1997, the figure was 1,768. In 2003, it was 2,026, a not insignificant increase.

I absolutely accept, however, the hon. Gentleman's central point that although that is progress, a great deal more needs to be done if we are to meet all the needs that we know exist in the communities that we serve. The figures that he set out are correct. Unfortunately, the Local Government Association decided last year to reduce the number of funded training places to 110. We accept the figure of 150, which the hon. Gentleman cites, as ideal, and we have welcomed the LGA's more recent decision effectively to reverse that cut and to take the figure back up to 130. That is clearly better than 110, but we still believe that 150 is the figure for which we should aim. I shall address that issue right at the end of my remarks.

I turn briefly to the work of the working group, to which the hon. Gentleman referred, which brings together all the key people working in this sphere: the Department for Education and Skills, local government and the various associations representing psychology, and educational psychologists in particular. The working group commits us to working with that range of interests to review the initial training of educational psychologists and their continuing professional development. That work has been carried on through a smaller sub-group of the original working group, and I am grateful to all those who have contributed to its deliberations.

It is from that working group that the new training route that the hon. Gentleman described has emerged. Discussion has focused in particular on the need to develop a new entry training route for educational psychologists. The existing route is lengthy, at eight years, and its arrangements are not wholly in line with those for comparable professions such as clinical psychology. That is viewed as contributing to some of the recruitment problems in the profession. We have to be careful on that, because the Government are not the direct employer, but we see ourselves as having an important role in facilitating bringing people together to do the greater investigative work.

We have commissioned, as the hon. Gentleman described, two detailed implementation studies on the practicalities of introducing a slimmed-down entry route that would extend over six, rather than eight, years. That has been widely discussed and consulted on, and the six-year model has secured clear, unmistakable endorsement during the consultations run by the Department. The studies have drawn together the views of all the key interested parties, including the Association of Educational Psychologists, the British Psychology Association and some of the training providers in higher education.

My hon. Friend the Member for Stroud questioned whether there was a danger that that approach could lead to a two-tier system, or that there might be some contention over that change. From everything that I have seen, I am reassured that the professionals working in the field, as well as local government, the universities and we ourselves, are confident that that does not need to be the case, and that the new system can be made to work. The working group has considered issues such as the status of educational psychologists in training, different regional arrangements, the nature of work placements and associated supervision, and the funding needed to underpin a revised scheme. The hon. Member for Somerton and Frome has put his case very strongly today.

The studies confirm that implementing the new route will entail significant additional expenditure. Officials previously informed the various parties with whom we have been working that the case for such expenditure needs to be considered in the context of the 2004 spending review. I appreciate what the hon. Gentleman said about the uncertainty that that creates, and I am not going to deny that such uncertainty exists in the system. What is important is that we get matters right. I can give him an assurance today that although I am not in a position to go beyond the terms of the letter of a couple of months ago that he read out to the House, we are considering the final allocation of the spending review settlement in the light of our overall priorities for education and for children's services, which are now within the specific remit of the Department for Education and Skills.

Unlike other Government Departments, we received our overall envelope of money in the Budget, which means that we are planning at a different stage from other Government Departments. I can assure the hon. Gentleman that the points that he and my hon. Friend the Member for Stroud raised today will contribute to our consideration of our spending priorities. Much as the hon. Gentleman tempts me to go beyond that, I am not in a position to do so today. What I can say is that we take this issue very seriously, and we will decide the long-term position within the next few months.

I am very grateful to the hon. Gentleman for putting this issue on the record today via an Adjournment debate. He has demonstrated the strength of his case, and the issue that we are addressing is how we can make the very best use of some of our finest professionals to meet the needs of individual children and young people. All three of us who have spoken in this debate have paid tribute to the excellent work done by educational psychologists, which I want to put on the record clearly and explicitly. I hope that, as we move forward, we can ensure both a sufficient supply of good, high-quality people to do this work, and that the very real need and demand out there is met in a consistent and inclusive way that gives the very best possible start in life to children and young people in communities throughout the country. I am grateful to the hon. Gentleman for allowing me to put that on the record today.

Question put and agreed to.

Adjourned accordingly at twenty-two minutes past Seven o'clock.

House of Commons

Wednesday 9 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

WALES

The Secretary of State was asked—

NHS Waiting Times

1. **Andrew Selous** (South-West Bedfordshire) (Con): What recent discussions he has had with the First Minister of the National Assembly for Wales about progress in reducing NHS waiting times. [177354]

The Secretary of State for Wales (Mr. Peter Hain): I regularly meet the Assembly First Minister, and the health service in Wales is one of the topics that we frequently discuss.

Andrew Selous: Given that health spending in Wales constitutes a higher proportion of the gross domestic product than it does in either France or Germany, why have waiting lists increased by 80 per cent. in the past five years? Given that one of his own Back Benchers—the hon. Member for Cardiff, Central (Mr. Jones)—said that the NHS is in need of urgent reform, and given that a 69-year-old Swansea man has waited more than three and a half years for a hip operation, will the Secretary of State agree to meet Conservative health spokesmen to discover how Opposition health reforms could benefit the people of Wales?

Mr. Hain: There is a convention in the House whereby Ministers agree to receive delegations from Members, but I am not sure that that one would be very productive. It would take us back to the past and to a Conservative record in Wales that was awful. Seventy hospitals closed, more than a third of general and acute beds were lost between 1979 and 1997, and nursing and midwifery training places were cut. However, in Wales we are now moving ahead. We are recruiting more consultants and more nurses, waiting times are coming down and more hospitals are being built. The health service is improving under Labour, just as it was cut under the Tories.

Mrs. Betty Williams (Conwy) (Lab): Is my right hon. Friend aware that, contrary to the gloomy views expressed by the Conservative party as part of a last-minute effort before tomorrow's elections, the facts speak for themselves in my local trust, the North West Wales NHS Trust? Its consultant orthopaedic surgeons are able to offer treatment within six months, and in dermatology 96 per cent. of patients are seen within three months. According to *The Sunday Times*, it is the top performing trust in Wales, and for the fourth year running one of its hospitals is among the top 40 best performing hospitals in the UK.

Mr. Hain: My hon. Friend speaks for Wales, and for north-west Wales in particular, in a way that the Conservatives cannot, because they have no parliamentary representation in Wales. As she accurately points out, things are improving. They have to improve a lot more, but there is more investment, more nurses, more doctors and more provision to ensure that such improvements continue. In particular, waiting times for cardiac surgery, orthopaedic treatment, cataract surgery and angiograms are improving.

Mr. Bill Wiggin (Leominster) (Con): It is an insult to the 302,730 people on a waiting list for the Secretary of State time and again to make incorrect claims about my party and our policies. He should know, because the information has been published, that we have promised to spend £68 billion on schools and the NHS in Wales.

Let us get on to what is happening. Ten per cent. of the population—

Mr. Speaker: Order. The one thing that the hon. Gentleman has got to do is to ask a supplementary question.

Mr. Wiggin: I am grateful to you, Mr. Speaker. Can the Secretary of State tell the House why *The Western Mail* reported that at an Assembly Cabinet meeting on 19 January, Ministers secretly discussed the way in which NHS waiting lists in Wales are calculated? The Labour Assembly seems to be more concerned with fiddling the figures than with reducing the actual waiting times that people are suffering. It appears that Assembly Ministers are anxious to present an improved list of waiting time figures to disguise their appalling record on health and to appease their party's MPs, who are already rightly panicking ahead of the next general election. Can the Secretary of State confirm that the Welsh Assembly will not be changing the way in which waiting lists are calculated, in order to fudge the figures?

Mr. Hain: Talking of fudging figures, if I heard the hon. Gentleman correctly, he just said that he intends to spend an extra £68 billion on health and education in Wales.

Mr. Wiggin *indicated assent.*

Mr. Hain: He nods his head, but the current entire budget for Wales is £13 billion, which means that he is going to spend some five times as much as that. In the light of that Mickey Mouse figuring, is anybody taking seriously anything that he says about these issues?

Mr. Wiggin: I stand corrected—the £68 billion figure applies across the whole of the UK. I rather wish that the Secretary of State was always as helpful to me when I am trying to get answers from him. On waiting times in Wales, perhaps he can explain why the figures for this

April show an increase of 8,487 people, compared with March. Of course, they are among the 302,730 people—one in 10 people in Wales—currently on an in-patient or out-patient waiting list.

There are more people waiting this year than last, and waiting lists have increased by 80 per cent. since 1999.

Wales has the highest waiting list, not just in the UK, but in the whole of Europe. Despite that, Jane Hutt clearly said that her policies were "having an effect". Is the Secretary of State happy with the effect of the Government's policies, and does he think that Jane Hutt is doing a good job?

Mr. Hain: I am very happy with the progress being made in comparison with the dreadful record under the Conservatives. We inherited that legacy. Just look at the figures. There are 4,000 more nurses in Wales since Labour came to power; 300 more whole-time equivalent consultants; waiting times for key procedures are coming down; 10 new hospitals are either being or have already been built; and there are 178 more acute beds. That is all progress, which is resulting in better health provision for Wales. That is why the people of Wales will continue to back Labour and continue to reject the Tories.

Albert Owen (Ynys Môn) (Lab): My hon. Friend the Member for Conwy (Mrs. Williams) was right to point to the fact that the North West Wales NHS Trust is the best performing trust in Wales in respect of out-patients and in-patients. However, despite the fact that many nurses train in the locality, the ratio of nurses to beds is one of the lowest because they often move to other parts of Wales and, indeed, to England. Will my right hon. Friend meet the appropriate Welsh Assembly Minister to ensure that local nurses are allowed to remain in the area and work for the local NHS?

Mr. Hain: I meet the First Minister regularly and my hon. Friend the Under-Secretary meets the Minister for Health and Social Services regularly. It is certainly a matter that we can draw to their attention. My hon. Friend will be aware that more and more nurses are being recruited. He will also be aware of my response to the previous question and know that 250,000 more patients are being seen in the Welsh health service under Labour than under the Tories. That is an indication of the way standards are going up and of how people's needs are being satisfied and their relief of pain met.

Civil Contingencies Bill

2. **Mr. Elfyn Llwyd** (Meirionnydd Nant Conwy) (PC): When he last met the First Minister to discuss amendments to the Civil Contingencies Bill specifically called for by the National Assembly for Wales' Local Government and Public Services Committee; and if he will make a statement. [177355]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): My right hon. Friend the Secretary of State and I meet the First Minister and Welsh Assembly Government Ministers regularly to discuss a range of matters, which has included the Civil Contingencies Bill.

Mr. Llwyd: I acknowledge the Minister's response, but it does not address the question that I tabled. The question was about the information given by the Welsh Assembly to the Minister during the passage of the Civil Contingencies Bill. The Local Government and Public Services Committee requested two specific amendments and they have been dispatched by Westminster. The Minister often refers to a partnership in respect of legislating, but that does not sound like a partnership to me. Frankly, it is rather one-sided.

Mr. Touhig: I know of the hon. Gentleman's interest in this matter, and on Third Reading he raised a number of important points about the Bill. I can tell him that, personally, as a Minister, I have not received any representations about amendments from the National Assembly's Local Government and Public Services Committee. The Minister for the Cabinet Office, my hon. Friend the Member for Paisley, South (Mr. Alexander), has received them and he will reply. I am prevented by time constraints from giving the hon. Gentleman a more detailed response, but if it would help him—I know of his particular interest—I will write to provide him with further information.

Lembit Öpik (Montgomeryshire) (LD): The Minister will know that 300 Tetra masts are being installed for Welsh police communications. Is he aware that they are a cause of local concern in communities such as Llanidloes, where local people simply do not feel consulted? They are angry that council officials are threatening to use the Government's emergency powers legislation to force mast installations, regardless of local feeling. Are those officials allowed to do that; and, if so, what rights do local citizens have to stop unwelcome mast installations?

Mr. Touhig: I was not aware of the issue until the hon. Gentleman just raised it as a matter of concern in his constituency. I will look further into the matter—I understand that he has spoken about his concerns to my officials this morning—and I will write to him about it.

Drug Rehabilitation

3. **Ann Clwyd** (Cynon Valley) (Lab): What discussions he has had with the First Minister of the National Assembly for Wales on the provision of local drug rehabilitation services in (a) the Cynon Valley and (b) Wales. [177356]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): I regularly meet the National Assembly's Social Justice and Regeneration Minister and tackling substance misuse in the south Wales valley communities is a subject that we frequently discuss.

Ann Clwyd: I recognise the Government's record level of commitment to funding for this problem, but may I point out that in the Cynon Valley there is a long waiting list for rehabilitation facilities, and urge my hon. Friend to press upon the First Minister the importance of increasing rehabilitation facilities for those who are seeking treatment for that problem?

Mr. Touhig: Access to treatment is a priority, which is why £2.5 million of funding has been provided through community safety partnerships in Wales in order to

target the availability of treatment services. I am aware that there have been a large number of applications for treatment in my hon. Friend's constituency. A number have been from women who are pregnant, so they cannot receive treatment at that time, which has created a backlog. As I say, I am aware of my hon. Friend's concern and I will bring it to the attention of my ministerial colleagues.

Chris Bryant (Rhondda) (Lab): It is good to see my hon. Friend the Minister in fine health, which just goes to show that the NHS in Wales is doing a very fine job at present. However, has he had an opportunity to visit the new mental health unit at the Royal Glamorgan hospital, which serves both the Cynon valley and the Rhondda, or the mental health unit at—

Mr. Speaker: Order. That is not relevant to the question.

Mr. Wayne David (Caerphilly) (Lab): My hon. Friend the Minister will be well aware that the Rhondda Cynon Taf local authority has a poor record in supporting drug rehabilitation initiatives, in the Cynon valley and the locality generally. However, is he aware of the Kaleidoscope project in Newport? It is an innovative project, based on respect for individuals, and it ensures that treatment is given within one week, if possible.

Mr. Touhig: I am grateful to you, Mr. Speaker, for saving me from the question from my hon. Friend the Member for Rhondda (Chris Bryant). I can tell my hon. Friend the Member for Caerphilly (Mr. David) that I am aware of the matter that he raises, and that the Rhondda Cynon Taf community safety partnership has received more than £600,000 for its substance misuse action plan. I am also aware of the Kaleidoscope project, which I visited with the Welsh Assembly's Minister for Social Justice and Regeneration. I was very impressed with the work of the project, which provides a service for a range of different people. The project is known nationally and internationally for its pioneering community-based drugs treatment programmes. I commend it to other areas for examination, as it is a pioneering project that is breaking barriers and pushing forward the agenda involved in tackling the problem of drug misuse.

Miners' Compensation

4. **Huw Irranca-Davies** (Ogmore) (Lab): What recent discussions he has had with the Secretary of State for Trade and Industry in respect of the deduction of contingency fees from miners' compensation awards. [177357]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): My right hon. Friend the Secretary of State and I have regular discussions with colleagues at the Department of Trade and Industry on coal health compensation matters, and I also attend the national monitoring group chaired by my colleague the Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Edinburgh, South (Mr. Griffiths).

Huw Irranca-Davies: Will my hon. Friend convey my thanks to his counterparts in the DTI for their efforts in working with the Law Society to put pressure on those lawyers who, scandalously, have sought to deduct contingency fees from the compensation rightfully paid to miners, their widows and their families? However, does he share my dismay—not to say disgust—that other lawyers in south Wales continue to deduct contingency fees or part payments from money that rightfully should go to miners and their families?

Mr. Touhig: Yes, I most certainly share that disgust. Claims handlers and others who take a slice of compensation meant for miners and their widows are, in my view, nothing but parasites preying on the fears of elderly and vulnerable people. My message to them is simple. It is, "Give the money back. It does not belong to you; it belongs to the miners."

Mr. Roger Williams (Brecon and Radnorshire) (LD): Yesterday, I was contacted by my constituent Mr. Davies from Abercraf, who is conducting a claim on behalf of his late father. He is furious about the service that he has received from his solicitor, who has taken a long time to settle the claim, and has also submitted copies of wills and probates that refer to a claim being made by another family. Solicitors involved in such matters receive great fees from the DTI: when will those fees be deducted to reflect the poor service that claimants receive, and the stress that is caused to them when they do not get the money that they are due?

Mr. Touhig: On the whole, most solicitors handling miners' compensation claims have acted very well and have sought to process the claims as speedily as possible. However, I am aware that some solicitors are not in that category and that they have caused enormous grief, to my constituents and to those of other hon. Members. I shall bring the details of this particular case to the attention of the Law Society, as I have done on a number of occasions previously, and I shall ask it to investigate the problems that the hon. Gentleman's constituent is having with that firm of solicitors.

Denzil Davies (Llanelli) (Lab): Given that the activities of the claim handlers seem to generate claims and therefore more work for solicitors, would it not be fairer if their fees were paid out of the solicitors' pockets, and not by the unfortunate claimants?

Mr. Touhig: I have sympathy with that view. Indeed, I have written to the Law Society on behalf of a couple of my constituents who have paid £5,000 to claims handlers. When I wrote to the solicitors handling the claims, I was told that they dealt merely with the process of the claim and that my constituents had signed an agreement to pay that money to the claims handlers.

I have asked the Law Society to investigate the matter because one part of the agreement that my constituents had to sign states that the payment is needed to meet any legal or medical fees. In fact, claimants have to pay no such fees, as the Government are meeting them all. The solicitors know that, and they should act appropriately. I have every sympathy for the point made by my right hon. Friend. Solicitors should be encouraged to help get the money back.

Adam Price (East Carmarthen and Dinefwr) (PC): In the Minister's discussions with the Department of Trade

and Industry, did he also ask why it is financing the miners' compensation scheme from the surpluses it receives from the miners' pension fund? As the Minister himself said, "Give the money back. It doesn't belong to you; it belongs to the miners."

Mr. Touhig: Plaid Cymru is taking an interest in miners? There must be an election on. The hon. Gentleman has raised this issue recently and gained much publicity as a result. He has created alarm and concern among miners and their widows, who think that their pension fund is at risk because of the issues he has raised. He has not discovered anything new: the issue that he raises was made public by my right hon. Friend the Member for Airdrie and Shotts (Mrs. Liddell) on 8 December 1999. The hon. Gentleman alluded to the guarantee. At the moment, the miners' pension scheme is in deficit and the Government are putting in millions of pounds to overcome that deficit. If he asks any miner in Wales, they will tell him that the guarantee of their pension security is a godsend. They welcome it, and they know that it guarantees that their pensions are safe.

NHS Funding

5. **Mr. Desmond Swayne** (New Forest, West) (Con): What discussions he has had with the National Assembly for Wales about funding for the NHS in Wales. [177358]

The Secretary of State for Wales (Mr. Peter Hain): I regularly meet the Assembly First Minister and the health service in Wales is one of the topics that we frequently discuss.

Mr. Swayne: The Audit Commission reported in April that the NHS in Wales was unsustainable, out of balance, unable to meet the needs of the future, and applying the wrong remedies in the wrong place for the wrong reasons. What can it possibly have meant?

Mr. Hain: The Audit Commission made some recommendations that the Welsh Assembly and the Minister for Health and Social Services are now implementing. It also recognised that great progress has been made by the health service in Wales, some of which I identified earlier. The hon. Gentleman will also appreciate, as a Conservative Member, that the people of Wales know that they face a choice between cuts, privatisation and charges under the Conservatives, or increased investment, more provision, more nurses, more doctors and a better health service under Labour.

Julie Morgan (Cardiff, North) (Lab): Is my right hon. Friend aware that the funding for NHS breast cancer surgery will spread much further because of a pioneering new technique developed by the University of Wales College of Medicine, in my constituency, that reduces the need for drastic and invasive surgery when cancer has spread under the arms into the lymph nodes? Will he join me in congratulating the staff involved on a tremendous achievement, which means that Wales now leads the field in that area?

Mr. Hain: I am delighted to join my hon. Friend in congratulating the staff of the university on their fantastic, innovative and pioneering research and their contribution to tackling a serious problem that has affected far too many women over the decades. We now have the opportunity to introduce a proper, preventive strategy to provide the protection to which women are entitled.

Mr. Speaker: I call Mr. Bellingham.

Mr. Henry Bellingham (North-West Norfolk) (Con) *rose—*

Mr. Speaker: I am sorry, I have made a mistake. I call Mr. Wiggin.

Mr. Bill Wiggin (Leominster) (Con): I sympathise, Mr. Speaker, and so should the Secretary of State. His hearing is not up to much because he did not hear the points that I made about spending. He said that great progress had been made, but can he explain why hospital activity has increased by only 6 per cent., the backlog of maintenance on NHS buildings in Wales has increased by £147 million, and the total repair bill now stands at £465 million? There is a chronic shortage of consultants, with the British Medical Association estimating that 150 posts are unfilled. What has Labour done with the money? Could it have gone on the doubling in the number of civil servants in Jane Hutt's Department, or the 96 administrative bodies that she has set up since 1999? Labour's policy of taxing and spending and failing is letting Wales down.

Mr. Hain: I congratulate the hon. Gentleman on his enthusiasm for coming back for second helpings, even if the recipe was the same. He ignores the fact that the health service in Wales is now seeing 250,000 more patients—a quarter of a million more—and that is where the money is going. It is going into recruiting 4,000 more nurses, 300 more whole-time equivalent consultants and building more hospitals, compared with the 70 closed under the Conservatives. That is where Labour's investment in health is going, compared with the cuts, cuts and cuts that we had under the Tories.

Small Businesses (Tax)

6. **Mr. Henry Bellingham** (North-West Norfolk) (Con): What recent representations he has received from small business organisations in Wales on the subject of the tax treatment for small incorporated companies. [177359]

The Secretary of State for Wales (Mr. Peter Hain): I have regular meetings with small business organisations. The Government and the Assembly have created an extremely supportive environment for small businesses to prosper in Wales.

Mr. Bellingham: Is the right hon. Gentleman aware that a large number of small companies in Wales went to substantial expense to incorporate as a result of tax incentives brought in by the Budget two years ago? Those excellent initiatives, which were widely welcomed by small business groups in Wales, were removed in this

year's Budget. How does the right hon. Gentleman explain that U-turn, which has angered so many small businesses in Wales?

Mr. Hain: As the hon. Gentleman knows, things are not quite as he suggested. As he also knows, small businesses in Wales are doing much, much better than ever before. The Royal Bank of Scotland reports that the economy will grow by 3 per cent. and that Welsh business activity grew for the 13th consecutive month to April 2004. A recent CBI survey also showed that business confidence in Wales stands at its highest since 1995, and the latest quarterly business survey from NatWest reports that 68 per cent. of Welsh small businesses noted significant improvements in their sales in the past year. That is the most positive response for a long time—thanks to Labour's excellent policies.

Tax Credits

7. **Mr. John Smith** (Vale of Glamorgan) (Lab): What discussions he has had with his Cabinet colleagues on the take-up of tax credits in (a) Wales and (b) Vale of Glamorgan. [177360]

8. **Mr. Martyn Jones** (Clwyd, South) (Lab): What discussions he has had with his Cabinet colleagues concerning the take-up of tax credits in Wales. [177361]

The Secretary of State for Wales (Mr. Peter Hain): Two hundred and forty-five thousand families in Wales are receiving tax credits, including almost 228,000 families with about 400,000 children.

Mr. Smith: I thank my right hon. Friend for that reply. Is he aware that for the first time in a generation not a single family in my Vale of Glamorgan constituency would be better off out of work and dependent on benefits? Will he give me an assurance that we never return to the absurd situation where benefits become a perverse incentive for people not to work?

Mr. Hain: I certainly will give my hon. Friend that assurance, provided of course that the people continue to vote for Labour in election after election. Instead of the billions of pounds being wasted by the Tories to keep people on the dole, where there is no hope and no future, we have invested to help people who want to work and to make work pay through the working tax credit and the child tax credit. That is benefiting hundreds and thousands of people right across Wales.

Mr. Jones: What effect has that encouraging take-up of tax credits had on our desire to eliminate child poverty in Wales?

Mr. Hain: It has had a significant impact, because it has occurred alongside record increases in child benefits. We are committed to eliminating child poverty right across Wales. We have made massive strides in that direction, again with policies that would be cut under the Tories in their programme of cuts and cuts and cuts, driving the people of Wales and the children of Wales back into the misery of the 1980s and the early 1990s.

Antisocial Behaviour

10. **Alan Howarth** (Newport, East) (Lab): What discussions he has had with (a) Cabinet colleagues and (b) National Assembly for Wales Ministers concerning measures to tackle antisocial behaviour in Wales. [177363]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): My right hon. Friend the Secretary of State and I regularly meet Cabinet colleagues and Assembly Ministers to discuss matters affecting Wales.

In March this year the police were given greater scope for combating antisocial behaviour when the third set of new powers contained in the Anti-social Behaviour Act 2003 came into force. *[Interruption.]*

Mr. Speaker: Order. The House must allow the right hon. Member for Newport, East (Alan Howarth) to put his supplementary question.

Alan Howarth: Has my hon. Friend noted that reports of antisocial behaviour and disorder in Newport have fallen by 25 per cent. over the last year? Will he congratulate Gwent police and Labour-led Newport city council on working in increasingly effective partnership? Has he also noted that absolutely no ideas of any interest or use on the matter of antisocial behaviour have been put forward by any of the other political parties?

Mr. Touhig: The Government are cracking down on those who make life a misery for hard-working families. Those families expect us to do something about that situation and to act against those who commit the quality-of-life crimes of intimidation, petty vandalism, yobbery and so on. I am delighted about the real progress that has been made in Newport through the partnership between the Gwent police and the Labour-run Newport council, which after the election tomorrow will still be a Labour-run council.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [177335] **Mr. Ken Purchase** (Wolverhampton, North-East) (Lab/Co-op): If he will list his official engagements for Wednesday 9June.

The Deputy Prime Minister (Mr. John Prescott): I have been asked to reply.

As the House will know, my right hon. Friend the Prime Minister is attending the G8 summit in Georgia and will then go on to attend the state funeral of the former President of the United States, Ronald Reagan.

I take this opportunity to express our deep sadness at the death of my hon. Friend the Member for Leicester, South, Jim Marshall. He was a popular figure in Parliament and locally, and a great advocate for his constituency. He will be sadly missed.

Mr. Purchase: All of us, both here and in Jim's former constituency, would wish to echo those very fine words.

Does my right hon. Friend recognise the good sense and decency of the people in my borough of Wolverhampton, where not one single person has been persuaded to stand as a British National party nationalist, fascist candidate in tomorrow's city council elections? In this special week when we remember the Normandy landings, which became a real turning point in the fight against racism and fascism, will my right hon. Friend implore and demand of the voters that tomorrow they follow the example of Wolverhampton and make our country a racist-BNP-free zone?

The Deputy Prime Minister: I am sure that the House will agree with much of what my hon. Friend says. The people of his city have shown good sense in many ways, not least in sending him here as their Member of Parliament.

My hon. Friend is right, too, to draw the House's attention to the dignified ceremonies that took place at the weekend to mark the courage and sacrifice of those involved in the Normandy landings 60 years ago. It is because of their bravery and sacrifice that we have the right to vote in the elections that are taking place tomorrow. I am sure that the House will want to urge all those taking part to turn out and to maximise the vote.

Mr. Michael Ancram (Devizes) (Con): I join the Deputy Prime Minister in his tribute to the late Jim Marshall. I believe that we will all miss him in the House.

I am sure that the Deputy Prime Minister will also wish to join me in paying tribute to the late Ronald Reagan, a great President who challenged the march of communism and won. After all, how can he and I not pay tribute to a man who was known as the great communicator?

Does the Deputy Prime Minister now regret ignoring the advice of the Electoral Commission and going ahead with postal voting in four regions?

The Deputy Prime Minister: The right hon. and learned Gentleman made clear his judgment about President Reagan in the debate on foreign affairs on Monday. For my part, whatever people said about President Reagan at the beginning of his regime, I remember that he contributed to reducing weapons of mass destruction, which assisted in world peace today. *[Interruption.]* Well, people can make judgments, but I give my judgment as best I can. I remember the many cynical comments that were made about that man, but he did contribute to reducing the cold war. *[Interruption.]* I can only give the House my view and live with whatever people think about it.

As for all-postal ballots, let me make it clear to the House that the evidence is that the number of people participating in the elections is significantly higher than it has been. It must be the wish of everyone in the House that as many people as possible vote in elections. The returning officers are positive about the elections and say that they are going well. By last night, turnout had already increased by 6.8 per cent. in the north-east, by 6.1 per cent. in the north-west, by 8.6 per cent. in Yorkshire and Humber, and by 7.3 per cent. in the east midlands.

That is nearly an extra 1 million people participating in the vote. That must be a welcome factor, and I think that my judgment in asking for the four areas to be considered as all-postal ballot areas was right.

Mr. Ancram: The Deputy Prime Minister's complacency is breathtaking. Where has he been for the past few weeks? Thousands of electors have had postal votes sent back because they have failed to complete them properly, one council is having to operate three emergency polling stations because thousands of voters have not received their forms in time, and voters in another area are being invited to go to the town hall. One in seven voters in the four regions said that they had not received their ballot papers by last weekend. On top of that, today we hear allegations that substantial numbers of voters have been intimidated, and that one employer told his staff that he would sack them all if they refused to support Labour. Does the right hon. Gentleman not understand the chaos that he is causing, and the worry and upset to all the voters who think that he is effectively depriving them of their votes?

The Deputy Prime Minister: A number of those allegations were made in 2003. The Electoral Commission looked into them to see whether there were any examples of bad practice or fraud, and after the investigation into the 100 pilot areas in 2003 it said that there was no reason to believe the pilot schemes had

"resulted in an increase in the incidence of electoral offences".

That was the Electoral Commission's judgment then, and it will conduct another review in the present pilot areas. Most of what we have heard is allegations. Let the proper investigation take place, and the House will have a chance to make a proper judgment.

Let us be clear: more than 1 million more people have participated in the elections already, and if we get the same rate of return that we had in 2003, that figure could become 2 million. I hope that many more people will vote by the end of the elections on Thursday night. That should be welcomed. We shall conduct a review, and any electoral mispractice or fraud should be harshly dealt with. Indeed, Members will recall that in the past few weeks we read in the papers that in a postal ballot—although not in an all-postal ballot area—a Conservative councillor was jailed for forging ballot papers.

Mr. Ancram: The Deputy Prime Minister's complacency will send its own signal to many people in the country. He talks again about turnout, but this is not just about turnout; it is about the integrity of the system, confidence, trust and lack of corruption. Above all, it is about people being able to exercise their vote. The chaos of the past few weeks has been bad enough, yet the right hon. Gentleman still appears hellbent on holding all-postal ballots in his three regional referendums this autumn. Will he now abandon those plans, and will the Labour party stop playing fast and loose with democracy and restore to people the right to vote at the ballot box?

The Deputy Prime Minister: I do not know whether the right hon. and learned Gentleman recalls this, but there was no dispute between us that postal ballots and all-postal ballots should be encouraged. All parties have

supported that principle; the only dispute is whether the allegations are correct. The pilot schemes will be reviewed, and the House will have proper time to consider a proper judgment made by the Electoral Commission. That is right, but let us celebrate the fact that a million more people will participate—indeed, already have participated—in the elections; the final figure may be greater than that. That should be a matter for celebration. It is not, as the leader of the Liberal party has said, a democratic disgrace.

Mr. Gordon Prentice (Pendle) (Lab): Do we need more single-sex Muslim schools?

The Deputy Prime Minister: My hon. Friend will know that a number of the local education authorities, which have the right to make that choice, have decided that there will be some of those schools—*[Interruption.]* As my hon. Friend the Member for Bolsover (Mr. Skinner) reminds me, there are five. It is for the local education authorities to make such decisions, and we should leave it to them.

Sir Menzies Campbell (North-East Fife) (LD): May I associate myself and my right hon. and hon. Friends with the tributes paid to Jim Marshall, a Member who was much respected in all parts of the House? Of President Reagan, may I say that whatever one's differences with him may have been, he will undoubtedly take his place as one of the most notable Presidents in American history?

However, may I ask the Deputy Prime Minister whether he agrees that the proposals at the G8 summit on improved debt relief for poverty-stricken African countries should stand alone and not be dependent on the writing off of Iraqi debt? Will the Prime Minister take that position in Georgia?

The Deputy Prime Minister: Yes, and they do stand alone.

Sir Menzies Campbell: That was the shortest and, perhaps, the most acceptable answer that the Deputy Prime Minister has ever given. I doubt that I shall be so lucky the second time around.

On Iraq, given that the new United Nations resolution mentions neither weapons of mass destruction nor the Iraq survey group at all, and in view of the Prime Minister's statement yesterday that Saddam Hussein had what he described as "strategic intent" to develop weapons of mass destruction, are we now to understand that the Government accept that there were no actual weapons of mass destruction and that none are likely to be found, or, in the words of Dr. David Kay, are the Government still being delusional?

The Deputy Prime Minister: I am sure that the right hon. and learned Gentleman knows that we are all waiting for the final report on those matters. *[Interruption.]* I thought that we set up reports to find out facts so that we can then debate them. It is right for me to say that we should await the report. It is a pity that he has not really congratulated the United Nations on arriving at its unanimous agreement last night. Everyone in the House has been calling for that, so I should have thought that we should all welcome it, rather than giving out the party political stuff that we heard from the right hon. and learned Member for Devizes (Mr. Ancram), which was a disgrace. Given that such a fundamental decision has been made about Iraq, we should all welcome the fact that the UN is now playing a major part in finding a solution, which our Prime Minister has tried to put in place. A council is being formed and there will be elections in June. I have listened to many debates in the Chamber on Iraq, so is it not time for us to celebrate the fact that the UN is involved and we now have a satisfactory solution for not only coalition forces, but the Iraqi authorities, which very much welcome it?

Mr. Gwyn Prosser (Dover) (Lab): Labour's tonnage tax has given a massive boost to the British Merchant Navy and has been of huge benefit to British shipping. Does the Deputy Prime Minister share my dissatisfaction that that boost and expansion has not been matched by an increase in jobs for British seafarers and has not provided the training places that were promised?

The Deputy Prime Minister: I am well aware of the point that my hon. Friend makes. He welcomes the fact that there has been more than a three-times increase in tonnage due to the change to the taxation arrangement to which the Chancellor agreed a few years ago. That has meant that this island nation now has its island fleet back again, which is welcome. However, the system was different from other tax arrangements because it included the condition that there had to be training for officers and crews. There has indeed been extra training for them, but I was disappointed that my union at the time, the National Union of Rail, Maritime and Transport Workers, did not take up the training arrangements for all British crew members aboard the ships. In fact, its own training arrangement was set up, which has meant that fewer British seafarers have been involved on the ships. However, we should welcome the fact that the decline of the British merchant fleet that had gone on for decades has been reversed due to another of the Government's successful policies.

Mr. Ancram: In February, the Party of European Socialists issued a political declaration for Europe. Does the Deputy Prime Minister support it?

The Deputy Prime Minister: As the right hon. and learned Gentleman knows, the document was released in February. A great deal of fuss was made that it had not been given a public release, but it was released in February. It is a statement by the socialist parties in Europe on what they feel that the effects of globalisation will be on European policies. They made judgments on the economy, welfare and so on. I note that their judgment on the economy is close to the Maastricht policy introduced by the right hon. and learned Gentleman's previous Administration.

Mr. Ancram: Once again, the Deputy Prime Minister has not answered the question. The document, which was signed by the Minister for Europe in that capacity, calls for new European taxes, a common immigration

policy, a single welfare system and the surrender of Britain's seat on the United Nations Security Council. Does that represent Government policy: yes or no?

The Deputy Prime Minister: The right hon. and learned Gentleman does not give a proper interpretation of what was said or, indeed, meant. It is not Government policy, either.

Mr. Ancram: That is quite extraordinary. We have a document, which is signed by the Minister for Europe in that capacity, not any other. I am looking at his signature: "Denis MacShane MP, Minister for Europe". Does he speak for Europe on behalf of the Government or is he out of line? In the latter case, why is he still Minister for Europe? Is not the document Labour's real policy agenda for Europe? Is that not why the Prime Minister has not made a single speech on Europe during the campaign and has, indeed, been the invisible man of the campaign? Is it not now clear that the only way to put Britain first in Europe is to vote Conservative tomorrow?

The Deputy Prime Minister: It may give a lot of heart to the Tory Opposition to pick out a document that we have said does not represent Government policy, but that is all to do with their fear of the United Kingdom Independence party position on withdrawing from the European Union. Why have they suddenly focused so much attention on European policy? It is because their polls tell them that people will not vote Tory but UKIP. That is why it is being said that the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) is not leading his party properly or setting out a proper position on Europe.

Even Conservative Members are beginning to dispute that position. A Tory peer, Lord Willoughby—a proper Tory, and like the right hon. and learned Member for Devizes (Mr. Ancram) a proper Lord—branded his party's renegotiation policy as absurd. He said:

"Expecting to renegotiate the EU treaties on our terms is like going to MacDonald's and ordering Lobster Thermidor."

As he continued:

"It would be nice to have it, but it is not on the menu".

I do not know what it is about seafood and politics, but I could not have put it better myself.

Mr. Ivan Henderson (Harwich) (Lab): My question follows on from that of my hon. Friend the Member for Dover (Mr. Prosser). When my right hon. Friend attended the ceremony for the launch of the new Queen Mary, he was right to say that it was a significant day for the revival of the red ensign. However, does he share my concern and that of my constituent who wrote to me to say that he contacted Cunard asking for a job as a British rating on its ships, but was told that it is not employing British ratings? Will my right hon. Friend personally intervene with the companies and the British Chamber of Shipping to ask them to honour their position on the tonnage tax and employ British ratings on their ships?

The Deputy Prime Minister: I must tell my hon. Friend that it is simply not true that the companies are not employing British ratings. When I attended the Queen Mary II launch, I talked to several of them. I also talked to them on the Queen Elizabeth. The companies employ British ratings and I do not know why they say that they do not. My hon. Friend has a deep interest in the subject and I shall take up the matter that he raises but I emphasise that the companies are employing British ratings.

Q2. [177336] **Mr. Desmond Swayne** (New Forest, West) (Con): In 1999, the Prime Minister promised that, by 2001, everyone would have access to a national health service dentist. It has now become impossible to register with a national health service dentist in the New Forest. Those who were registered increasingly find themselves deregistered. When will the Government's policies stop making matters worse?

The Deputy Prime Minister: I am well aware of the problem that the hon. Gentleman mentions because I have experienced it. My dentist declared that he was going private and I declared that I could not stay with him. Many of our constituents have faced that problem. As the hon. Gentleman said, each one of us has been confronted with it. However, it is a bit much for him to get up and speak about it when he belonged to the previous Administration, who closed down the dental schools for training dentists, cut back on all such services and believed in a private health service—Conservative Front-Bench Members have made it clear that they want to dismantle the national health service.

Let me make it clear to the hon. Gentleman that the number of national health dentists has gone up by 10 per cent. since 1997. There are 36 more consultants than there were in 1997 and the medical school intake has increased by 60 per cent.—*[Interruption.]* Well, it does take a little bit of time to train dentists. If the Conservative had not closed the dental schools down in 1993, we would not have the problem that we have today.

Mr. Michael Connarty (Falkirk, East) (Lab): The Deputy Prime Minister might know that, in a singular act of compassion, this Labour Government introduced an ex gratia payment scheme for those people in the haemophilia community who have contracted hepatitis C. Sadly, however, it was decided not to include in that scheme the families of the 232 people who have died from hepatitis C. Will the Deputy Prime Minister get together with my right hon. Friend the Secretary of State for Health to see whether we can find the money in this budgetary year to give the families of those 232 people ex gratia payments in line with those being given to the rest of the haemophilia community?

The Deputy Prime Minister: To be honest, I do not know the exact details of the point made by my hon. Friend, but I can give him a promise that I will have a talk, as he suggests. The Chancellor is considering all these expenditures, and I do not know exactly what is being said or done, but one thing that I can promise is that a lot more money is being put into the areas that my hon. Friend is talking about. He has asked a specific question, however, and I shall have a look at this and write to him about it.

Q3. [177337] **Mr. John Maples** (Stratford-on-Avon) (Con): I join the Deputy Prime Minister in welcoming

yesterday's unanimous United Nations Security Council resolution on Iraq, but I am sure that he would agree that much more needs to be done to rebuild the unity and cohesion of the transatlantic alliance. Will he tell us what specific issues the Prime Minister will try to persuade his European counterparts to rebuild that unity around?

The Deputy Prime Minister: To be honest, I am sure that that will be one of the questions that the Prime Minister will address when he appears before the House on Monday. He will make a statement and that is one of the matters that he can deal with—*[Interruption.]* Yes, I may well be the Deputy Prime Minister, but I want to be honest with the House and I think that hon. Members would want to hear it from the Prime Minister himself, as he makes these decisions. I try to put these answers as clearly as I can, and I think that honesty is important in politics.

I remember that, when the hon. Member for Stratford-on-Avon (Mr. Maples) was the vice-chairman of the Tory party, he produced the Maples report back in 1994. That was 10 years ago, and he gave an opinion about the Tory party at that time. In it, he said that people thought that what the Tories were saying was

"completely at odds with their experience, which led them to conclude"

that the Tories were "out of touch", "lying", "stupid" and "didn't care". Is that still his view?

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): In Sheffield over the last four years there has been a fall of more than 16 per cent. in deaths among those under the age of 75, including a fall of more than 23 per cent. in deaths from circulatory disease. Does this not show that Labour's investment in the health service is not only changing people's lives but saving hundreds and thousands of lives across the country? Are these not the kind of statistics that the Opposition would rather we did not talk about?

The Deputy Prime Minister: One of the most pleasing aspects of the amount of resources going into the health service is the changes that are taking place. They take some time, however. The Black report on health showed some time ago that the differential in death and mortality rates between the north and the south was unacceptable. We are trying to correct that by putting greater resources into those areas, and I am pleased to hear that that has happened in Sheffield. There is also evidence of it happening in Hull, and I am sure that it is happening elsewhere.

The thing that must be worrying most of our constituents, however, and which we should particularly bear in mind this week, is the announcement made by the shadow Chancellor that he envisaged the national health service vanishing in the next five years. That shows the difference between us, and the choice that we have to make. When the Conservatives say that they are going to do that, it will make the differentials in mortality rates and health between the north and south worse. That shows the considered indifference of the Tory Opposition.

Q4. [177338] **Mr. Henry Bellingham** (North-West Norfolk) (Con): Will the Deputy Prime Minister find time today to pay tribute to the National Neighbourhood Watch Association, which is the UK's largest voluntary movement and is doing first-class work in his constituency and mine? Is he aware, however, that it faces imminent closure, because the Home Office is preventing it from signing a five-year commercial sponsorship agreement? That will be a disaster for tens of thousands of volunteers. Will he consider the issue very carefully? What does he have against this organisation, which prospered under the Tories, just as it appears his own NHS dentist prospered under the Tories?

The Deputy Prime Minister: First, everybody in the House will agree that the neighbourhood watch has been a very successful operation. It involves local decision making and involvement, and it has been good in helping to reduce crime. Alongside that, of course, as the hon. Gentleman will well recognise, there is now a record number of police in Norfolk—1,500 officers in December 2003. While the neighbourhood watch is very important, so is the number of police, which was reduced under the previous Administration but has been increased by 1,500 officers. In Norfolk alone there are 70 more than in 1997, as well as 34 community support officers, which is an improvement in those programmes. We have seen a reduction in the crime statistics, and that is largely due to the Government's policy in increasing police and, at the same time, the good work of local initiatives in neighbourhood watch.

Q5. [177339] **Jim Sheridan** (West Renfrewshire) (Lab): I am sure that my right hon. Friend shares my concern that many of our indigenous industries are now the victim of employers exploiting cheap labour markets abroad. Just yesterday, an established factory in my constituency, Sara Lee, announced 162 redundancies. What measures are in place to address that situation and, in particular, the situation that affects communities such as a deprived area in my constituency, Port Glasgow, which is suffering from a great many job losses as we speak?

The Deputy Prime Minister: I understand the point that my hon. Friend makes. The first point for me to make is that this Government have been very successful in increasing the number of jobs in Scotland, Wales and England. There are well over 2 million more jobs—a rate that has been considerably increased and something to be welcomed by all that is largely due to the stability in the economy.

I must also say that there are people who attempt to organise, and I saw them on my visit to Glasgow. The jobcentres themselves are putting about 4,700 people in work every day, so they are quite successful in that. I was impressed not only by the new deal, which has helped about 100,000 people back into work in Scotland, but by a group in Scotland, which started 28 years ago, so not under this Administration, and which should be given some consideration—the Wise Group. It has had quite a lot of money and has been getting people back to work very successfully for 28 years. I noticed also that there was a tremendous amount of money going into it from the European Community—vital funding of about £3 million in 2003. That reminds us when people are talking about these European elections that an awful lot of our

jobs and training money are related to Europe. That is an important factor when the Opposition are really advocating that we should withdraw from Europe, which would have unemployment consequences.

Mr. John Greenway (Ryedale) (Con): If the people of Yorkshire and Humber vote no in the regional assembly referendum in the autumn, can we keep our two-tier local government in North Yorkshire?

The Deputy Prime Minister: We have made it absolutely clear that if the people vote against any changes in the regional referendum, none of the local government organisation changes, as recommended in the referendum, will take place. They can say yes or no; if they say no, there will be no change and things will stay exactly as they are. However, I would ask the hon. Gentleman to talk to the Leader of the Opposition, who has made it clear that even if the vote is successful, he might not necessarily take any notice of it. That is hardly a democratic decision, but it is what I can expect from the Tory Opposition. They should keep working on their leader and at least get some honesty into the politics.

Q6. [177340] **Laura Moffatt** (Crawley) (Lab): What would my right hon. Friend say to constituents in Crawley who face changes to their emergency services? Despite unprecedented spending on health locally, senior doctors are recommending that those services should change. Will he ensure that I get access at the highest level to discuss this matter?

The Deputy Prime Minister: I understand my hon. Friend's concern and assure her that we are indeed taking this matter very seriously, as is the case with those at local level. I know that the Secretary of State for Health has been in touch with her, and he assures me that he will be very happy to meet her to discuss the matter on any occasion she chooses. He is available to do so. My final point to Members and voters in their constituencies, and the advice I would give them, is vote Labour.

Mr. James Paice (South-East Cambridgeshire) (Con): Now that the Deputy Prime Minister proposes to allow the building of 18,000 new houses on green fields in Abington in my constituency, and has already overruled the local authority by allowing Travellers to develop greenfield sites in open country, is it any surprise that the local Labour party is so embarrassed by his actions that tomorrow it is not even contesting seats that it currently holds?

The Deputy Prime Minister: On the factual point, I must tell the hon. Gentleman that in the three northern areas alone, 90-odd per cent. of Labour councillors have been nominated and are fighting these elections, compared with 70-odd per cent. for the Tories.

With regard to housing, we are committed to providing housing for people. Particularly down in the south-east, it has been denied to them for too long, either because it is too expensive or because we have not been able to build sufficient amounts. I have announced to the House a tremendous increase in such programmes, and we will continue to meet the needs of people, so that they are not told, "Go north, because there is no house here," and they can have a house near their parents and near where they have been brought up.

As for the planning issue, I note the hon. Gentleman's point, but I give him the same answer that everyone gives from this Dispatch Box, from whatever Government. As I am one of the Planning Ministers, I cannot comment on the issue, as I might be making a decision at the end of the day. That is my obligation and my responsibility, and I will face up to it.

Darfur

12.31 pm

The Secretary of State for International Development (Hilary Benn): With permission, Mr. Speaker, I wish to make a statement on the humanitarian emergency in Darfur.

I returned this morning from a visit to Sudan, where I saw at first hand the humanitarian crisis that is unfolding in Darfur, western Sudan. This is the most serious humanitarian emergency in the world today. The UN estimates that more than 1 million people have had to flee their homes and that a further 130,000 refugees have crossed into eastern Chad. I visited the Kalma camp in south Darfur and the el-Meshtel and Abu Shouk camps in north Darfur, where tens of thousands of people are facing a precarious existence. I spoke to men and women whose homes have been destroyed, villages burned, and whose communities have been the victims of killings, looting and rape.

The humanitarian needs are enormous. Traditionally, Darfur has a hungry season between May and September, during the rains and before the harvest. Because of the conflict, there will be no harvest this year. Added to the long years of drought, communities are unable to cope. The rains have already started in Darfur. They will bring flash floods, make roads impassable, increase the risk of disease and render the delivery of assistance more difficult.

This is a severe crisis, which will last well into next year. Dealing with it will require action by everyone, including the Government of Sudan. The changes made to visas and travel permits for UN and other relief agency staff are now having an effect. Yesterday, the Government gave me a firm commitment that they would fast-track both the delivery of assistance, so that relief agencies can bring in food, medicine, vehicles and other supplies quickly, and the registration of new relief agencies that want to come and help. I will maintain a close interest in the implementation of these arrangements.

The number of humanitarian agencies on the ground is limited. We need more. I have also been concerned about the adequacy and speed of the UN's response, although this should now change. The UK has been supporting the people of Darfur since the autumn of last year. We have already provided £19.5 million to UN agencies, the International Committee of the Red Cross and operational non-governmental organisations. We have seconded staff to the Office for the Co-ordination of Humanitarian Affairs and the UN Joint Logistics Centre to help co-ordination of the relief effort. During my visit, I announced a further commitment of £15 million, which will take the total humanitarian assistance contribution by the UK to more than £34 million. That includes the airlifting of blankets and shelter materials. The UK, the US and the European Commission have to date provided three quarters of the international response and there is an urgent need for other donors to do more.

The main cause of the crisis is insecurity. Despite the 8 April ceasefire, fighting has continued and villages have been attacked by armed militias. Yesterday, I raised with First Vice-President Taha the urgent need for the Government of Sudan to rein in the janjaweed and other militias, condemn the acts of violence and provide adequate protection for displaced people. Equally, rebel groups must observe the ceasefire.

The deployment of the African Union ceasefire monitoring team is therefore urgent. When I met military observers from the team in el-Fasher, they told me that they planned to deploy their team of 120 observers as quickly as possible. The UK will contribute one of the six observers requested from the European Union and I hope that other contributing nations will get their observers there soon. The Government of Sudan have promised full support for the monitors and the UK has provided £2 million to help the African Union team to set itself up. In addition, the United Nations will deploy human rights monitors throughout Darfur with British financial support.

The resolution of this crisis requires a political solution. The protocols signed in Naivasha on 26 May are a significant and welcome step towards a comprehensive peace agreement for Sudan. I call on all the parties involved in the conflict in Darfur now to engage in discussions to find a peaceful way forward.

We are in a race against time in Darfur. The United Kingdom remains committed to doing all that it can to help those affected and to work for a just and lasting peace for its people.

Mr. John Bercow (Buckingham) (Con): I thank the Secretary of State for his statement, for the respect for Parliament that he has shown in coming to deliver it immediately on his return from the Sudan and for his characteristic courtesy in providing advance sight of it. I also welcome both his financial commitment and his energetic diplomacy.

The United Nations High Commissioner for Human Rights is clear about the fact that the janjaweed militia is responsible for massive violence, that a climate of impunity prevails in Darfur and that the Government of Sudan permit the janjaweed to exercise a reign of terror over the people of Darfur. His report last month, and those of Amnesty International, Human Rights Watch and the International Crisis Group, have all painted a consistent and unmistakable picture. The victims of the crisis in Darfur have suffered grievously. They need help—help on a huge scale, and help now.

When does the right hon. Gentleman expect the ceasefire monitors to be deployed? Can he confirm that they will cover el-Geneina in the west, el-Fasher in the north and Nyala in the south? Does he agree that when the Sudanese Government are urged to provide immediate and full access for aid operations in Darfur, pressure could usefully be applied for the opening of the rail line so that the United Nations can make massive deliveries of food and medicine from Port Sudan?

The right hon. Gentleman spoke of assurances about fast-track delivery. Given that the UN emergency co-ordinator noted earlier this week the Sudanese Government's imposition of new obstacles to aid—including an insistence that all medical supplies be tested in Sudanese laboratories and that all supplies, including food, be carried in Sudanese trucks and distributed by Sudanese charities or Government agencies—will he satisfy himself that those obstacles have been removed, or will be as a matter of urgency?

[Mr. John Bercow]

Will the right hon. Gentleman underline the important point that the rebel forces, notwithstanding their deep sense of grievance, should themselves admit all humanitarian aid facilities into territory that they control, including from Government-controlled areas, provided only that those deliveries are not accompanied by Government military forces?

What assurances can the right hon. Gentleman offer that forcible repatriation of refugees will not take place, given the palpable lack of security that they would face? In a letter to me dated 25 May, he said—and he reiterated it today—that the United Kingdom expected the Sudanese Government to "rein in" the janjaweed militias. Does he accept that reports that the Sudanese Government are simply incorporating the janjaweed into the country's formal police and security structures offer scant reassurance to those who are only too well aware of their wanton savagery?

Given that it is vital that the impotence and passivity of the United Nations in the face of genocide in Rwanda are not repeated in Sudan, does the Secretary of State accept that he needs to press for a robust United Nations Security Council resolution that explicitly condemns the Government of Sudan for the ethnic cleansing in Darfur? Does he further accept that the Security Council should appoint a high-level panel to investigate possible war crimes in Darfur, hold the culprits to account and deter the commission of further atrocities?

The UN rapporteur on extra-judicial, summary and arbitrary executions, Asma Jehangir, is reported on the BBC website as saying of Darfur that

> "Numbers are staggering, the situation is terrible . . . There is no accountability and in some areas the Government are in complete denial."

Again, the rights of innocent African people have been violated upon a scale so grotesque as to defy all but the most lurid imaginations. The Secretary of State knows that the world has a chance to ensure that Darfur does not descend into genocide. More lives are lost as each day passes. There is not a moment to lose. Our duty in terms of humanitarian aid, diplomatic contact and unrelenting moral and political pressure is clear. In standing up to evil, rescuing its victims and ensuring the guilty are brought to book, the Secretary of State will receive stalwart and unflinching support from those on the Conservative Benches.

Hilary Benn: I thank the hon. Gentleman both for his kind words and for his searching questions. I will do my best to answer each of them.

I can confirm that the African Union monitors will be located in el-Geneina, Nyala and el-Fasher, where they are planning to set up their base, and three other places in Darfur. They told me the night before last that they were hoping to deploy within four to six weeks.

My understanding is that the World Food Programme is currently using the rail line to deliver some supplies, but I accept the hon. Gentleman's point that all possible means should be used to ensure that the supplies that are required get to those who need them.

I specifically raised the question of obstacles to the delivery of relief supplies and medical supplies. The answer that I was given was that testing is not required for drugs that are already on the formulary list and it is required only for new medicines. I sought clarification on that point. The Government of Sudan announced that, from now on, customs clearance would be achieved within seven days and that non-governmental organisations importing humanitarian supplies for Darfur could do so by sending the documentation direct to the department for humanitarian affairs, rather than through the customs department, which represents a step forward. The Government also assured me in respect of new NGOs seeking to go to help to deal with the crisis in Darfur that, whereas currently it can take six to nine months to register a new NGO in Sudan, upon receipt of an application, a response saying yea or nay will be given within 10 days. As long as that is followed through, that will represent a big step forward.

I agree with the hon. Gentleman's point about the importance of rebel forces in ensuring that access is permitted to all areas. As for assurances on repatriation, from my conversations with the refugees, the displaced people in the camps, it is clear that they will not go. Time after time, when I asked who was responsible for the attacks, they said, "The Government." It was a feature of their stories that assault by air was followed by militias turning up on camels or horses attacking their villages.

On the hon. Gentleman's point about policing and security, one person said to me that putting a badge on the janjaweed would not give people a sense of security. In the Abu Shouk camp, the Government have deployed additional police. The people I spoke to there said that there was a greater sense of security. It is important that the Government of Sudan deploy police forces to provide security, because, as I think we both recognise, that is the fundamental cause of the problem.

Do we need a Security Council resolution? As the hon. Gentleman will know, one is planned in relation to the signing of the Naivasha protocols and it is essential in the Government's view that that should include a reference to the crisis in Darfur.

The protocols provide a framework for the start of political discussions, which are needed to solve the problems.

I, too, have read what Bertrand Ramcharan had to say about human rights abuses, and that certainly reflects what I saw with my own eyes, including a number of burned-out villages as we flew into el-Fasher, standing out starkly from the brown of the desert, pitch black and destroyed.

Three actions have been determined on. First, there has been agreement that an independent expert, approved by the UN High Commissioner for Human Rights, should be appointed to investigate human rights abuses throughout Sudan, including Darfur. Secondly, the Office of the UNHCR has recommended the appointment of an international commission of inquiry, but that needs to be implemented. Thirdly, the monitors are to be deployed, and I took the decision that the UK would fund those, because that seems to me a very practical contribution that we can make.

On the hon. Gentleman's last point, there is no doubt whatever that the Government of Sudan have been in denial about the scale of the crisis. That is certainly what

I found when I was Khartoum last December. I do not think that they are still in denial, but time is not on their side—or ours.

Tom Brake (Carshalton and Wallington) (LD): I, too, thank the Secretary of State for coming to the House so soon after his return and for his courtesy in providing an advance copy of the statement. There is clearly a humanitarian crisis of biblical proportions emerging in Darfur and I congratulate him on the role that he has played in drawing it to the attention of the international community. What additional measures can the UK Government take to encourage the Sudanese Government to issue forthright statements condemning the murders in Darfur and to issue the military orders that are needed to bring those killings to an end? Can we also perhaps provide some training for the police who will have to be deployed in the area to ensure that they are properly representative of the communities and therefore not seen as a threat to the displaced people when they return?

What action can the UK Government and the international community take if the Sudanese Government do not respond to those requests? Does the Secretary of State agree with the definition of ethnic cleansing deployed by the Sudanese Foreign Minister, who believes that it is not currently happening in Darfur?

Hilary Benn: The hon. Gentleman asked what more the Government could do. They can do what they have tried to do up to now, which is to say to the Government of Sudan that they bear the primary responsibility. To be frank about the current problem, we know that there was a rebellion, which started this whole process off, that the Sudanese Government had some difficulty in dealing with and therefore invoked forces that they now have some difficulty in controlling. It is their primary responsibility to use all their influence and power to rein in the militia, provide security and deploy police.

I must say that I do not think that it would not be the best use of our resources currently to train the police. The responsibility for effective security rests with the Government of Sudan and there are enormous humanitarian needs that will still need to be met, which is why I announced the further substantial commitment of money from the UK when I was in Khartoum yesterday.

I have read with great care, as I am sure the hon. Gentleman has, what Bertrand Ramcharan said about "massive human rights violations"—largely ethnically based—

"perpetrated by the Government of Sudan and its proxy militia, many of which may constitute war crimes and/or crimes against humanity."

In some senses, this is a conflict that has got out of hand. The Sudanese Government have come to realise that a military solution will not work, which is why I found in my discussions yesterday a greater willingness to consider the need for political talks, building on what was achieved in Naivasha. One of the tragedies is that the real and substantial political achievement, which the whole House will recognise, of negotiating the framework agreement, bringing the hope of an end to the longest running civil war in Africa—that negotiation took great courage and commitment on both sides—has now been overshadowed by the crisis in Darfur.

Yet if the same spirit of partnership, of give and take and of discussion that has characterised that agreement can be shown by the parties to the conflict in Darfur, there is hope of trying to deal with the agony that the people of that part of the country face.

Ms Sally Keeble (Northampton, North) (Lab): I congratulate my right hon. Friend on the action that he has taken, which is extremely important and will make a real difference to the lives of many people. I spent a week in southern Sudan last month looking at some of the problems and I was strongly lobbied about actions in the Shilluk kingdom that have been similar to those in Darfur, but on a smaller scale.

Based partly on that experience, and partly on information that my right hon. Friend has provided, I urge three things on him. First, will he continue to put maximum pressure on the Sudan Government, who have at worst fomented, and at best permitted, some of the devastation? Secondly, will he look urgently at the UN's capacity to deal with the crisis? From what I saw, it does not have the kind of resources needed to deal with the scale of the problem. Thirdly, I urge him to ensure that we consistently fund the rebuilding of Sudan, both to deal with the humanitarian problems and to enable local capacity building for the transition to peace. In the long term, what is happening in Darfur and the rest of Sudan will be resolved only if there is a lasting peace so that people can start to rebuild their lives, and some of the awful wrongs and sufferings can be put right.

Hilary Benn: I am grateful to my hon. Friend for the visit that she undertook and I look forward to having the opportunity to discuss with her further the details of what she saw in Sudan. I undertake to continue to put as much pressure as I can on the Government of Sudan to fulfil their responsibilities. As I expressed in my opening statement, I share the concern at the lack of speed and urgency with which the UN has responded to this crisis. I think that that is beginning to change, however, and I met Kevin Kennedy, who is in Sudan in an acting capacity and will be replaced during the next two or three weeks by Eric de Mul. There is now a much stronger sense of urgency on the part of the UN, and we must build on that and make sure that it turns into action on the ground.

On my hon. Friend's third point, I could not agree with her more. One of the tragedies of Darfur is that we are having to spend money—although rightly—on dealing with the humanitarian crisis when, if there were peace and stability in Sudan on the basis of the Naivasha agreement, we could use those resources to help the development of this desperately poor country. She is right to draw attention to the problems in other regions of the country. As well as the historic north-south conflict, there is a problem between the centre and the periphery of Sudan. That is why a solution has to be based on the principles that have been so carefully negotiated in Naivasha.

Mr. Andrew Robathan (Blaby) (Con): I, too, pay tribute to the Secretary of State for the interest that he, like his predecessor, has shown in Sudan. That is to their credit. Does he agree that the Government of Sudan have form? At the very time when they were discussing

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peace at Naivasha, they were employing exactly the same tactics in Darfur as those that they have employed over a number of years in the south and in the upper Nile, including using helicopter gunships and armed mounted militia trained or sponsored by the Government. Can anyone have faith in the Sudanese Government and can the people of Darfur trust them ever to provide security there after the way in which they have behaved?

Hilary Benn: I apologise for being unable to attend the Westminster Hall debate this morning. I had been very much hoping to participate, but a sandstorm delayed my arrival back in the United Kingdom. As excuses go, that takes some beating.

The hon. Gentleman is right about what one might describe as the instinctive reaction of the Government of Sudan to difficulties that they have faced. However, the fact that the Naivasha protocols have been negotiated, in recognition that it was not possible in the end to find a military solution to the conflict between the north and the south, shows that there is sufficient political recognition in the system that another way forward must be found. I simply express the hope—although I will understand if the hon. Gentleman is sceptical—that exactly that same spirit can be applied to resolving the conflict in Darfur. If it can be done in relation to the north and the south, then I believe that it can be done in Darfur.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): I commend both Opposition spokesmen for their recognition of the work that the Secretary of State has done. I hope that the Secretary of State will ignore the ill-informed criticism from people who ought to know better that he is supposedly preoccupied with Iraq and ignoring Sudan. The evidence is quite to the contrary.

Does the Secretary of State accept that it is not the responsibility of the United Kingdom Government to solve every problem around the world on their own? The first responsibility is that of the parties to the conflict in Sudan, and the Government must tell us what more can be done to try to find some peace agreement or accord. Further, will there be a donor conference to bring together those countries that are not yet participating? It is not just Britain and America that should provide the resources for dealing with all these conflicts. Other countries have equal responsibility.

Hilary Benn: I am grateful to my right hon. Friend. As he knows, the two largest bilateral donors in response to the crisis in Darfur are first, the United States of America and secondly, the United Kingdom. That point bears some reflection. On the action that I now propose to take, I discussed the situation in Darfur with my EU Development Minister colleagues when we met in Dublin on 1 June, and I promised them that I would report back to them following my visit. I shall do so as quickly as possible, to make the point that the needs there are enormous and that we must all do more in response to the humanitarian crisis.

My right hon. Friend will also be aware of the meeting in Geneva last week. The UN appealed overall for $288 million for its 90-day plan. The UN in Khartoum told me that it estimates that it is still short of between $80 million and $100 million, although since then the UK has announced a further pledge of £15 million—about $27 million—which will make a contribution. However, I take on board my right hon. Friend's point about the need for others to contribute to solving the problem.

Sir Nicholas Winterton (Macclesfield) (Con): The Secretary of State is building an outstanding reputation for himself in the way in which he is dealing with the responsibilities of his portfolio. I commend him fully on the prompt emergency action that he is taking.

May I press the right hon. Gentleman on the questions put by my hon. Friend the Member for Blaby (Mr. Robathan)? Are the Government of Sudan not responsible for much of the displacement and crisis in Darfur, through the janjaweed militias, which are closely associated with the Government? What further action can be taken by this country, the United Nations and surrounding countries to bring pressure to bear on the Government of Sudan?

Hilary Benn: I thank the hon. Gentleman for his kind words. The Government of Sudan do bear the primary responsibility; there is no question about that. As for the best thing that we can do, we must show the Government of Sudan that the world is taking an interest, and that the world—not just some countries, but as many countries as possible—intends to put pressure on the Government of Sudan to live up to those responsibilities, as I sought to do during my visit. Another point that we must make forcefully is that the Government of Sudan have understandably been looking forward, in the light of the negotiation of the Naivasha protocols, to the possibility that they could now unlock support from the international community for the development of their desperately poor country. That is something that we all want, because the people of Sudan have suffered too much, for far too long. However, I said clearly to those whom I met in Khartoum that while the situation in Darfur remains unresolved, the prospects of that happening are remote. There is now a powerful incentive for the Government of Sudan to live up to their responsibilities, because that is the key not only to solving the problem in Darfur but to opening up the possibility of a better future for the people of their country.

Mr. David Drew (Stroud) (Lab/Co-op): I sincerely thank my right hon. Friend for going to Sudan and drawing attention to this scandalous crisis. His analysis of the UN is appropriate. We have been disappointed at how long it has taken for the UN to become fully engaged in the situation.

I am pleased that we are willing to pay for monitors, but does my right hon. Friend accept that we may need to go further, and that there are dangers inherent in providing insufficient resources, as we have seen to some extent in the Democratic Republic of the Congo? We must learn from what has happened in the past, and provide not only funds but the people to bring peace on the ground, because that is the only future that Sudan really looks forward to.

Hilary Benn: I take my hon. Friend's point entirely. One of the most difficult aspects of this crisis is the things

that we do not know. How many people have been displaced from their villages but have not made their way to the refugee camps or the settlement areas? What is their condition? Do they have access to food, shelter and medical supplies? That sense of uncertainty, which I felt very profoundly when I was there, should urge us to ensure that we do all we possibly can. When we pull back the covers and see the full picture, none of us wants to discover that there are people who have been in desperate need. That requires an end to the attacks, because with security comes improved access, and more money from the international system; but it also requires more people on the ground to make things happen. The non-governmental organisations that I met made that very powerful plea, and all those things need to happen if we are going to resolve this crisis.

Rev. Martin Smyth (Belfast, South) (UUP): I join in the tributes that have been paid to the Secretary of State for the work that he has done. In his last response, there was a lack of a real assurance that things are going to move as fast as he would like. Does he agree with me that this House is taking an interest in this issue not, as some cynics say, because we are looking after white interests or particular religious viewpoints, but because the struggle in Darfur is not one that we ourselves have had a close association with? In that context, is it not about time that the United Nations began to mark the cards of Governments and countries such as Sudan? We need to show that we have learned the lessons of Iraq and Bosnia, and to deal with those at the top, who have given the orders to commit acts of savagery on the ground. Nobody can say that planes were launched without the understanding of their Government, and if their air force and army minions can opt out, it is about time that we tracked down the Ministers who are guilty of grievous crimes against humanity, for that is what is really happening in Darfur.

Hilary Benn: I agree with the hon. Gentleman that those who have committed these atrocities should be called to account for what they have done. On action by the United Nations, I hope to speak to the Secretary-General when I have finished answering questions. The UN has an important role to play in ensuring that the attention of the international community remains focused on the situation in Darfur. The UN's voice needs to be heard, adding to the pressure from the UK and other countries on the Government of Sudan, to ensure that they honour their obligations and do what needs to be done.

Mr. Tom Clarke (Coatbridge and Chryston) (Lab): Is my right hon. Friend aware that during this morning's excellent debate, initiated by the hon. Member for Blaby (Mr. Robathan), unanimous appreciation was offered for the role that my right hon. Friend has played not just in the past week—important though that has been—but since the first signals of this terrible carnage were given? In the light of what he said about the need for pressure on the Government of Sudan, a view that was widely shared in this morning's debate, will he continue to use his influence not only with the United Nations and its agencies—important though that is—but with the influential United States and the European Union?

We note that my right hon. Friend mentioned the European Union's contribution. In the light of political enlargement and of the need for the EU to play the political role that it is now capable of playing, does my right hon. Friend accept that he will have the full support of the House if he continues to do the very forceful job that he is currently doing, if only because, as the hon. Member for Buckingham (Mr. Bercow) rightly said, none of us wants to repeat the terrible mistakes that were made in respect of Rwanda a decade ago?

Hilary Benn: I will endeavour to do all the things that my right hon. Friend has asked me to do. One practical thing that the EU is doing is contributing, through the new peace support facility, to the funding of the African Union's ceasefire monitoring mission. In fact, this will be the first use of that facility, and I take this opportunity to pay tribute to the EU commissioner Poul Nielsen, whose idea it was. It is an intensely practical policy that uses resources from the European development fund to back an African initiative. The other organisation that deserves enormous credit is the African Union, which came up with the idea of the monitoring mission and is putting it together. That is a really good example of Africa beginning to build its own capacity to deal with problems of conflict on that continent. The House should unreservedly welcome that because it means more capacity in the system, and who better to take first responsibility for dealing with conflict in Africa than the other nations of Africa?

Mr. John Maples (Stratford-on-Avon) (Con): This crisis and disaster has been known about for months and widely reported for weeks. The Secretary of State says that he is looking for a political solution, but the problem is caused by armed militias, supported by the Sudanese Government. Does he think that the doctrine of humanitarian intervention justifies military intervention in these circumstances, either with or without a United Nations Security Council resolution? I should point out that if the UN fails this test as it failed in Rwanda—whether military intervention is required or not—any faith that anybody has in its ability to deal with crises in which hundreds of thousands, if not millions, of people die will be damaged for a very long time to come.

Hilary Benn: I accept the hon. Gentleman's point about this crisis being a test for the international community and for the United Nations, but the latter's ability to respond, as he well knows, is a function of the willingness of its member states to will or support such intervention. That is the dilemma that has been wrestled with for a very long time. We look forward with great interest to the report of the high level panel, established by Kofi Annan last autumn, which is grappling with these issues as we speak.

I should also point out to the hon. Gentleman that there is a negotiated ceasefire as of 8 April. It is difficult to say that it is largely being observed, but it is clearly being observed in places; however, attacks are continuing. We have evidence from Sudan itself of the effectiveness of ceasefire monitoring missions. For example, in terms of the ceasefire that began the Naivasha process, monitors have been doing an outstanding job in the Nuba mountains. There is one person from either side, with transport, including helicopters, and if an allegation is made that something is happening, they go there quickly and sort it out. The

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process has been very effective, and given that the African Union monitoring mechanism is now being deployed, the most effective thing that we can do is to give it total support, so that it can do its job of ensuring that the ceasefire actually applies. If the ceasefire applies, circumstances can begin to change.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): The whole House will want to congratulate the Secretary of State on the lead that he has taken in respect of a tragedy that has unfolded largely as the eyes of the world were on the middle east. The question of military intervention has been raised, and he is quoted in the newspapers today as ruling it out. Does he accept that many of us support him in ruling out military intervention at this point, and that we support the emphasis that he has correctly placed on the responsibility of the Sudanese Government, the role of the UN and the potential role of the African Union? I believe that, in the long run, the only sustainable solution to the problems of that continent lies in the hands of Africans themselves.

Hilary Benn: I can only agree with every single word that my hon. Friend has said. I agree in particular with her last point, which is why I am such a strong supporter of the African Union's initiative on peace and security, the development of its standby force, its current force in Burundi, and the regional initiative taken by the Economic Community of West African States, which first sent troops into Liberia when the fighting and carnage were going on Monrovia. That is exactly the direction in which we need to go, not least because in the past, when the world wanted something to be done, it has traditionally looked to a very small number of countries to do it. One reason why it has been difficult to respond is that that burden has fallen in particular on a small number of countries. Increasing the world community's capacity to take effective action is something that we should welcome, and that is exactly what the African Union is doing.

Dr. Jenny Tonge (Richmond Park) (LD): I wonder whether the Secretary of State has managed to read the International Development Committee report on the Sudan, which was produced during the 1997–98 Session? If so, does he share my concern that that report described circumstances very similar to Sudan's in the lead-up to the humanitarian crisis in Bahr el Ghazal in 1998? Does he agree that the only way to prevent conflict and bring about truly lasting peace in the Sudan, which is a huge country and very difficult to control, is to have long-term development and, above all, control over the spread of arms in the country?

Hilary Benn: I have not read the report to which the hon. Lady refers, but I should and I will, and I would like time to reflect on the points that she made. As I said in response to an earlier question, I share her desire for long-term development in this poor country. In order for that to happen, certain other things have to happen earlier. That means turning the Naivasha protocols into a comprehensive peace agreement. In my discussions with First Vice-President Taha yesterday, he expressed his commitment to that, working through the partnership that he has developed with John Garang. That was one of the products of the long period that the two spent together in Naivasha: they have built a relationship of trust that has enabled the negotiations to succeed. That should be taken forward, but the principles set out in the Naivasha protocol should be applied to the other regional difficulties within Sudan. I genuinely believe that those are the essential preconditions, together with support from the international community, to bringing about longer-term development.

Alan Howarth (Newport, East) (Lab): Having myself visited Sudan and been horrified by the seemingly interminable history of the legacy of racial and cultural conflict in that vast area, I add my congratulations to the Secretary of State on his moral and practical energy in dealing with the present tragedy in Darfur. Will he tell the House whether there are features of international law that create obstacles to other countries and agencies entering sovereign territory to help with palpable humanitarian crises where the existing authorities in that territory are clearly complicit in the creation of the circumstances of the disaster? What is our Government's policy to ensure that international law is reformed so that, whatever the administrative and political problems within the UN, at least there are no legal excuses for failure to act early and effectively?

Hilary Benn: This is exactly the issue that Kofi Annan's high-level panel is currently considering. The plain truth is that it is one of the biggest challenges that the world faces. What do we do about states and countries that oppress their own people and threaten people in other countries? In a sense, dealing with that problem is what the UN was established to seek to do. There is a record—the hon. Member for Buckingham (Mr. Bercow) alluded to it earlier—of some successes and some failures. The world must reflect particularly on those failures, because people look at the principles of the UN, find themselves in the circumstances that we are facing today in Darfur and other countries, and ask themselves what those principles mean for them. They ask when those principles will apply to them, and I believe that that is a very pertinent question for people in those circumstances to ask. It is our responsibility to answer them.

Mr. Robert Key (Salisbury) (Con): Can the Secretary of State reassure the House—and raise it with Kofi Annan when he speaks to him later today—that there is appropriate satellite cover of Darfur in order to enhance proper surveillance of military activity, the movement of people, better management of agriculture, hydrology and infrastructure and, of course, better communications? That, surely, would be a contribution that the richer countries of the world could and should make.

Hilary Benn: The hon. Gentleman raises an interesting point, which, to be honest, I had not thought about before; but I undertake to reflect on the point.

Mr. Malcolm Savidge (Aberdeen, North) (Lab): I add my congratulations to those expressed on both sides of

the House to my right hon. Friend and the Government on their commitment to dealing with this crisis. I urge that we should continue to seek to focus the international community on this tragic situation, not least to pressurise the Sudan Government to give active co-operation to attempts to bring peace and relief to the area.

Hilary Benn: I am grateful to my hon. Friend for his words. What has characterised all the questions asked by Members in response to my statement has been the common view that pressure must be put on the Government of Sudan to honour their obligations. In the end, the Sudan Government bear the primary responsibility for the state of the country and the welfare of its people. It is their responsibility to do the right things. Given the difficulties in the past about gaining access for humanitarian supplies, it is important to recognise that I noticed some change during the course of my discussions. I believe that that was the result of international pressure and it shows that we can have some impact.

We should acknowledge that the Government of Sudan have recognised the need to deal with difficulties surrounding registration, the clearance of goods, travel visas and so on. Those difficulties were simply unsustainable in the face of the crisis, and the Government have moved on that matter. As I said, it shows that international pressure works and it shows that the Government of Sudan are beginning to recognise the scale of the crisis on their hands.

Mr. Laurence Robertson (Tewkesbury) (Con): I too pay tribute to the Secretary of State's work. Eighteen months ago, a number of us visited Rwanda—a country that has already been mentioned—and we were horrified by what we saw. I am sure that the three hon. Members in their places now who visited that country will have been chilled by the Secretary of State's words when he said that there was not much time left to deal with the crisis. We know that in Rwanda a massive genocide took place in a relatively short time. I therefore ask the Secretary of State what lessons the Government—and, indeed, the international community—have learned from the genocide in Rwanda. How can we ensure that the same outcome is avoided in these similar circumstances?

Hilary Benn: The circumstances are not, of course, exactly the same. As the hon. Gentleman knows, in the genocide in Rwanda, 800,000 to 900,000 people lost their lives in the course of 100 days. One of the difficulties in Sudan has been the problem of access. In the early part of the year, it was very difficult for anyone in the outside world to know what was going on, because it was difficult to get in. When I visited Khartoum in December, one of the issues that I raised with the Government of Sudan was the need to allow access for humanitarian agencies. At that time, it was very restrictive. That is part of the reason why the world did not see the scale of what was going on earlier. As I have reported to the House, that has begun to change.

Another aspect of the crisis in Darfur is that it is a process that unfolds rather than a particular event. We need to reflect on what has happened and to ask ourselves—the international community, the UN, relief agencies and others—how we can be more effective in intervening earlier.

Finally, it is the degree of uncertainty that causes me the greatest concern. We do not know the full picture, which is why we must strive might and main to ensure that we do all that we can to prevent a catastrophe from occurring.

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): When my right hon. Friend speaks to Kofi Annan this afternoon, will he emphasise that a concerted, committed push from a united international community would be enormously helpful in bringing the Naivasha peace process to a successful conclusion after a very long period of negotiation? The African Union, the surrounding African countries and African people living in Sudan and Chad desperately need the support of a united international community to enable them to deal with this crisis. Above all, will he emphasise the utter urgency of the situation? The United States Agency for International Development reports that 330,000 people are facing death within the next three months of the rainy season and it has highlighted the absolute test that that presents to the UN to face up to the problem and bring all its resources to bear on it, brooking no obstacle from the Sudan Government, factors of geography or whatever.

Hilary Benn: First, I pay tribute to my hon. Friend's role as chairman of the all-party group. I know of his close interest in the Sudan and its people. It is a test that we cannot afford to fail. I can put it no more simply than that. There are two things that we have to do. One is to ensure that we do not fail; the second is to ensure that the momentum created by the Naivasha negotiations is continued.

The Sudanese Government have shown that they are able to reach agreement to end a long-running conflict that has hugely affected the country's people. We are trying to achieve both goals at the same time, but I made it clear in all my meetings with Ministers that the problem of Darfur must be dealt with now; otherwise, Sudan will not be able to enjoy the fruits of the Naivasha agreement.

Adam Price (East Carmarthen and Dinefwr) (PC): The Secretary of State is right to describe Darfur as the most serious emergency in the world today, but the picture that he paints—of conflict and humanitarian catastrophe—is all too familiar from contemporary experience in other African countries. The specific characteristics of each crisis are unique, but does the right hon. Gentleman think that common underlying reasons exist that are part of a wider pattern of instability in Africa as a whole? We hope that the measures that he has announced will prevent another Rwanda, but how can we prevent another Darfur in the future?

Hilary Benn: I do not think that the continent of Africa has characteristics that mean that it is, of necessity, more susceptible to such conflicts. After all, there have been conflicts throughout the history of our country and the continent of Europe. The question is, what do we do about the conflicts in Africa? How can

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they be effectively resolved? The essential elements are reasonably clear. International attention and pressure are important, and Governments in the region should take primary responsibility for the welfare of their people. Thirdly, as my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott), who is no longer in her place, noted, the continent of Africa should develop its capacity to deal with these matters.

That is undoubtedly changing. One of the great things to come out of the AU is a strong determination to use the instruments of the peace and security protocol. I commend Said Djinnit, the AU's peace and security commissioner, for the energetic and visionary way that he is taking forward work that really opens up a new possibility for resolving the many long-running conflicts in the continent of Africa.

Alistair Burt (North-East Bedfordshire) (Con): Does the Secretary of State share my concern that there is a danger that the violence in Darfur may be read across to Chad? It is reported that the Government there is already suffering from some instability because of a divergence of opinion about the amount of support to be offered to the Sudanese Government and the janjaweed. What is the right hon. Gentleman's sense of the likelihood of instability in Chad? Does he feel that humanitarian agencies and Governments are prepared for the potential consequences of that instability?

Hilary Benn: The hon. Gentleman raises an extremely important point, but my discussions in Sudan focused on the consequences of the conflict for that country. However, I can tell him that the UK Government have given £3 million in humanitarian assistance to Chad to assist with the very heavy burden that it now faces in dealing with an estimated 130,000 refugees, and that I am aware of the concerns about instability. Much has been said, and rightly so, about the people who have had to flee their homes, but the House should appreciate that the conflict affects other people too, such as those who find that their settled community now plays host to a large number of people from elsewhere. As we know, that creates tensions and difficulties that have to be managed as much as possible. We need to provide support to all those dealing with the consequences of the crisis.

Points of Order

1.23 pm

Mr. David Trimble (Upper Bann) (UUP): On a point of order, Mr. Speaker. Is there any way for us to get the Government to make a statement about the remarkable events in Belfast yesterday afternoon? I refer to the Prime Minister's action in sending his chief of staff to Stormont to conduct secret talks with leading members of the republican movement and of the Democratic Unionist party. Those talks were exploited last night by Sinn Fein in its attempt to snatch the Social Democratic and Labour party's Euro-seat. If such a statement were made, the Government might explain how they allowed themselves to be manipulated by Sinn Fein in that way. We might also be able to see the true picture of the positions of the parties involved so that, when the electorate go to vote tomorrow, they will know what they are voting for.

Mr. Speaker: These are not matters for the Chair. However, the Ministers concerned will have heard the right hon. Gentleman's comments, and no doubt they will wish to take some action on the matter.

Jane Griffiths (Reading, East) (Lab): On a point of order, Mr. Speaker. A letter in the name of the hon. Member for Reading, West (Mr. Salter) has been delivered to a large number of my constituents. The letter's content is racially inflammatory and has caused serious offence to my Jewish constituents. Will you rule that such a practice is unacceptable and that no hon. Member should engage in it?

Mr. Speaker: I have not seen the letter, and so cannot comment on it. However, if the hon. Lady wishes to deliver the letter to my office, I shall look into the matter. I hope that that is helpful.

House of Lords (Reform)

1.25 pm

Mr. John Maples (Stratford-on-Avon) (Con): I beg to move,

That leave be given to bring in a Bill to make provision for a fully appointed House of Lords.

On 4 February 2003, when the House voted on this matter, 245 hon. Members voted aye—among them me, the Prime Minister and 10 of his Cabinet colleagues. Since then, the Government have got into a terrible mess. Proposals for legislation appeared in the Queen's Speech, then the legislation was to be introduced the next day, and then it was abandoned, apparently because of some drafting error. Still later, a Bill was to be brought in some time in the middle of March, and then Lord Falconer told the "Today" programme that he did not intend to bother either House with the matter during this Parliament.

We have therefore gone full circle on this matter. However, in a spirit of cross-party co-operation, I thought that I would try to help the Government by introducing a Bill to enable the Prime Minister to have his way. My Bill uses exactly the same words as the motion voted on in February 2003. I employed this tactic a few months ago in respect of the European Union (Referendum) Bill, and that became Labour party policy about three weeks later. I hope that the same will happen this time. If the hon. Member for Rhondda (Chris Bryant) opposes this Bill as he did my previous Bill, he is likely to upset the Prime Minister twice in one Session.

I also want to help the Prime Minister, as his Cabinet colleagues seem to be in the process of accelerating his move down the Corridor to the House of Lords. I am sure that he would want to make sure that that does not become an elected Chamber before he gets there.

There are two or three fundamental points to be made about what reform of the House of Lords should be put in place. I believe that an elected House of Lords would be wrong, as it would challenge this House's authority. An elected House of Lords would have democratic legitimacy and so would not feel constrained by the conventions under which it operates at present—that it does not oppose Government business that appeared in the Government's manifesto and that, in the final analysis, it does not prevent the Government from getting their business through. I believe that those conventions would lapse.

Moreover, I believe that an elected House of Lords would seek to overcome the constraints imposed by the Parliament Acts, and that it would eventually succeed in doing so. An election for the House of Lords might be fought on exactly that issue, and I believe that it would bring about a very fundamental change in our constitutional arrangements.

In addition, the democratic legitimacy of the House of Lords might on occasion be greater than that of the House of Commons. That could happen at the fag end of an unpopular Government, if that Government tried to introduce unpopular legislation. In such a case, the House of Lords might feel a greater legitimacy in opposing that legislation.

I am also concerned about the people who would seek election to the House of Lords. They could include people who cannot get elected to this House, or selected by a party management committee. The hurdle for getting into this place is not exactly of Olympic proportions, so what on earth sort of people would manage to get elected to the House of Lords?

If elections to the Lords were conducted according to the first-past-the-post system, there would be no point to them, as the House of Lords would then become simply a replica of this place, but with rather less able Members, on the whole. On the other hand, if a proportional representation system were used in the elections, we would get a bunch of party hacks.

One thing that we want in the House of Lords is independence. A party list is guaranteed to remove and exclude the mavericks and independents. There are a few such people in this House, who have somehow slipped through the system, and quite a number in the other place. However, there will be none if elections are by proportional representation of party lists.

Elected Members of the House of Lords will want salaries, staff and offices, and they will ask parliamentary questions and write letters to Ministers. My guess is that, as a result, the cost of running Parliament, and the amount of bureaucracy involved, will more than double.

The Joint Committee of both Houses of Parliament that considered the issue set out five criteria, which were that the new format should have legitimacy, not be dominated by one party, be representative, be independent and possess expertise. However, those criteria are mutually incompatible. If the new format were not to be dominated by one party, it would have to be elected through proportional representation, which would mean no independence and little expertise. A first-past-the-post system would lead to one-party dominance at least some of the time.

We do not have much legitimacy or representativeness in the House of Lords, but we do have much expertise and independence. Those are the qualities that we lack here. Why should we try to replicate this place? Let us have a House of Lords that provides some of the factors that do not exist in this Chamber.

We cannot have a House that is partly elected and partly appointed. It must be one or the other, because we cannot have two classes of Members. My solution would be to give life peerages to all the remaining 90 or so hereditary peers. No more hereditary peerages would be created—or, at least, none that carried the right to attend the House of Lords—and we would continue with the present system of appointing life peers. That would be in the best tradition of British constitutional reform: it would be minimal and evolutionary.

Why have the Government got into such a mess on this and so many other constitutional issues? They have done so because they have embarked on programmes of fundamental change for superficial reasons and discovered the complexities too late. We saw that with the abolition of the office of Lord Chancellor. The Prime Minister wanted to have the House of Lords presided over by someone in a suit, not a wig and silk stockings, and to get rid of Lord Irvine. The Prime Minister thought that if he abolished the office of Lord Chancellor, he would not have to get too tough with Derry and would be able to get rid of the wigs. Then he found that the office of Lord Chancellor is so deeply

[Mr. John Maples]

embedded in our constitutional arrangements that he could not abolish it, but the consequences were an afterthought.

It is as though the Government think that history began on 1 May 1997. Some Minister or apparatchik came up with the fatuous phrase about Britain being a young country. Britain is many things, but it is not a young country. However, the phrase betrayed the Government's thinking on so many issues. The foundations of our society have been built up over centuries of evolutionary change, and they include the supremacy of Parliament, the common law, the great universities, independent judges and the civil service. The value of those institutions is in their independence, but the Government have attacked them all in the name of modernisation.

One of the pillars of our society has been the existence of a second Chamber. Its powers were severely reduced in 1911 and there have been endless debates over the past nearly 100 years on what should replace it. However, the Government seem completely unaware of that debate. They lack an understanding of or feeling for history—how and why those institutions have evolved. Those who have no understanding of the past can have no vision of the future. They are condemned to live in the present, which is the most illusory tense of all. This Government live only in the present. They ask how their actions will play with the public, the media and the Labour party today or—if they are looking really long term—at the weekend. That leads to ill-thought-through initiatives and an obsession with headlines. The Government should remember that today's headlines wrap tomorrow's fish. Too many of this Government's fish stink.

The next Government, which I hope will be a Conservative Government, will not have to pick up where this Government leave off—as most do—but where they started, because they will have achieved practically nothing of lasting value in the constitutional arena. I used to wonder what this Government's epitaph would be, but I have concluded that they will not have one—just another day's headlines announcing their passing.

1.33 pm

Chris Bryant (Rhondda) (Lab): It is ironic that we face a ten-minute Bill from the hon. Member for Stratford-on-Avon (Mr. Maples) suggesting that people should not have the right to vote, because his last one called for people to have the right to vote in a referendum. He had some success in persuading the Government that we should have a referendum on the European constitution—although I suspect that the decision was not directly related to his ten-minute Bill on the subject. He will not have as much success with this Bill.

It is also ironic that the hon. Gentleman suggests that people should not have the right to vote the day before we have elections for the European Parliament and local councils around the country. I am sure that people will notice the reactionary note that he has struck today and will reject his party convincingly tomorrow. The hon. Gentleman also referred to the 245 Members who voted with him in favour of a wholly appointed House of Lords. Ironically, that was the least popular option in this Chamber by a considerable margin. It is also the least popular option in the country. The people of Britain do not want people appointed for life to decide how others can live their lives, if they are not prepared to put themselves up for election.

The hon. Gentleman advanced the two arguments that can be made for an appointed second Chamber. The first is that appointment is the only way to ensure that the right people become Members and the second is that it is the only way to ensure the primacy of the House of Commons. However, both arguments are fundamentally flawed. On the first argument, the truth is that the second Chamber is at present wholly unrepresentative of the country in which I live. The Lords is full of elderly generals and a bunch of other people who would not be recognised by the wider country.

An appointments system for the second Chamber will always reflect the generation just gone by. It will always appoint people who used to be politicians and captains of industry. The end result will always be a reactionary second Chamber. It is not surprising that the occasions since 1911 on which the Parliament Act has had to be used have all been to counter reactionary moves. The first time was the opposition to the Welsh Church Disestablishment Bill in 1914, and the second was the opposition to the change in the age of consent. Now the Lords want to ensure that we do not use the Parliament Acts to push through a ban on hunting.

We know that the second Chamber will always be reactionary while it is staffed solely by people who have been appointed. It is also largely representative of the south-east of England and London, rather than the whole of the United Kingdom. That is what happens when the great and the good appoint the great and the good. They know each other because they live in the same streets in Hampstead and Islington—*[Interruption.]*

It is also wrong to appoint people for life. We used to have a society in which people were appointed for life as professors in universities or as clergy, but surely we have now realised that the whole idea of patronage for life is not only undemocratic but wrong. The words of Isabella in "Measure for Measure" come to mind:

"But man, proud man,
Drest in a little brief authority".

[Laughter.]

Madam Deputy Speaker (Sylvia Heal): Order. The House must come to order.

Chris Bryant: I am glad that the hon. Member for Mid-Sussex (Mr. Soames) is close to apoplexy. Those words of Isabella's should apply to all politicians, and we should not have ermine for life.

Debates in the House of Lords, which I urge other hon. Members to attend, are always the last refuge—*[Interruption.]*

Madam Deputy Speaker: Order. The House must come to order.

Chris Bryant: Debates in the House of Lords are always the last refuge of the vested interest. The hon.

Member for Stratford-on-Avon said earlier that the great advantage of the House of Lords is that it is independent and full of expertise and mavericks. However, 60 per cent. of those appointed in recent years have taken a party Whip. That end of the Palace is no more independent than this.

The second reason given for keeping an appointment system for the House of Lords is to sustain the primacy of the Commons. That is simply untrue. How does it best serve the interests of Parliament to continue to ensure that part of it is illegitimate?

The hon. Member for Stratford-on-Avon said that it would be best to retain that illegitimate situation as it does not challenge the powers of this House, but the truth is that the House of Lords has substantial powers. Because of the way that the 1911 and 1949 Parliament Acts were drafted, the powers of the House of Lords increase exponentially in the second half of a Parliament and wreak havoc not merely with individual Bills but with the whole programme of an elected Government. That means we have stop-go government and that is unacceptable.

If we want to make sure that the primacy of the House of Commons is maintained, instead of everything being governed by convention, with gentlemen's agreements that were signed in some gentlemen's club back in 1915, we should codify the relationship between this House and the other House. Instead of the 10-minute Bill proposed today, we should have a proper Bill to bring in a new Parliament Act, which would codify the relations between this House and the other Chamber, establish the primacy of the House of Commons and give us proper powers over the second Chamber.

Secondly, such a Bill should establish a proper conciliation process between the two Chambers. We are the only country in the world with a bicameral system that has no proper means of reconciling disagreements between the two Chambers. The current ping-pong arrangements bring the parliamentary system into disrepute.

Thirdly, a new Parliament Act should bring in what the 1911 Act promised:

"it is intended to substitute for the House of Lords as it at present exists a second Chamber constituted on a popular instead of hereditary basis, but"—

the Act noted with some irony—

"such substitution cannot immediately be brought into operation."

Of course, we need a second Chamber based on a popular system of election—whether direct or indirect election, or wholly or substantially elected. Many Members may disagree, but the whole idea of having an appointed second Chamber must be something for the history books.

I have two further points. First, it is curious that membership of the legislature is still associated with the peerage. Surely, we should be taking titles away from members of the second Chamber. It seems bizarre that we are still living in a country where lords and ladies, barons, dukes and earls still carry titles as they go into meetings as Ministers of the Crown. We should have a more egalitarian system in our second Chamber. The days of 1066 and all that are over.

Finally, many countries in Europe are relatively new to voting. Spain, Portugal, Greece and the eastern bloc have all returned to democracy from dictatorships of the left or the right during my lifetime—many of them during the last 10 years. Few countries in Europe have a constitution that is more than 60 years old. Surely, it is time that we, who have perhaps grown a little flabby in our constitutional arrangements and have got rather over-used to voting, should finally decide for ourselves that we want a wholly or substantially elected second Chamber.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and negatived.

Veterans' Affairs

Motion made, and Question proposed, That this House do now adjourn.—*[Gillian Merron.]*

1.45 pm

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): I am delighted to be able to open this debate. This is the first time that the House has had the opportunity to debate veterans' affairs. It is, I believe, a significant day for the House and it offers us a chance to reflect on not just last weekend but the wider matters relating to veterans' affairs across the United Kingdom.

I have been in post for about a year, and I intend to look back at what we have done during that time and to look forward to future strategies. As I do so, a recurring theme will be partnership—with veterans' organisations as well as across Government—so I am very pleased that the Under-Secretary of State for Health, my hon. Friend the Member for South Thanet (Dr. Ladyman), is here today to wind up our debate, showing the cross-Government approach that we take.

I am sure that the House would also expect me first to say something about last weekend. In doing so, I record my certain belief that all of us in the House recognise the huge debt owed to all those veterans who served during the second world war and who did so much to secure the freedoms that we enjoy today.

I recently had the pleasure and honour of attending the 60th anniversary commemorations of the campaigns at Monte Cassino, as well as spending three days in Normandy with our veterans, and I certainly look forward to attending further events leading to the final VE-VJ day commemorations next July.

Last weekend's commemorations of the Normandy landings received huge support from veterans and many other people from across the United Kingdom. We estimate that at least 20,000 people travelled to Normandy for the weekend. I was very glad to be able to provide logistical support from our armed forces to the Normandy Veterans Association in managing that huge and significant event. The result was a weekend of ceremonies that were a fitting commemoration of a most historic event and which will be a lasting memory for all who were there and, I hope, for the millions of people in this country and around the Commonwealth who saw the excellent television coverage.

I know that the whole House, together with the Normandy Veterans Association and the Royal British Legion, were pleased at the attendance of Her Majesty the Queen, the Duke of Edinburgh, the Prince of Wales and other members of the royal family during the weekend. The success of the events is attested by the words of the veterans themselves, one of whom said to me:

"We have been treated like heroes. It was wonderful to come back here."

The House will recognise that such events are very much a team effort, but I should like to mention a few individuals, in particular the special efforts of General Martin and Leslie Frost, the president and chairman respectively of the Normandy Veterans Association, Air Vice-Marshal Pocock, the Defence Services Secretary in the Ministry of Defence, and Brigadier Shouesmith, Commander 102 Logistic Brigade, whom I thank for all their and their teams' hard work and commitment, which ensured the success of last weekend's events.

During my visits to Normandy and other anniversary events, I had the privilege of meeting a large number of second world war veterans. They are remarkable for their modesty in recalling personal achievements, for their comradeship, and for their pride in the forces in which they served. I was moved by the comment of one Normandy veteran, who said: "I can tell you for a fact that we are not the heroes; it's the chaps who died who are the heroes." Such people are an example to us all, and our society has much to learn from them.

Mr. Paul Keetch (Hereford) (LD) *rose—*

Mr. Andrew Dismore (Hendon) (Lab) *rose—*

Mr. Caplin: I give way to the hon. Member for Hereford (Mr. Keetch).

Mr. Keetch: Before the Minister leaves the subject of D-day, on behalf of my right hon. Friend the leader of my party and all those from the parliamentary delegation who attended, I want to put on record our thanks to the Minister for arranging for us to be part of that very historic day. Many veterans spoke very highly of him as a Minister. In the time that he has been in that role, he has developed policy very well, and the House should congratulate him personally on what he has done.

Mr. Caplin: I am grateful to the hon. Gentleman. I will leave it at that and give way to my hon. Friend.

Mr. Dismore: My hon. Friend may not find my intervention quite as helpful, although I must say that he has done a sterling job as Minister and that the Government have done veterans a great service by appointing a Minister with such responsibilities for the first time.

While my hon. Friend is on the subject of the heroes of the second world war, I want to raise two outstanding issues that may seem minor but are very important to the individuals concerned. First, a small number of civilians who were prisoners of the Japanese are still excluded from compensation by the nationality rules. That matter has already been to the House of Lords. In all honesty, it would not cost us a great deal and would beef up the wonderful scheme that the Government introduced to compensate those who were affected.

Secondly, there is the question of people who served on the Arctic convoys. My own late father served on minesweepers out of Iceland; I am not sure whether he would qualify. Those people feel a real sense of injustice that their contribution was not recognised. The answers that I have been given seem a little artificial. Apparently, the King ruled many years ago, in the 1940s, that there should not be a medal for them. The time has come to re-examine that, as we did with the Suez medal.

Mr. Caplin: I intend to deal with medals and other commemorative issues later, so my hon. Friend will have to wait for a more detailed reply.

I want to conclude my remarks about last weekend. First, let me relate a story from one of the glider pilots who landed at Pegasus bridge on that famous night. Incidentally, a replica of the Horsa glider has been reproduced there; hon. Members may wish to go to see it at some stage. He told me that they landed at about 70 mph. When I asked, "What constituted a good landing?", he simply replied, "Everyone had to get out alive."

To conclude on the Normandy events, it would be helpful to give the House some of the statistics that we currently have. I say "currently" because it is only in the past two or three days that we have had the chance to compile them. Some 18,500 people registered with the Veterans Agency for passes to the various events. We estimate that in the bi-national ceremony at Bayeux on the morning of Sunday 6 June, attendance was in excess of 6,000, including 2,000 veterans, and that attendance at the final parade of the Normandy Veterans Association at Arromanches in the evening was roughly 8,000 to 9,000, a third of whom—about 3,000—were probably veterans.

We had to give medical assistance to 73 British veterans or their helpers, and 17 were admitted to hospital. I regretfully have to tell the House that one veteran has since passed away. Our thoughts are of course with his family. The embassy in Paris and the Ministry of Defence are arranging support for the family and the repatriation of his body.

I should like to share some other statistics with the House. The logistical support that we provided to the Normandy Veterans Association included 72 Portaloos, 200 umbrellas and, perhaps most amazingly, 48,000 bottles of water, which were certainly consumed in the course of the day.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): I had the pleasure of watching—not the Portaloos, but the ceremonies—on television. May I say, in the cross-party spirit that is developing, that the shadow Defence Secretary struck a particularly heroic pose? I was very impressed by his demeanour. However, there was one sour note about the weekend—that the Scottish and Welsh nationalists, opportunistic as ever, sought to make party political propaganda out of it in connection with the attendance or non-attendance of First Ministers from Scotland and Wales. Now that we have the first opportunity seriously to discuss veterans' affairs in this House, where are they? They are absent, as usual.

Mr. Caplin: My right hon. Friend makes a pertinent point about the nationalists. I do not plan to comment further other than to say that of course Her Majesty's Government invited the Scottish Parliament and Welsh Assembly to be represented at the events, and that such decisions on attendance are a matter for those bodies under their devolved powers.

In conclusion on Normandy, it might be worth our reflecting on the extent of newspaper coverage in the week running up to D-day and over the weekend. The souvenir issues and photographs that the British press produced were excellent. It is not often that we say that in this House.

Mr. Dennis Turner (Wolverhampton, South-East) (Lab/Co-op): This is certainly not the end of the D-day celebrations. The Minister will grace Wolverhampton with his presence next weekend, when he is coming to celebrate with the whole city. We are celebrating D-day with our veterans, the Suez medals that the Minister played a major part in having produced, and 300 years of Gibraltar. Those three celebrations are combined in one event in the mayor's parlour. The Minister is coming to present Suez medals to veterans. I pay great tribute to him for all the work that he has done on all those fronts. He has done an excellent job of work, and we are extremely grateful to him. We look forward to welcoming him to Wolverhampton—he is as welcome as the flowers in May.

Madam Deputy Speaker (Sylvia Heal): Order. I think that the Minister has clearly received the message from Wolverhampton.

Mr. Caplin *rose—*

Mr. Turner: I should add that they will not be drinking water in Wolverhampton next weekend.

Mr. Caplin: I am grateful to my hon. Friend. I very much look forward to meeting him and his veterans next weekend. In France, the D-day weekend is the commencement of 80 days of celebrations, taking in all the other campaigns in northern France and leading up to the liberation of Paris in the third week of August.

I welcome my hon. Friend's remarks about the Suez medal. I will say more about the current position later, but suffice it to say that my right hon. Friend the Prime Minister took the decision to award the Suez medal having referred it back to a sub-Committee of the Honours and Decorations Committee.

Mr. Adrian Flook (Taunton) (Con): Last Thursday, when the branch of the Normandy Veterans Association that is most closely associated with Taunton left for Normandy, I waved goodbye to Mr. Ken Prescott and his colleagues—all 50 of them—as they set off. They told me that local newspapers, particularly the *Somerset County Gazette*, had been vital in raising the £18,000 that enabled the veterans to get across the Channel for the whole weekend at a minimal cost per person. However, it took a lot of effort by local people, as well as, finally, some national help. Does the Minister accept that there were problems in trying to get the Government to acknowledge the likely size of last weekend's pilgrimage, and will he take up the issue? It cannot be allowed to happen again.

Mr. Caplin: I am afraid to say that I do not accept that. I shall say something later about "Heroes Return", which I think had a dramatic impact on the number of people attending. There was a simple way of ensuring that awards were made to veterans' groups. We made it as simple as possible, and to date we have had 12 calls on the helpline since the weekend, with what I would describe as very minor complaints. I have to say they tend to have been caused by people not having read, or recognised, the helpful instructions that the Ministry of Defence tried to give them. That is a pretty small number of complaints to receive given the size of what occurred last weekend.

[Mr. Caplin]

I think that I met the hon. Gentleman's Taunton veterans on the Friday afternoon at the first major event in Caen, and I think that they enjoyed themselves, judging by what I saw of them during the afternoon—*[Interruption.]* In that part of Normandy, the equivalent of what people drink quite a bit of in Taunton is called calvados.

Anne Picking (East Lothian) (Lab): Before the Minister leaves the important events of last weekend, may I point out that a constituent of mine, Mr. Jock Wilson, who is 100 years old, is the oldest living survivor of those veterans? He was there at the weekend, and said that it was a very proud moment for him. It was also a proud moment for me to see him being honoured by the Queen, and I would like to place on record my thanks to the Minister for all that he did to allow those people that opportunity.

Mr. Caplin: I am grateful for that. I met Mr. Jock Wilson at Colleville-Montgomery on the Saturday morning when he was taking part in the march-past of veterans. He was determined to participate in his wheelchair, and I know that the Duke of Gloucester was very pleased to give him a salute.

Mr. Dismore: Will my hon. Friend give way?

Mr. Caplin: I am going to move on now. My hon. Friend has already asked me a couple of questions, and he may want to hear the answers later—*[Interruption.]* My hon. Friend has persuaded me to give way to him.

Mr. Dismore: In the same vein, was my hon. Friend as pleased as I was to see the AJEX standard in the D-day parade, with representation from my constituency, among others? Is that not a reflection of the major contribution made by Jewish servicemen, both on D-day and throughout the second world war?

Mr. Caplin: Indeed, I was pleased to see that. I certainly recognise the role of the Association of Jewish Ex-Servicemen and Women in our armed forces, and I shall have something more to say about that subject later.

Having reflected on last weekend, I shall ask a question: what is a veteran? My answer is simple. A veteran is anybody who has served in the United Kingdom armed forces. Including such people's widows or widowers and dependants, that definition covers some 13 million people. It is deliberately broad, to ensure that we embrace all parts of the veterans community.

Obviously, needs and aspirations vary, and I hope to demonstrate to the House that our approach is tailored to take account of that. The result is that while we continue to recognise the special place of older veterans in our nation's history, we also look ahead to the next generation of veterans—today's servicemen and women—who carry on the proud tradition of service established by their predecessors.

Work to ensure that the 60th anniversaries would be successful has taken up a great deal of my time and that of my officials in recent months, but that is only one area of an extensive veterans agenda being pursued across Government, covering three broad areas. First, I want to ensure that the personnel now serving in our armed forces have as much help as possible when they make the transition back to civilian life. Secondly, I want to ensure that the relatively small proportion of veterans of all ages who face difficulties in civilian life receive appropriate support. Thirdly, I want to ensure that the contribution made by our service personnel to the freedom and security of the United Kingdom is properly recognised and understood, and that the achievements of veterans from all generations are suitably commemorated.

Bob Russell (Colchester) (LD): Will the Minister confirm—or not, as the case may be—that veterans also include the Gurkhas, such as those who wish to remain in the United Kingdom when their service in Her Majesty's armed forces draws to an end?

Mr. Caplin: The hon. Gentleman knows that we do, of course, recognise Gurkhas as veterans—but there are other issues related to their return, to Nepal or elsewhere, when they leave our armed forces.

Mr. Edward Leigh (Gainsborough) (Con): When the representatives of the Veterans Agency appeared before the Public Accounts Committee, I questioned them closely on the Gurkhas and their eligibility under the war pensions scheme, and the Minister's officials were unable to give the Committee any proper advice on what decisions may have been made about eligibility. Can the Minister tell us more? Those people have given tremendous service to this country, and it is seven years since they were relocated from Hong Kong to here.

Mr. Caplin: I am afraid that I do not recall seeing that in the PAC report; I shall have to have another look at it, and perhaps I could write to the hon. Gentleman.

I shall say more about each of the three issues that I raised just before those two interventions, and in doing so I want to bring out three key themes: the enduring importance of partnership and co-operation across Government, and between Government and the voluntary sector in addressing veterans' issues; the progress achieved so far; and my plans and visions for carrying veterans' issues forward, not just in the next few years but for decades to come.

My job is to ensure that veterans-related issues are recognised and taken into account across all levels of government, but especially by those responsible for policy and delivery of services affecting veterans. As my speech will highlight, the issue of veterans' affairs is a pre-eminent example of joined-up government in action, not just between Departments, but with the voluntary sector too.

Mr. Julian Brazier (Canterbury) (Con) *rose—*

Mr. Caplin: I have not got very far, but I shall give way to the hon. Gentleman.

Mr. Brazier: May I ask the Minister to heed the urgings of the Royal British Legion, the Soldiers, Sailors, Airmen and Families Association and the Select

Committee on Defence, which all say that it is a mistake to raise the burden of proof for those wounded or otherwise injured on military service for the next generation of veterans?

Mr. Caplin: I have a feeling that the hon. Gentleman has asked a question to which he knows the answer. We have debated those matters long and hard on Second Reading, in Committee and on Third Reading of the Armed Forces (Pensions and Compensation) Bill, and we have made our position clear. My noble Friend Lord Bach will open the Second Reading debate on the Bill in the House of Lords tomorrow.

An effective partnership with the voluntary sector is vital, particularly with the ex-service organisations that have a long and successful history of providing support to veterans. I have greatly enjoyed working with those organisations over the past year, and am grateful for the advice and co-operation throughout that time.

I do not think that it would be welcomed if the Government tried to replicate or control those independent and distinguished organisations. I see my role as trying to provide the focal point within Government with which the ex-service organisations can raise issues and develop appropriate co-operation. That is a role that those organisations have pressed on Government for many years, and it is a credit to this Labour Government that they have been the first to respond positively. We now have a much more focused approach to veterans' affairs across Government.

I believe that the level of co-operation achieved is a model of its kind. For example, the Confederation of British Service and Ex-Service Organisations attends as an equal partner all my major meetings with other Ministers. The relationship achieved with ex-service organisations is mature and realistic. Both sides recognise that we will not agree on all matters, and that we should not be frightened to be critical of one another where necessary. The voluntary organisations may choose to co-operate with the Government on some issues, while campaigning separately on others. I welcome that businesslike approach.

Mr. Tam Dalyell (Linlithgow) (Lab): On being critical of one person or another, my hon. Friend may know that yesterday several hon. Members from different parties attended a short and moving service outside Westminster Abbey conducted by Dr. Wesley Carr for the 29 who lost their lives in the Chinook disaster and the two pilots. I hope that my hon. Friend will forgive me if I say that some of us are astonished that the Ministry of Defence can be so certain when it failed to convince Lord Jauncey, a Lord of Appeal in Ordinary, for eight years. The Minister for the armed forces knows very well that that man travelled frequently from Scotland to London, paid enormous attention to the case and, at the end of the day, was extremely sceptical about the view of the Ministry of Defence. As we are considering co-operation, would not it be a good idea to re-examine that emotive issue?

Mr. Caplin: I am grateful to my hon. Friend for his intervention. He knows that my right hon. Friend the Prime Minister has said that he intends to meet the campaign group when time allows.

Placing veterans' affairs in the Ministry of Defence has been essential in ensuring so many of this year's achievements for several reasons. First, as many ex-service organisations recognise, risks such as operational stress—which can unfortunately affect some veterans—can be prevented or managed at the outset in-service only as part of a "through life" approach in our armed forces. Secondly, the way in which the services prepare personnel for transition to civilian life in terms of life skills and housing advice has a direct impact on longer-term veterans-related issues.

Everyone at the Ministry of Defence and in our armed forces has a positive approach to veterans-related issues. Of course, the service personnel recognise that they will be veterans one day. Indeed, we have several in both Houses. They also recognise that the way in which the services address veterans' issues can affect recruitment, retention and morale as well as public support for our armed forces.

Funding is a major spur when carrying forward any new initiatives. In addition to other sources, I was pleased that we were able last year to introduce a new veterans challenge fund to pump-prime individual veterans-related projects either undertaken by veterans' organisations or commissioned by the Ministry of Defence after consultation with other interested organisations. The fund totals £2 million over three years—a significant sum by any standards. We will review further arrangements in the light of the initial results.

I can give examples of some of the projects approved so far. They include a grant to the Royal British Legion to produce a veterans wall chart for schools to promote understanding and support for remembrance and veterans' issues; research by Citizens Advice to identify how it can improve the delivery of information and advice to veterans, and funding for Soldiers, Sailors, Airmen and Families Association Forces Help for the modernisation of two playgrounds in its "stepping stone" homes, which are based in the constituencies of the Under-Secretary of State for International Development, my hon. Friend the Member for Harrow, West (Mr. Thomas) and my hon. Friend the Member for Blaydon (Mr. McWilliam).

With the increasing emphasis on multinational military operations, I passionately believe that co-operation on veterans' issues needs to be international as well. Many of the issues and possible solutions to problems that veterans sometimes experience can best be tackled through international exchange of information and best practice. That can be especially important when researching potential health problems associated with specific operations.

Mr. Dennis Turner: On international co-operation, has my hon. Friend given any thought to the possibility of our striking an ex-serviceman's medal for the first time in this country for all people who have given excellent service to our armed forces? Whatever time they have served and whenever they served, we should, as a nation, recognise their contribution and present

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every former serviceman with a medal for service. Most European countries give an ex-serviceman's medal and I invite my hon. Friend to consider that.

Mr. Caplin: I am grateful for my hon. Friend's comments. I intend to deal with status and recognition shortly.

I have had productive meetings with veterans Ministers from the United States, Australia and New Zealand and I can confirm to the House that I am looking forward to hosting a ministerial summit on veterans' issues in the United Kingdom early in 2005 to discuss even closer co-operation. Last Friday, I was pleased to have been able to sign a memorandum of understanding with my French ministerial colleague to cement our co-operation on commemorative events and other veterans-related matters. That is an especially important development given France's role in the 60th anniversary events over the next year. A copy of the memorandum is being placed in the Library of both Houses today.

What has been achieved? As I said earlier, transition is a key matter. The priority is to help as many service leavers as possible to make a successful transition to civilian life. For most service leavers, that means finding a suitable second career outside the armed forces. One of the most important elements in that transition is training to enable those who leave the services to find employment as soon as possible. That is provided under the career transition partnership contract, and is designed to equip those who leave with the skills necessary to make their transition a success.

Overall, our resettlement process is considered to be among the best for employees anywhere. Our current statistics show that an astonishing 95 per cent. of service leavers who make use of the services available under the career transition partnership find employment within six months of leaving the armed forces and that the vast majority of service leavers make a smooth transition to civilian life. I would like to take the opportunity today formally to thank all those who have been involved in that incredibly successful scheme.

Preparation for transition to civilian life best begins as early as possible in a service career. Adult learning programmes, developed in co-operation with the Department for Education and Skills, provide service personnel with increasing opportunities to develop skills that will stand them in good stead in civilian life as well as in our armed forces.

There has, however, been a gap in provision of support and advice to some service leavers. Until recently, not all personnel who left our armed forces each year have been eligible for resettlement advice. The group includes those who are compulsorily discharged, those who are unsuitable for military service or those who are discharged while still under training. The introduction in April of a tri-service "early service leavers initiative" seeks to bridge the gap. The new policy ensures that all early service leavers receive a mandatory resettlement brief and interview. Trained unit staff provide guidance, including advice on organisations that can help, such as Jobcentre Plus, the joint service housing advice office and the single persons accommodation centre for ex-services—SPACES—as well as the ex-service organisations.

During the interview, staff will try to identify the small proportion of personnel at risk of falling into social exclusion and arrange more specialist assistance as necessary. That is an important improvement to our service discharge system and means that, for the first time, there is a resettlement umbrella that covers all service leavers.

Although those enhanced transition arrangements are a major step forward, I know that some who leave our armed forces may need more closely targeted assistance. The Ministry of Defence has therefore commissioned King's college London to conduct research into the provision of more tailored support for vulnerable ex-service personnel.

Ensuring that service personnel make adequate housing arrangements is another important key to the smooth transition to civilian life.

Mr. John Lyons (Strathkelvin and Bearsden) (Lab): My hon. Friend will understand and accept that statistics show that, throughout the United Kingdom, several ex-service personnel find themselves homeless. That applies not only to the major towns but to rural areas. I therefore welcome my hon. Friend's comments on adequate housing arrangements. I think that that could help.

Mr. Caplin: I am grateful to my hon. Friend. I want to say a little more about that later and I hope that I shall cover his point.

Current service personnel are encouraged to attend briefings on housing options throughout their careers. The relative number of people who face problems is small but, as my hon. Friend pointed out, we want to help where we can. On 1 April, staff numbers in the joint service housing advice office were increased to educate personnel about the need to make civilian housing provision at a much earlier stage in their service careers.

Fostering a sense of comradeship and belonging is something that concerns the services just as much as the ex-service organisations. I have recently written to the services' principal personnel officers to remind them of the vital role that ex-service personnel can play in maintaining support for our armed forces and how, in addition to the resettlement provision that is available, marking the transition to civilian life and nurturing links thereafter can fully repay the investment made.

When I first became Minister for veterans, I was very concerned to hear of many cases involving the demeaning practice of destroying service ID cards in front of those who hand them in as part of the leaving process. I personally intervened to ensure that this practice should end, and I am pleased to report to the House that this commitment has now been fully met by all the services.

It is important to emphasise that the vast majority of service personnel find their service a positive experience and settle well in civilian life after their service careers, but we obviously need to help the small percentage who are less successful, sometimes many years after leaving the forces. I have taken a close personal interest in this matter, and I view it as one of the most important parts of my responsibility for veterans.

The MOD's evolving policy for tackling homelessness among a small minority of veterans has been developed in close co-operation with other Departments and in

partnership with the voluntary and private sectors. That has already led to several successful programmes to assist service leavers at risk of homelessness, as well as homeless veterans. Those include the SPACES project at Catterick, which I mentioned earlier, and the armed forces project at Colchester. I am always happy to see the hon. Member for Colchester (Bob Russell) in his place for a defence debate.

We are also working closely with the Ex-Services Action Group, which brings together representatives from the voluntary and public sectors. As part of that work, the MOD has been actively supporting the development of new, short-term, supported accommodation in London. We also continue to work closely with the Office of the Deputy Prime Minister and the devolved Administrations on wider housing policies. That has resulted in the extension of the group of people recognised as having a priority need for housing to include those considered vulnerable as a result of service in the armed forces.

Mr. Mike Hancock (Portsmouth, South) (LD): I am grateful to the Minister for his comments on housing. Would it not be appropriate for the MOD to make better use of surplus MOD housing by allowing former MOD personnel who have a problem to live in it? This is not just about the Conservatives' policy of selling off such property to Annington Homes, although that is a contributory factor. Hundreds of homes that are still under the control of the Defence Housing Agency are not being used; they could be used to house the very people the Minister is talking about.

Mr. Caplin: With respect to the hon. Gentleman, I think that he has answered his own question: the vast bulk of service family accommodation was sold during the privatisation of 1996.

Of course, the impact of all of this work needs to be measured and evidence for future policy changes provided. We have therefore commissioned a new UK-wide study into the causes, extent, costs and impact of ex-service homelessness. The work, which began earlier this year, is almost complete in England and will now move to Scotland and Wales. I am also committed to extending the research to include Northern Ireland.

Employment is another important factor in assisting people to break out of social exclusion. In 2001, we established another ground-breaking partnership, this time with the Office of the Deputy Prime Minister, Business in the Community, Training for Life, the defence industry and the Ex-Services Action Group on homelessness. The partnership, known as Project Compass, provides new employment opportunities and support for homeless veterans. In November last year, I accompanied the Prince of Wales, who has been involved in Project Compass since its inception, on a visit to the project. I do not usually speak for the prince, but I think that I can safely say that we were both impressed with the results of the pilot scheme.

Our partnership with Business in the Community has attracted the attention of several leaders in the corporate sector, including KPMG, Tesco, Marsh UK, Armstrong International, Publicis and Cisco Systems, who are keen to support the next phase of Project Compass. We are working with KPMG to develop a business plan for the project, which we hope will attract even more corporate interest in tackling problems associated with ex-service homelessness. Next week, I shall attend a reception with major stakeholders to present our plans for the next stage of the project.

The Under-Secretary of State for Health, my hon. Friend the Member for South Thanet, will deal with health issues in his wind-up speech, but I want to reflect briefly on mental health problems, which are currently a high priority across government. While the Department of Health and the Ministry of Defence have an obvious interest, it is increasingly appreciated that good mental health is a community-wide and through-life responsibility, with opportunities for older people, the devolved Administrations, local authorities, employers, schools and voluntary organisations all to play a part. We are therefore involved, along with many other organisations, in the social exclusion unit's mental health project, which seeks to help people with mental health symptoms across the range of severity to enter and retain work and to enjoy full social participation.

Evidence collected by the project confirms stigma and perceived discrimination to be major influences in discouraging people from seeking help. Those are also issues for the armed forces. The project will soon move to implementation, and a major strand of the work will focus on discrimination. I am meeting colleagues in the near future to discuss our further involvement in that important range of work.

In the context of veterans' health issues, it is also appropriate to mention the long-standing arrangement that war pensioners should be given priority in NHS hospitals for examination or treatment relating to their pensioned disablement. I can assure the House that I take this matter seriously, as does the Department of Health, and we intend to ensure that hospitals, GPs and other key players in the referral process are aware of the arrangement.

I now want to address the wider commemoration issues. It is very important that, as a society, we continue to recognise the enormous contribution made by veterans to our security. I see two principal obligations, which are closely inter-linked: first, the commemoration of those who died in the service of their country; and secondly, the need to raise and maintain public awareness about the vital and lasting contribution made by those who have served their country so well.

Next year's commemoration of events leading up to the 60th anniversary of the end of the second world war will provide a fitting tribute to those who lost their lives, as well as to all those who served this country in that historic conflict. The anniversary will also provide a unique opportunity to raise awareness about veterans and to celebrate the role of the veteran in society. A great deal of effort is being put into making the occasions special for veterans and their families. The Government are acutely aware that this might be the last chance for many of the men and women who lived through those events to commemorate them in any numbers. Just as importantly, it could also be the last chance for new generations to learn at first hand from the veterans themselves what it was like to be involved

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in the second world war. Their memories and experiences will provide for future generations a lasting legacy that needs to be harnessed.

Last Sunday, it was said:

"It is incumbent upon us to entrust it"—

the legacy—

"to new generations."

Those were the words of President Chirac in his address at the international D-day event. Equally telling are the words of Mr. Ray Rosen, the president of the Birmingham Association of Jewish Ex-Servicemen and Women:

"It is important that we should never forget and that the children should know what happened."

This is the passing on of the baton of remembrance referred to by my right hon. Friend the Prime Minister in his message on the D-day weekend in last week's *House* magazine. So our plans for the commemorations of the end of the war on 10 July 2005 are evolving and progressing well, and taking into account that aspect of commemoration.

I can confirm that the main events will be in London, and will include a religious service, a lunch and an event on Horse Guards parade. They will be attended by many thousands of veterans of the second world war, including those who served on the home front. Other events will be planned for the week leading up to 10 July 2005 as part of the United Kingdom's first ever veterans awareness week, an initiative that I hope will allow the whole country to come together to remember the significant contribution that our veterans made and to ensure that it will not be forgotten. I very much hope that many schools will plan events involving local veterans during that week.

The week will act as a pilot for further annual veterans awareness weeks. I see those events as crucial in ensuring that younger generations appreciate the sacrifice made by their forefathers.

My aim is to develop new themes each year around the core aim of commemorating our veterans and involving all generations in associated events across the nation. I am pleased that the project involves close co-operation with, and support from, our ex-service organisations as well as other stakeholders.

While the official celebrations of the 60th anniversaries in 2004-05 are obviously hugely important, I realised some time ago that many veterans would like to return to the areas in which they served for their own individual commemorations. I also recognised that their exploits and memories could provide wonderful educational material for today's youngsters. I am glad to say that both those strands have been brought together by the Big Lottery Fund's "Veterans Reunited" programme, which allows national lottery money to be used to enable veterans and young people to commemorate the events of the second world war. Indeed, under this Government, more money than ever before is being put into ensuring that veterans can attend commemorations.

The largest part of the "Veterans Reunited" programme is the "Heroes Return" scheme, which is providing £10 million of funding for veterans, their spouses and, where required, their present-day carers to visit the overseas areas where the veterans saw active service in the second world war. By the end of May—less than four months after the scheme was launched—more than 1,600 awards had been made, with a total value of £1.9 million.

Of course, the biggest commemorative event to receive funding so far is the Normandy commemorations of last weekend. By the end of May, the "Heroes Return" programme had distributed nearly £1.2 million to veterans wishing to travel to the D-day commemorations. Funding had been received by 2,128 veterans, 963 wives or husbands, and 1,166 carers—a grand total of 4,257 individuals. With the ability to make awards retrospectively, we expect the funding and the number of individuals funded to rise significantly.

The "Veterans Reunited" programme also includes about £10 million for educational projects under "Their Past, Your Future", while £7 million can be used for grants to organise events and exhibitions in the United Kingdom as part of the "Home Front Recall" aspect of the project. In total, "Veterans Reunited" has £27.5 million allocated from the lottery for the next two years.

In carrying forward the MOD's involvement in these projects, I have the crucial support of the Veterans Agency in Norcross, near Blackpool. In addition to its role in the administration of war pensions and provision of welfare support to pensioners, the agency represents the focal point in the MOD for delivery of support to the wider veterans' community, particularly in respect of advice on the services available from the Government and the voluntary sector. Its free helpline and other information services are heavily used, and I know that they are valued by many veterans.

I am pleased to report that the agency has played a major role in the "Heroes Return" scheme by providing initial advice to potential applicants. The agency has provided a helpline for inquiries about "Heroes Return" and has so far dealt successfully with more than 28,000 calls. That represents a 40 per cent. increase over the helpline's normal information traffic. I would like to thank, on the record, all those concerned in handling that huge amount of extra work in such a short time. I am sure that that work is appreciated across the House.

Anne Picking: I thank my hon. Friend for giving way on that point about the "Heroes Return" scheme. I do not want to malign in any way, shape or form the wonderful work that is being done; it is a credit to the Department and to the country that we are doing this for veterans. However, is he really confident that such a scheme, which, given the age of the veterans, is going to happen in such a short time, can put in place the mechanism for them to return to the countries where they served before they unfortunately pass away?

Mr. Caplin: My hon. Friend raises a pertinent and important point. I can assure her that while there is a need to claim in the two-year period up to the end of 2005, if veterans want to travel after that date, that will be permissible within the scheme. We have ensured that the scheme covers carers, should that be necessary. We hope that as many second world war veterans as want to travel can do so. She will be aware from questions that I have answered in the House on this matter that, at the

moment, we are restricting "Heroes Return" to second world war veterans and not extending it further. That is a discussion that we may have in the future.

As the House will be aware, to help veterans attend those commemorative events overseas during the two-year period, the Home Office announced last year that concessionary one-year passports would be made available. Veterans and their organisations have warmly welcomed the scheme and, so far, 636 of those passports have been issued.

I was extremely pleased that my right hon. Friend the Home Secretary was able to announce recently that all British passport holders over the age of 75 will now be eligible for free 10-year passports in grateful commemoration of their efforts before and during the war years.

Mr. Foulkes: There seems to be some confusion about when that arrangement will start. I was talking to an elderly gentleman and I suggested that he go to the post office. He went to the post office and found out—

Anne Picking: It was closed. *[Laughter.]*

Mr. Foulkes: No, no. The post office was still there—my hon. Friend is not being very helpful. However, it did not know about the scheme, and when we phoned up the passport office it said that the scheme had not started yet. It is very important that we get out the message as to when what the Home Secretary announced will start so that people are absolutely clear about it.

Mr. Caplin: I am glad that my right hon. Friend's post office is still open of course, but most importantly he is right that my right hon. Friend the Home Secretary announced the intention to introduce those 10-year passports. We are working on the detail, and as soon as it is available I shall of course inform the House accordingly.

Education of our young people about veterans' matters is one of my most important priorities. The "Veterans Reunited" programme will also raise awareness among young people in a different and, I hope, exciting way. The "Their Past, Your Future" education programme will give young people the opportunity to research and understand the role played by service veterans and civilian groups in ensuring our national security and survival.

The programme, which is a good example of collaboration on veterans-related issues across the official and voluntary sectors, will support local partnerships between schools, museums and veterans groups. I was very pleased to meet pupils taking part in the project during the Normandy weekend. Their teacher, Helen Yarrow, told me that her group enjoyed their trip tremendously and will remember it for the rest of their lives. Their enthusiasm was reassuring and certainly confounded those who sometimes criticise today's youth and the educational opportunities available to them. This passing on of the baton of remembrance is crucial if future generations are to understand the freedoms we have today and why we have them.

Mr. Robert N. Wareing (Liverpool, West Derby) (Lab): I am interested in what my hon. Friend has been saying about the contribution that veterans can make to young people in learning about the suffering that occurred, not only among people in this country but all over the world, as a result of the second world war. Does he have discussions with the Secretary of State for Education and Skills to ensure that in history lessons, perhaps as part of the national curriculum, young people learn rather more about the second world war, the reasons for it and how it was fought than about Henry VIII and his six wives?

Mr. Caplin: I resisted the temptation to list the Departments involved in "Veterans Reunited", but it is a collaboration involving the MOD as well as the Department for Education and Skills and the Department for Culture, Media and Sport, together with the Imperial War museum and the national lottery. Matters to do with the curriculum are for the relevant Department.

Although the education programme focuses on the second world war commemorative events taking place over the next two years, it is also intended to develop into a longer-term project. There will be resources for schools to use in the citizenship and history curricula if they want to do so, and opportunities for young people to participate in commemorations at home and abroad. Education projects of this kind are intended to help future generations to remember and understand the experiences and sacrifices of veterans of all types and their role in our nation's history.

Rev. Martin Smyth (Belfast, South) (UUP): In that context, will the Minister welcome the new approach of the Royal British Legion in its campaign to influence and involve itself in the community, in educational and other activities?

Mr. Caplin: I very much welcome the new initiatives that the Royal British Legion is taking, and I had a useful meeting with its executive a few months ago to discuss its forthcoming projects.

The House should now be aware of a further recent initiative that links the current commemorations, "Heroes Return" and the education projects. Recently, I sent Members of both Houses a commemorative booklet covering the events of D-day. So far, the Ministry of Defence has produced other booklets on the battles at Kohima and Monte Cassino. Further booklets are planned for other major second world war campaigns, and I hope to extend the series eventually to more recent campaigns and operations as their anniversaries come round. For the benefit of the hon. Member for Buckingham (Mr. Bercow), I of course intend to ensure that copies of the booklets are available in the Library. The booklets are available to veterans, among others, and I know from discussions with veterans that, for example, members of the Burma Star Association were very pleased with their booklet, as were the veterans whom I met at the Monte Cassino commemorations.

On 10 May, we launched the new veteran's lapel badge. The aim is to overcome the long-held view that the status of veterans is not fully recognised. The veterans community helped in its creation, and the first

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tranche is being made available to second world war veterans attending the major anniversary commemorations in 2004. I was pleased that my right hon. Friend Lord Healey, a beach-master at Anzio, agreed to be the first recipient of the badge at an event in Westminster Hall. Significantly, he was the first Secretary of State in the Ministry of Defence when it was created 40 years ago.

I also presented badges to veterans at the Monte Cassino commemorations. They will also be available to first world war veterans, D-day veterans and others who receive grants to make "Heroes Return" visits. Given the success of the badge already, I am considering how it might be extended. That will require further decision making, and I shall inform the House accordingly.

Veterans rightly demand that service be recognised where appropriate through the award of campaign medals, as my hon. Friend the Member for Wolverhampton, South-East (Mr. Turner) pointed out earlier. I was glad that, after a review by a sub-committee led by Lord Guthrie, following the intervention of my right hon. Friend the Prime Minister, we were able to meet the long-standing demand for a medal recognising service in the Suez canal zone from 1951 to 1954. The strength of feeling on this issue is witnessed by the demand for the medal. We have received 38,450 applications, although the level of new applications is tailing off a little. Obviously, it takes time to handle that level of demand. The Army, which has the highest number of applications, estimates that it will clear them over the next two years. The Royal Marines is assessing claims as they arrive, and the Royal Navy and RAF hope to clear their backlog by the first half of next year.

I intend to keep the House informed of progress on the distribution of the Suez medal. Between the announcement in June last year and the medal being struck in November, a significant backlog has been building up in all the medal offices. We are still trying to assess the cases, which takes time. There is an individual assessment, followed by creation of the medal with the veteran's name on it, which takes time. I hope that the House will bear with us on this matter.

Mr. Peter Luff (Mid-Worcestershire) (Con): I see from the Minister's smile that he anticipates exactly what I am going to say. I hope that I will be able to make this point at greater length, if I catch your eye later, Madam Deputy Speaker. If he attaches such importance to clearing the backlog, why is he choosing this precise moment to close the Army medal office, losing most of the expertise and skilled staff there, and transferring it miles down the road to Gloucestershire? Would he not be better advised to scrap the idea entirely? If he is not prepared to do that, could he at least put the closure on hold for three years, to enable that skilled body of men and women to issue the medal, as they wish to do, to veterans, who, tragically, are dying before receiving it?

Mr. Caplin: The hon. Gentleman and I have met on this matter and exchanged correspondence on it, and we simply do not agree. We need to bring the medal offices together to try to create an environment in which medals can be delivered more quickly and efficiently to veterans. That is one of the reasons why we are doing it.

Although a great deal of valuable work is rightly going on to support the 60th anniversary events in 2004–05 and other commemorations, I also want to begin longer-term initiatives to ensure that the baton of remembrance is passed on to future generations. I have made two visits recently to the national memorial arboretum in Lichfield, and I was deeply impressed on both occasions. I am especially pleased that the Government have been able to provide a significant grant in aid for a three-year period to help the new management from the Royal British Legion to carry the project forward. This project has received warm support from veterans groups and is a fitting way to commemorate the sacrifices made in more recent times. As many Members will know, there are also plans to place the new armed forces memorial there, and longer-term proposals for an education facility.

Mr. Robert Key (Salisbury) (Con): Will the Minister spare a moment to say how grateful we all are to the Commonwealth War Graves Commission, and to General Sir John Wilsey, for their work, which we were all able to see on television? All around the world, it is important to veterans, and to the rest of us, that Commonwealth war graves are maintained in a decent state.

Mr. Caplin: Clearly, there has been a leak, because the next line of my speech was that I should also mention the continuing excellent work of the Commonwealth War Graves Commission. A number of Members of this House, including the hon. Member for Mid-Sussex (Mr. Soames), are commissioners. It is not always appreciated that the United Kingdom, in line with its proportion of the dead of the two world wars, meets almost 80 per cent. of the commission's costs through an annual grant of about £30 million from the Ministry of Defence. Those who have visited the commission's cemeteries around the world will testify to the wonderful work of its staff—drawn from many nations—in caring for those who have fallen in the service not only of the United Kingdom but of our partners in the Commonwealth. I commend the commission's new website, which provides outstanding assistance to those seeking to trace people who may be buried in one of its sites. I understand that the number of hits on the website now runs at more than 250,000 a month, from all over the world.

The commission is also actively exploring options for education projects. Like the hon. Member for Salisbury (Mr. Key), I am pleased that the commission site at Bayeux played such an important and prominent role in the D-day commemorations, and that it looked in such superb condition, as did the memorial at Cassino last month.

Commemoration and recognition of veterans rightly deserves high priority, especially now, but also in the longer term. Our efforts and plans demonstrate our commitment to remembering the service given, and sacrifices made, by so many during the second world war and throughout history.

Mr. Hancock: I realise that the Minister is coming to the end of his speech. Earlier, he was asked about the Arctic convoys, and medals for those who served in them—four such veterans are in the Gallery today—and

I hope that he will accept that this is a perfect occasion for him to announce that the Government have changed their mind and will award that medal to those deserving citizens of the UK. We can talk time and again about the role of those veterans, but there is one way in which we can commemorate their action, especially on the Arctic convoys: by giving them the medal. I would not want the Minister to miss this opportunity to put his side of the story and, for once, I hope, to agree with the rest of the House.

Mr. Caplin: I answered questions on this matter in some detail at Defence questions on 1 March 2004. That is on the record, and I do not plan to repeat what I said on that occasion. I stand by the comments that I made in relation to Arctic convoys. The House can no doubt debate these issues.

So what are our plans for the future? I have already said that I would like to develop many of our current initiatives. I believe that the various strands of commemorative and educative work, including veterans awareness week, will be particularly important as fewer and fewer people in wider society have direct knowledge of the essential work of our armed forces.

My vision as I approach this task is of making recognition and commemoration of veterans' achievements in support of their country a part of our national heritage—one that we can celebrate with the veterans among us, but can also pass to succeeding generations. I have emphasised our efforts to focus on the needs of younger and future veterans as well as those of their distinguished predecessors. To that end, I intend to continue the progress made on enhanced arrangements for the transition from service to civilian life by keeping the new programmes introduced this year under careful and constant review. I also intend to develop the role of the Veterans Agency in providing information and support for veterans, and to lock into other Government information services. A review of our veterans-related information strategy is in hand, as are individual collaborative projects on information and communications.

We have a range of new initiatives across Government and in partnership with the voluntary sector to tackle aspects of social exclusion and vulnerability among an important minority of veterans. I want to make progress on that as well as on the work relating to health matters, which will ensure that our veterans enjoy the full support of the national health service and can enjoy long and healthy retirements. The Under-Secretary of State for Health, my hon. Friend the Member for South Thanet, will refer to that later.

I am sure the House will recognise that it has been a busy year for veterans' affairs in the United Kingdom. We have righted an injustice with the award of the Suez medal, introduced new and different approaches to the transition from service to civilian life, enhanced the status of veterans across the United Kingdom, and successfully assisted with the 60th anniversary commemorations of D-day. Moreover, we have £27.5 million of lottery funding to spend on veterans to help future generations understand what happened.

There is, however, no room for complacency. There is much more to do, and the Government are strongly committed to continuing to recognise and enhance the role of the veteran in our communities.

2.52 pm

Dr. Julian Lewis (New Forest, East) (Con): When the debate began I felt that I was coming in as a novice, but after an hour and six minutes of the Minister's excellent speech I feel that I have become something of a veteran myself. The reason I appear as a novice is, however, a good one, of which the Minister is aware: our official spokesman on veterans' affairs, my hon. Friend the Member for Aldershot (Mr. Howarth), is today attending the funeral of his uncle and godfather—who, incidentally, was himself a wartime paratrooper. As my hon. Friend pointed out, he is in a way doing a service to a veteran although he cannot be here today to do the same for all veterans, as he would like to.

The Minister rightly observed that this is the first full debate on veterans' affairs to be held in the Chamber—although I remind him that, appropriately enough on VE day 2001, a full debate on the subject took place in Westminster Hall. That was at the initiative of the hon. Member for Bolton, West (Ruth Kelly), who has subsequently become a Treasury Minister and is therefore now in a position to implement some of the recommendations that she rightly made on behalf of veterans at that time.

Let me add my congratulations to the Minister, the Government and all who organised the magnificent event at Normandy. It really was an outstanding affair, which was of course entirely predictable. Any of us—which means all of us—who have personally come into contact with veterans of the second world war, and indeed of other conflicts, know what marvellous people they are and what a life-enhancing experience it is to meet them.

We all have our favourite little stories. Before I embark on the substance of my speech, I want to share one or two of them with the House. One concerns a man who died very recently, Lieutenant-Commander Pat Kingsmill. He was the only one of six Swordfish pilots to survive the war who were involved in trying to stop the German battle fleet when it sailed up the English channel. It was a suicide mission. The leader, Esmonde, was awarded the VC; all the planes were shot down. I read about the event when I was a lad, and never dreamed that circumstances with which I shall not detain the House would bring me into contact with Pat Kingsmill and the other survivors. I had an opportunity to bring them to the House, where they met Speaker Boothroyd at what was probably one of her last engagements before she stepped down.

Mr. John Bercow (Buckingham) (Con): Excellent woman.

Dr. Lewis: She is indeed an excellent woman, and if there was any doubt about that she showed it in spades that day. She invited those heroes to visit the Speaker's apartments, and made a little speech to them. What she said to them could be said to all the veterans of world war two, including those whose presence in the Gallery today I am not allowed to mention but who were on the arctic convoys. What she said was, "Without what you and your comrades did, we would not have a free Parliament today." She added, in her own inimitable way, "I would probably have ended up in a concentration camp." Quick as a flash, Pat Kingsmill said, "Yes, but we would have been right there beside you."

[Dr. Lewis]

The spirit of these people is absolutely indomitable. My second little anecdote also concerns the Fleet Air Arm. I went to a reception and lunch for the Telegraphist Air Gunners Association, and sat at a table next to a veteran who was busily drawing attention to the achievements of everyone else who was present. That is an example of what the Minister rightly described as the modesty of veterans about what they themselves had done. This gentleman was pointing out this and that person, saying, "There's Les Sayer: he got the DSM for the attack on the Bismarck", and "There's Dickie Richardson: he got the DSM for the raid on the Palembang oil refineries in 1945." Eventually I turned to him and said, "Excuse my asking, but were you not involved in any particularly interesting actions in world war two?" He looked a little embarrassed and said, "Well, I did fly in the raid against the Tirpitz."

As the House will know, the Tirpitz was the sister battleship of the Bismarck. She was attacked first by midget submarines and badly damaged, then by the Fleet Air Arm and damaged again, and finally by the RAF Dambusters, who capsized her. I asked this gentleman, "What was your overwhelming impression of that raid?" He replied, "The sheer size of the battleship." He said, "We came down sharply, as you can imagine, and flew the length of the ship. As I was the telegraphist air gunner I was facing rearwards, and I could see the length of the ship unrolling as we flew along. It went on and on and on." I asked him a rather obvious question: "Do you think you hit it?" He allowed himself the ghost of a smile. "Couldn't really miss from that height," he said.

I do not know about you, Madam Deputy Speaker, but I think I speak for all of us when I say that when I walk out of a room after meeting veterans who have described such experiences—which can be replicated, because Members of Parliament are given opportunities to meet these wonderful people—I feel about six inches taller. I feel my back straightening, and I feel very proud to have met and known them. That is why I sometimes wonder a little about the reluctance of some of our officials at the MOD to advise Ministers that it is not only right to commemorate these events as long and as prominently as we can, but as a very good thing to do. It is good for them, it is good for the country and it is good for future generations. It was never in doubt that if a big ceremony was held to celebrate the 60th anniversary of D-day, it would be done well; the question was whether it would be held. The Minister will recall that there were some quite sharp exchanges both here and in Westminster Hall as recently as October and November last year about what level of representation there would be.

These tributes are very important. It is essential that they should continue and I think that the Government have acknowledged that lesson.

I would like to say something else about the events for which we are today acknowledging sacrifice. Before these veterans, there were the veterans of world war one. Now we honour the veterans of world war two. Fortunately, we have not had to honour veterans of world war three. One of the reasons why there was no world war three was that we won the cold war. One of the people who was responsible for us winning the cold war was President Ronald Reagan.

I am sorry to inject a slightly disappointed note into my remarks but I was disappointed that, on Monday, the day we came back, the Foreign Secretary paid no tribute to President Reagan until he was provoked into doing so by the shadow Foreign Secretary, and the Liberal Democrat foreign affairs spokesman paid no tribute to him at all even then. Today, we heard reluctant tributes from the Deputy Prime Minister and from the Liberal Democrat foreign affairs spokesman. President Reagan's contribution deserves better acknowledgment than that.

In its first report following his death, the BBC stated that President Reagan described the Soviet Union as an evil empire but later changed his mind. That was news to me. I thought that it was because of the way he confronted it as an evil empire that he changed the Soviet Union and was able to reach agreement with it on disarmament measures that benefited all mankind. According to the BBC website, the Prime Minister said:

"At home, his vision and leadership restored national self-confidence and brought some significant changes to US politics."

Some significant changes to US politics—big deal.

"Abroad, the negotiations of arms control agreements in his second term and his statesmanlike pursuit of more stable relations with the Soviet Union helped bring about the end of the Cold war."

We all know that during President Reagan's first term he pursued tough policies with which people now in government did not agree, but they should be big enough to admit that he was right, because he was right. He helped to save us from having to commemorate veterans of a third world war.

Mr. Bercow: I applaud my hon. Friend's tribute to President Reagan, whose commitment to individual freedom, personal responsibility and the doctrine of peace through strength was exemplary. Does he agree, as millions of veterans would testify, that if the alternative approach of hand-wringing appeasement and unilateral nuclear disarmament had held sway, our world would be vastly less free and infinitely more dangerous than it is?

Hon. Members: Hear, hear.

Dr. Lewis: I think that the reaction of colleagues on the Conservative Benches is sufficient endorsement of what my hon. Friend said. I cannot resist pointing out that the first time I made his acquaintance was in 1983, when I had occasion to brief him on issues about nuclear deterrence and disarmament, and it has been downhill all the way since then.

Let us move back to the substance of the debate, and I thank you, Mr. Deputy Speaker, for your indulgence when I made that slight but necessary diversion. I want to refer to topics such as reunions, memorials, medals, pensions, stress and homelessness. We have all heard how important reunions and recognition are. They are important for the people who took part, for the historical pride of the country, and for the understanding and commitment of young people who will have the destiny of this country in their hands.

I appreciate that the Government will take the view that in some sense it has to stop somewhere—they cannot go on having large-scale commemorations indefinitely for every major campaign. However, that is no reason to believe that there should not be continuing support on a lower level, certainly from the armed forces, for all those veterans who feel that they are strong enough in wind and limb to continue commemorating the events that lead us today to regard them as heroes and to miss the people who never grew up as a result of the sacrifices that they made.

I for one was pleased to read in *The Sunday Telegraph* at the weekend a story headed "We'll carry on as long as there are veterans, says Gen Jackson". The article stated:

"Britain's most senior Army officer has defied the Ministry of Defence by promising that future D-day commemorations will be conducted as long as there are Normandy veterans."

A senior military officer, who perhaps understandably remained anonymous, is quoted as saying:

"The general is a great and active supporter of several veterans' organisations. He is not going to allow civil servants to tell him or any other soldier when, where and how they will remember those men and women who gave their lives for this country's freedom."

Mr. Desmond Swayne (New Forest, West) (Con): Quite right.

Dr. Lewis: I was hoping to get a response and my hon. Friend did not let me down.

I would like a commitment from the Minister at some point that no obstacles will be put in the way of the armed forces when they are ready and willing to give commitments to support veterans who are able to go on commemorating the activities that led to victory in the last world war and in subsequent conflicts, even if they do not feel that they can stage an operation at the same level of intensity as was successfully carried out on 6 June this year.

Mr. Caplin: I must get my own back after the interventions earlier. There is no dispute about the issue. Commemoration is important and what General Jackson said is right. We obviously will discuss with the Normandy Veterans Association and Royal British Legion how they would like to take commemoration forward. We have to be realistic. In 10 years, for example, the veterans who did us proud in Arromanches town square on Sunday evening will be 90-plus and therefore we have to have some serious conversations about the long-term future of commemoration.

Dr. Lewis: I am grateful for that intervention. I regard that as one out of one, and I will keep score as I go through the remainder of my speech to see what other positive results I can get.

The question of medals has been brought up several times and I propose to spend a little time on it, for a very good reason. There has been an ongoing dispute about the events surrounding the award, or non-award, of a medal for those in the Arctic convoys during the second world war. I have benefited from the compilation of documentation prepared by the House of Commons Library. I would like to press the Minister a little further on that matter, even though he rather disappointed the House by hiding behind the fact that he had had an exchange on it at defence questions.

Let me explain a little about the campaign stars and service medals that were awarded in the second world. If someone was in the Royal Air Force and flew in Bomber Command, they got the Air Crew Europe star. If they were in the Battle of Britain, they got a Battle of Britain bar to the 1939-45 star. If they fought in the far east, they got the Pacific star or the Burma star. If they were entitled to both, they were given one with a bar on it signifying that they also earned the other. The same was true with the Mediterranean, where they were eligible for the Italy and/or the Africa star, and the Atlantic, where they were eligible for the Atlantic star and sometimes also the France and Germany star. The major area where that does not appear to apply is the Arctic convoys to Russia.

I do not know the reason for that omission. According to excellent documentation provided by the Library, time and again Ministers, including the Prime Minister, have suggested that the reason was that those who served in the Arctic convoys were entitled to the Atlantic star, but some stars required a longer period of service in theatre than others, and people had to be in theatre for a very long time to qualify for the Atlantic star—too long a period for most of the nearly 700 ships that took part in the Murmansk and other Arctic convoys.

All the other campaign honours relate to specific battle fronts, and the arrangements were devised cleverly, fairly and comprehensively, but the only way in which we were involved in the important battle front relating to the Soviet Union was through the Arctic convoys, and at the very least, if the authorities did not want to award a separate star—which I think they should—they should have made it possible for the bulk of the people involved to receive the Atlantic star. The Minister's predecessor seems to think that they could have, because he said:

"Service on the Arctic convoys during the second world war is covered by the Atlantic Star."—[*Official Report*, 9 December 2002; Vol. 396, c. 16–17.]

Well, not for those on about 690 of the 697 ships involved.

The Prime Minister himself said:

"I would like to pay tribute to the bravery and dedication of all those who sailed in the Arctic convoys. Those who served in the arctic convoys during the second world war were awarded a medal, the Atlantic Star, at the time to mark their important contribution."—[*Official Report*, 20 November 2003; Vol. 413, c.1146W.]

Well, no, Prime Minister, they were not.

I understand the Government's difficulty. The danger always is that if we revisit such events so long after they have happened we will open up other claims and there will be no end to the need to revise historical arrangements. However, for the reasons that I outlined, I believe that this case stands by itself. Why is there such reluctance to comply? I think that it comes down to the fact that it would make an awful lot of work for the Ministry of Defence. That really sticks in the craw, because one of the advantages for civil servants in the MOD or anywhere else is that, although they follow an honourable profession and may have a distinguished career, they do not go short of recognition and awards. The armchair warriors of the MOD are quite good at awarding themselves medals when the time comes, and

[Dr. Lewis]

it does not sit well that veterans who served in especially hazardous conditions should be deprived by bureaucrats of that to which they should be entitled.

Mr. Brazier: My hon. Friend is making a compelling case. Does he agree that there is something very strange about the Government making a special case for the Suez medal—honouring a group of men who indeed served in very uncomfortable circumstances but took relatively few casualties—but refusing to recognise a body of people who served in one of the world's most hostile atmospheres and took extremely heavy casualties?

Dr. Lewis: The Government will say that the difference is that in the case of the Suez medal they were not able to prove that a recommendation had been made and turned down at the time, whereas that is the case with the Arctic convoys; but that leads us to ask why that recommendation was turned down, and I believe that it may have had something to do with the fact that our ally at the time the medal was earned had become our potential enemy by the time the decision was taken.

Mr. Wareing: Should not there be another consideration in favour of the Arctic convoy veterans, in that of the nearly 800 ships that sailed outward to Murmansk and Archangel, no fewer than 7.8 per cent. were lost? In the battle of the Atlantic, harsh though it was, fewer than 1 per cent. of our ships were lost.

Dr. Lewis: I appreciate the hon. Gentleman's point, but I do not want to get into a bidding war about which of these vital battles was the more costly. The nub of his point is correct: by any criterion, the Arctic convoy veterans should qualify. If the idea was that they would get the Atlantic star, the conditions for that medal should have been constructed such that more than just a few per cent. of them could get it.

Mr. Dalyell: I want to draw to the attention of the House the case of a former West Lothian county councillor, William Pender, who came to London on 1 June to receive a medal from the Russian embassy for his service on the Murmansk run but has still had nothing from the British Ministry of Defence. Is not it ironic that the Russians can give him a medal, but apparently our own Government leave him unrecognised?

Dr. Lewis: The Father of the House neatly anticipates the point that I was coming to: veterans of the Arctic convoy are allowed to wear the medal that they have been awarded by the Russians, and when that permission was given in the 1990s, the Government made it clear that it was given because the situation in Russia had improved significantly, which simply adds force to my point that there may have been a political motivation behind the decision not to award the medal in the first place.

Mr. Hancock: I am sure that the hon. Gentleman would be the first to agree that many of the veterans are confused about the messages coming from the Government. The Secretary of State says no, but figures as senior as the Home Secretary and the chairman of the Labour party have recently signed up as active supporters of the campaign, saying that the Government should give the recognition that is due. Whose message should prevail?

Dr. Lewis: I thank the hon. Gentleman for that intervention, and—

Mr. Caplin *indicated dissent.*

Dr. Lewis: I see the Minister shaking his head, but the Portsmouth edition of *The News*, which has been waging a magnificent campaign, contained a report on 20 May headed, "Blunkett backs medal for the Arctic veterans". It says:

"Two days after the Ministry of Defence appeared to deliver a huge blow to the campaign for a medal, the tough-talking Sheffield MP said: 'They deserve a medal'."

It is not often that I agree with the Home Secretary when in the House of Commons, but this is one of those occasions.

I do not want to belabour the point much further, but it is very important. It is a matter of honour, a matter of bureaucracy, and a matter of the ability to make exceptions to the rules, readjust them or if necessary reconfigure them to allow an injustice to be put right. The Government should realise that this issue is not going to go away, or at least not until the last of the veterans has ceased to draw breath, which I trust will not be for some years yet. The Government should face up to the issue, get on with it, tackle it and put it to bed.

In talking about injustices, I shall make just a passing reference to the earlier intervention by the Father of the House on the Chinook disaster. I, too, attended yesterday's memorial to mark the 10th anniversary of the disaster, and the people who organised it made it clear that it was held in commemoration of all who had died, and not part of the ongoing campaign to overturn the verdict against the pilots.

I take this opportunity, however, to reiterate a point that I have tried to impress on the Government before. The rules by which dead pilots have been blamed for a crash, when by definition they cannot put the case in their own defence, have been changed as a result of this case. If that crash happened again in the same circumstances, those pilots would not be blamed. It would be an injustice for a situation to continue in which, although it was felt necessary to change the rules as a result of the unsatisfactory outcome of this case, the reputation of the pilots in the case itself had not been cleared. I suspect that much face-saving is involved in this issue. I understand the need to acknowledge that senior officers may well have taken the decision that appeared right to them with the rules as they were at the time, and that is no discredit to them, but the rules have been changed and the pilots should benefit from that.

Mr. Dalyell: I wonder whether those in the Ministry of Defence involved in the case would at least to talk to Lord Jauncey. He is a Lord of Appeal in Ordinary and has spent endless time on the matter. If he cannot be convinced, how on earth can the Ministry of Defence express these certainties?

Dr. Lewis: The key word in what the Father of the House has just said is "certainties". The original rules

were drawn very tightly and said that no deceased pilot was to be blamed unless there were no doubt whatever about what had happened. Yet there is debate, dispute and controversy. There is doubt about what happened, so the pilots should not have been blamed. Given that they were blamed, however, and given that the rules were changed as a result of their being blamed, it is manifestly unjust that they should continue to be blamed. This is a tragedy not just for those who died, but for those who survived them, because 10 years later they are still haunted by the case.

Mr. Key: Is not the situation worse than that, because the Scottish accident inquiry refused to come to the conclusion that the pilots were negligent, as did the original RAF board of inquiry? It was the conclusion of the experts that was overturned. The situation is bizarre, and absolutely against natural justice.

Dr. Lewis: My hon. Friend is absolutely right, and I know that he has long campaigned on the matter and knows a great deal more about it than I. I still feel that with good will, even at this stage, it should be possible to find a form of words that would satisfy people that the senior officers did what they did in good faith but that the time has now come to overturn the verdict. I should have thought that that was the common-sense, compassionate and humane way of dealing with the matter.

Mr. John McWilliam (Blaydon) (Lab): The hon. Gentleman is probably not aware that the Minister from his party who dealt with the matter at the time stood up in Westminster Hall some 18 months ago and admitted that he now felt that he had been wrong.

Dr. Lewis: I am aware that a number of people have changed their views, but obviously, the concern must be that in putting this matter right, we do not then denigrate the integrity of the senior officers, who almost certainly do not deserve such an outcome. In the light of the many articulate, clever, legally trained, inventive and ingenious minds available in this House and in the Ministry of Defence, it ought to be possible to come up with a form of words that would resolve the situation—at last—in an acceptable way to all concerned.

I shall deal very briefly with some other topics. I thank the Government for providing satisfaction in respect of the Suez canal zone medal, but I can only reiterate the concern expressed so effectively by my hon. Friend the Member for Mid-Worcestershire (Mr. Luff) about the closure of the Army medal office in his constituency. The Minister said that he anticipates that the Army will have cleared the backlog after two years. It that proves true, it will be a pleasant surprise. An article in *Soldier* magazine of May 2004 said that that is not nearly so likely an outcome, and it has been suggested that several years could be added to the time it will take to get those medals issued. *[Interruption.]* The Minister shakes his head. I trust him, and if he assures me that he has the staff on the job to get those medals out in two years, I will forthwith move on from this topic.

Mr. Caplin: I have made it clear that I will keep the House informed of progress on the dispatch of Suez medals. Changes will be made to the way in which the medal office operates, and I hope that they will create efficiencies both before closure and afterwards.

Dr. Lewis: That answer gets one and a half out of two.

Mr. Luff: Will my hon. Friend give way?

Dr. Lewis: I certainly will.

Mr. Luff: I am grateful to my hon. Friend and I encourage him not to accept that assurance at face value. The Minister plans to make most of the staff at the Army medal office redundant. The "Suez canal" website of the Veterans Agency says:

"Checking eligibility is a skilled, time-consuming and exacting job, but the medal offices have skilled staff who are experts at assessing eligibility quickly and accurately."

Not if the Minister has his way.

Dr. Lewis: The Minister's mark has gone down to one out of two, and I am now provoked to make another point on this topic. According to an article on the cost of producing medals, a new medal for the Arctic convoys might cost £140 per medal for the Royal Navy alone. If the people making these calculations are the same people who are calculating the time it will take to issue the Suez canal zone clasps and general service medals to the veterans who will be awarded them, one cannot have a great deal of confidence in the reliability of their timetabling. However, I shall move on because the issue has had a sufficient airing.

I have only one more point to make about medals, and it concerns what used to be called the reserve and territorial decoration. The Opposition applauded the decision that decorations for reservists were to be awarded both to officers and to other ranks. That was a change for the better, but it was decided that, instead of both officers and other ranks having the initials "RD" or "TD" after their name, in future nobody would have the benefit of such initials to signify receipt of those awards. That was not a change for the better.

I raised this issue with the Secretary of State for Defence back in April 2002. I said that all concerned should be able to put these initials after their name, rather than nobody, now that all in the reserve forces were eligible. He said:

"I will certainly look at that practical suggestion, but I will refer later to questions of recruitment and retention. I will set out some of the efforts that the Ministry of Defence is making to ensure that we have the right numbers of people coming in and remaining in the armed forces for as long as we need them."—*[Official Report,* 11 April 2002; Vol. 383, c. 176.]

I suggest that one reason why people join, and remain in, the armed forces in a voluntary capacity is the knowledge that their service will be recognised in a public way.

Mr. Brazier: I am someone with a vested interest in that I am able to place the initials "TD" after my name, though, unlike many earlier holders of that award, I have never seen active service. May I tell my hon. Friend as a matter of historical fact that the War Office took exactly the same dim, foot-dragging view after the first world war when the same case was made? That

[Mr. Brazier]

designation was achieved only through many hundreds and thousands of eligible people simply placing the initials after their names—and eventually, acceptance just happened. That may well have to be the case again.

Dr. Lewis: I must say that I did not know that particular piece of historical information and I am glad that my hon. Friend has shared it with the House and me.

Before finally leaving the issue of commemorations, I should like to draw the House's attention to a letter that I recently received from Vivien Foster, who is president of the National Merchant Navy Association. He makes the point that the Merchant Navy and Royal Fleet Auxiliary Service were in action during the Falklands conflict in 1982

"when 17 merchant seamen lost their lives".

He continued:

"To honour their memory, a group of supporters and friends of the Merchant Service met after a Remembrance Service at the Falklands Islands Memorial Chapel at Pangbourne to discuss plans to build a small memorial to these brave men. This project is now firmly under way, the Memorial will be set in the Merchant Navy garden near the main Monument. To this end, a Trust has been formed, the Memorial has been designed and funds are being sought."

They are not being sought, as far as I know, from the Government, but I would have thought that the lottery might be interested and that hon. Members might, on an individual basis, want to highlight and promote the project.

Let me move on briefly to the issue of pensions. As the Minister pointed out, the Armed Forces (Pensions and Compensation) Bill has enjoyed—if that is the right word—many hours of detailed debate both on the Floor of the House and in Committee. We maintain that veterans from the armed forces are unique and that they have a special status because of the special risks that they undertake. It should not be said that certain concessions should not be granted to them because of any read-across to other public servants. Members of the armed forces are in a category of their own because of what they do. That should be recognised.

I entirely endorse the intervention of my hon. Friend the Member for Canterbury (Mr. Brazier), when he expressed his concern about changing the burden of proof in compensation claims. The Defence Committee noted in paragraph 69 of its report that, because of the special risks run by members of the armed forces,

"we continue to believe that the onus should remain on the Government to prove that service was not responsible for causing or worsening a condition for which a compensation claim is made."

We are sorry that the Government have not accepted that.

I have spoken about the special status and special conditions of the armed forces. In that regard, we remain unhappy that the widows of people who served in the armed forces but retired before 1978 receive no pension at all on the death of their husbands if they married them after that time. The Government should ask themselves why servicemen would have delayed getting married for so long. It is precisely because they were servicemen. It is connected with their special service, and it is a shame—a word I use deliberately—and a disgrace that their widows are not benefiting from the fact that their husbands served their country for so long in such way.

There is also continuing concern about the widows of those who died before 1973, who receive only one third of their late husbands' pensions: whereas, post-1973, they would previously have received a half of that pension, they will receive nearly two thirds in future.

These are inequities. The number of people involved is going down all the time, and it is sad that the Government do not feel able to deal with the anomalies.

The Government have expressed a concern that existing war widows are likely to remarry and that the number of people for whom pensions would still have to be paid would be quite large. The Government should do away with the anomaly that means that war widows who remarry after what are called the non-attributable deaths of their husbands—that is, deaths that cannot be attributed to their conditions of service—are a burden on the Treasury. Will the Minister say how many of the existing war widows who, in December 2000, were granted the concession to retain their pensions for life have subsequently remarried? I suspect that the figure is not all that high.

I turn now to combat stress. When people are injured in battle, we regard it as our duty to treat the wounds of the body, but it is clear that we must do more to treat the wounds of the mind. I welcome the fact that the Government take this matter seriously, and I note yesterday's written statement announcing the establishment of an academic department to deal with defence mental health issues.

However, although I do not want to detain the House much longer, I want to set out some of the caveats that I have. I want it to be recognised that some minds are more vulnerable than others to being wounded. If it is possible to identify people with that propensity, they should not be recruited as service personnel in the first place. Those who are recruited should be tested, and trained to cope with what they may have to endure. We do no favours to recruits if we gloss over the risks that they run when they opt for a military career.

Combat is, by definition, traumatic and stressful. The combatant's mind must be strengthened before combat, and supported after it, but no force will ever be battle worthy if concepts emerge such as those described by Robert Vermaas of King's College, London—the very institution to which the Government are looking for advice on this matter. In an essay that appeared in the journal of the Royal United Services Institute in June 2002, he stated:

"By 1990, a mood of recrimination, blame and culpability emerged in the UK, as large numbers of soldiers argued that they should have been adequately briefed about the potential psychological effects of their work. It was the beginning of a political and financial nightmare for many western armed forces. Falklands veterans began to pursue legal action, claiming they were not fully warned of the hazards of their profession and, once returned to civilian life, that they were not adequately treated for the trauma they had experienced."

One can agree that there is a need to support people on their return to civilian life. However, it is rather naive to imagine that, when people are thinking of signing up for careers in the armed forces, it is the duty of those

forces to impress on them that war is terrible and combat vicious, and that horrible sights will be seen that it will be impossible to forget. Interestingly, a case based on that approach in May last year did not succeed in the High Court. It would be very difficult for any country to have an armed force that was effective, deployable and resilient if that force could be sued successfully by its members for not warning them that they would be going into situations that would threaten their lives and their psychological and physical well-being.

Finally, on the topic of health, I reiterate the call made by my hon. Friend the Member for Aldershot for a public inquiry into Gulf war vaccinations. The Government have some sympathy from us on the issue because it has not clearly been shown—and that is agreed—that a single syndrome is responsible for all, or even the bulk, of the ailments suffered by people after they came back from the first Gulf war. However, on the face of it, there is an arguable case that the cocktail of vaccinations that the people were given may have had some serious side effects. That is one aspect that deserves further investigation.

Mr. Caplin: I hear what the hon. Gentleman says, but I hope that he will accept that it is important that the independently commissioned research follows its full course before any decisions are made.

Dr. Lewis: One has to strike a balance between allowing enough time for research results to be known to be valid and recognising that the more time is allowed, the harder it is for the people who may be suffering from the syndrome that the research is trying to establish.

Mr. Kevan Jones (North Durham) (Lab): Does the hon. Gentleman agree that another difficulty with an inquiry would be locating records? The Ministry of Defence has admitted that recordkeeping of what type and combination of vaccines people received before the first Gulf war was non-existent in some cases and poor in others.

Dr. Lewis: I am new to this subject and I thank the hon. Gentleman for that point. It goes back to the issue raised earlier about the where the burden of proof should lie—

Mr. Brazier *indicated assent.*

Mr. Kevan Jones *indicated assent.*

Dr. Lewis: I see that the hon. Gentleman agrees, as does my hon. Friend the Member for Canterbury.

Mr. Caplin: I had not planned to intervene again, but I feel I must do so for the sake of the record. When I gave evidence to the Defence Committee, of which my hon. Friend the Member for North Durham (Mr. Jones) is a distinguished member, on 5 November last year, I made it clear that in the event of failed recordkeeping in relation to pensions or compensation the Ministry of Defence would accept its responsibilities. We have learned the lessons of the failure of recordkeeping in the early 1990s and it is much better today. The hon. Member for New Forest, East (Dr. Lewis) is welcome to visit Chilwell to see the mobilisation process and the recordkeeping for himself.

Dr. Lewis: I thank the Minister for that invitation and either my hon. Friend the Member for Aldershot or I may take it up. My hon. Friend called for an inquiry in response to a written answer in the other place to a question from the Labour peer Lord Morris. The Minister for Defence Procurement, Lord Bach, confirmed that the Government were aware that some of the combinations of vaccination used could cause serious side effects and that vaccinations went ahead despite warnings from the Department of Health and the deputy chief medical officer. That is a serious admission. I do not wish to press it further today, but my colleagues who specialise in such issues may return to it in the future.

Jim Sheridan (West Renfrewshire) (Lab): Does the hon. Gentleman agree that it is wrong that the Government do not fund services for veterans who suffer from mental illness? My constituency includes Erskine hospital, which cares for disabled ex-service people and which my hon. Friend the Minister has kindly visited. That organisation is totally dependent on charity and has received no funding from this Government or the previous Government. Is it right that ex-service people should be dependent on charity in this day and age?

Dr. Lewis: That situation is not confined to veterans with mental health problems. I think of St. Dunstan's, for example, which cares for seriously physically disabled veterans. I once instituted a debate on the denial of lottery money to that organisation. I would say only that the Government cannot be expected to do everything that service charities do so well, but they can be expected to help. Whether sufficient Government help is being given must be examined on the merits of each case.

I was pleased to hear the Minister's remarks about homelessness. It is a grave concern that a high proportion of people out on the streets have an ex-service background. Is that because they were insufficiently looked after in service or when they left the service, or are they people who should not have been selected for the services in the first place? The point has been made that people sometimes join the services to get away from unsatisfactory conditions at home and then after their period of service go back to the very conditions that led them to join up in the first place. That problem cannot be laid at the door of the services, but it must be dealt with in a humane society.

I shall close by relating one more story from world war two. The Minister movingly said that the veterans to whom he spoke told him that the real heroes were the ones who did not come back. Over the years, I have read a number of stories about people who did not come back. Some of those stories are very well known, but there is one that I have never seen except in a book about the George Cross. It is the story of a Royal Air Force chaplain, Herbert Cecil Pugh, who was on a troop carrier, the Anselm. On 5 July 1941, they were on route for west Africa when a submarine managed to penetrate the escorting screen of destroyers and torpedoed the troop ship.

[Dr. Lewis]

The account states:

"When it was clear that the Anselm could only remain afloat for a few more moments Padre Pugh discovered that there were a number of airmen trapped in a damaged part of the ship and all efforts to get them out had failed. He asked if it was possible to lower him to them and was told that it was but that there was not time. If he went down, the chances were that he would never get out again.

The chaplain's reply to this comment was. 'Those men need me. Let me down'."

So, the account continues,

"much against his better judgement, one of the ship's officers lowered the chaplain into the damaged hold.

The scene below was illuminated by a pale shaft of light and, in numbed silence, the officer watched the chaplain as he signalled to a small party of frightened men. They gathered round him and he said some words that the officer could not hear but it was not difficult to guess at their meaning. The chaplain sank to his knees on boards that were already inches deep in water and some of the airmen knelt beside him. Others stood silently in the background. Padre Pugh joined his hands together and lifted his face towards his God and, as the water rose around his body, his lips moved in prayer. The water reached his shoulders and he remained on his knees. Then the stricken ship gave a final lurch and a stunned ship's officer made a last second dive to safety."

I do not know how that affects you, Mr. Deputy Speaker. I first read that story 40 years ago. I find it hard, even now, to read it without emotion.

3.48 pm

Mr. John McWilliam (Blaydon) (Lab): First, I thank my hon. Friend the Minister for his comments about the Blaydon project, which is well appreciated in my constituency. I have been involved with SSAFA over the years and know how well the organisation works with veterans who have problems. It does a valuable job.

That is not the main reason that I rise to speak today, however. I want to speak on a matter that has already been mentioned: the injustice done to the survivors of the Arctic convoys. I am sorry that the Minister regarded the position he set out at Question Time in March as satisfactory. It is not.

When the Arctic convoys went into the Atlantic on the summer route, they went through the Greenland-Iceland gap, turned to starboard and headed for the Arctic ocean, the Norwegian sea and the Barents sea. They could do that only during the very short Arctic summer because the ice had retreated far enough for them to get through. The winter route, which lasted for some nine months of the year, went straight from Scapa into the Norwegian sea, and on to the Arctic ocean and the Barents sea, before ending up at Murmansk, which was less than 30 miles from the German-Finnish front line, or Archangel.

On those routes, the convoys were subject to attack by surface raiders and, when they were further out, long-range bombers; they were also subject to the most atrocious weather conditions imaginable. In February, my hon. Friend the Member for North Durham (Mr. Jones) and I were in north Norway. We spent part of the time in the mountains with 42 Commando and part of the time with the Assault Squadron in a fjord based in a German U-boat pen dug out of the virgin rock by slave labour. On the night that we slept out in a 10-man tent, the temperature outside dropped to minus 30°; inside, it was a relatively modest minus 11° or 12°. But the kit that we were wearing was light years away from anything that was issued to the brave men who served on the convoys. They were not only from the Royal Navy, but the Royal Marines, the merchant marines, and—in the case of the gunners on the merchant ships—the Army.

We are talking about some of the bravest men who served in the second world war. The RAF Hurricat pilots were fired off their ships in a catapult, with no place to land, to take on masses of German aircraft attacking their convoy. Their only hope of survival was to land close enough to a ship to be picked up out of the water in the very few minutes in which they could live in those temperatures. They ended up in Russian army hospitals being looked after by Russian army doctors and nurses. Cruelly injured or suffering from frostbite, their uniforms would be gone, so they would have to wear Russian army uniforms, and they would be subject to attack from German bombing. Yet that service did not count towards the Atlantic medal—they were not allowed to be considered for it.

I have been in correspondence with the Ministry of Defence on this issue for several years, including under previous Governments. My hon. Friend the Minister told me earlier that the award of medals was scrupulously fair. The hon. Member for New Forest, East (Dr. Lewis) observed that the criteria for awarding medals differ, but he did not say by how much. A campaign medal was awarded to those who served for one day in the Mediterranean, Pacific or Burmese waters, whether they were in action or not. They got a medal for sailing gently through the south seas for one day without coming under attack.

The Atlantic Star required six months in the theatre of war, but the men on the Arctic convoys had little chance of achieving that. We have heard the figures already: of 670 ships' companies involved, only six qualified. That does not recognise the sacrifice that those men made. My hon. Friend the Member for Liverpool, West Derby (Mr. Wareing) gave us the figures: 7 per cent. of ships sunk, as against 1 per cent. in the Atlantic—but the figure that he did not give us was the proportion of casualties from each ship sunk. Ships sunk in the the Norwegian sea, the Arctic ocean or the Barents sea would have virtually 100 per cent. casualties, whereas in the Atlantic there would be far fewer.

I do not need to explain further the heroism and fortitude that those men displayed. I have no need to say anything more about their individual qualities—but in this week when we remember the Normandy landings, I have to say something about what they achieved. Had they not served on those convoys, protected them and resupplied Russia, the Normandy landings would not have happened when they did. Indeed, if Germany had conquered Russia, the former Speaker of the House might have been right to say that we would not be enjoying the democratic freedoms that we enjoy in the House, in this country and in Europe today.

Those men made a vast contribution, out of all proportion to the numbers involved—so why did they not get the medal in the first place? The hon. Member for New Forest, East was right: it was simply because they were resupplying the Soviet Union, and immediately the war ended the Soviet Union became not just our

tentative enemy but our absolute enemy. Almost throughout my life, the Soviet Union was the enemy of this country and of the west.

That must have been terribly embarrassing for those officials at the time. Could we possibly give a medal to people who had resupplied our enemy? They forgot the fact that had it not been for the bravery and the losses that the red army suffered, if it had not been for the losses and the bravery of the civil population, D-day would not have happened.

I was privileged to see the mass graves in what was then Leningrad, but is now St. Petersburg, with colleagues from both sides of the House on a private visit some years ago. I was amazed. There was a tiny museum, and in it we saw what the bread ration for the civil population was for the 900 days of the siege—a siege that was lifted only because of the supply delivered through Murmansk and Archangel. The bread ration was the size of a packet of 20 cigarettes, and half of that was sawdust. Thousands and thousands of people were in those graves; an appalling sacrifice was made.

The fact that we did not agree with the Russians' politics, or with what they wanted to do to us, is not a good enough reason for not recognising the contribution that people made—but it was inconvenient for the establishment of the day to recognise it.

The civil service works on precedent. I have been a civil servant, and I know that—but precedent is of value only if there has been no significant change in circumstances. The Minister was proud to announce the award of the Suez campaign medal for the 1951–54 campaign. However, there was no significant change in the circumstances that prevailed between us, Egypt and the Suez canal zone between 1951 and 1954. There was no significant change in the circumstances between our country and Japan after 1946 when we decided—eventually and properly—to award payments to Japanese prisoners of war. However, there has been an enormously significant change in the circumstances between our country and Russia since 1946.

In my desk drawer, I have one of the last British military government of Berlin passes ever issued, which I got because the Defence Committee visited Berlin immediately after the collapse of East Germany. The Foreign Office did not know what sort of reception we would get, so rather than chance us going through the checkpoints with our passports, it issued us with government passes. It was unbelievable to walk down the Unter den Linden, which is in eastern Berlin, and to see the bullet holes that had been left in the wall to commemorate the Russians taking the city. I did that on a lovely May day with my jacket slung over my shoulder as I went to visit the British delegation. No one in a black leather jacket followed me, tried to tap my conversations or eavesdrop. It was amazing to see people going about their daily business and the lines of Trabants queuing to fill up to avoid increased petrol costs due to currency unification. It was amazing to see the President of Russia at the D-day ceremony last weekend, although it was right for him to be there. It is also amazing to see the role that Russia is now playing in world affairs, not least at the UN yesterday. It is time to stop the nonsense and the silly things that have been going on.

The leader of the Arctic convoy veterans, Commander Grenfell, received a letter from a civil servant, Mr. Sinfield, the head of DS Secretary (Secretariat), dated 9 October 2002. It says:

"Dr Moonie did not tell Mr McWilliam that, if appropriate, he would make a recommendation to the"

Committee on the Grant of Honours, Decorations and Medals

"to fully consider the request."

Of course, that is a Cabinet Sub-Committee rather than a committee of the Ministry of Defence or the Foreign Office. The letter continues:

"He said that, if a request were forthcoming, such a recommendation would be made. I should emphasise that the recommendation referred to is to consider the request, not to make a particular decision either way. It would be for the FCO to refer the matter to the HD Committee."

That would have been all right, but on 11 September 2002 my hon. Friend the Member for Ynys Môn (Albert Owen) received a letter from my hon. Friend the Member for North Warwickshire (Mr. O'Brien), who was then a Minister at the Foreign Office. The letter said:

"However, the Foreign and Commonwealth Office would support the issue of such medals to the Arctic convoy veterans and is recommending to the MOD that an exception to these rules should be made".

There is a complete bureaucratic muddle. If the then Minister could make such a request, why did he make it to the Ministry of Defence rather than the Cabinet Sub-Committee? Why did he submit it to the MOD, with which we are having the argument? That is like having a fight with the wife and asking one's mother-in-law to adjudicate—it is silly.

What is going on? It cannot be the cost, which must be minute compared with that for the Suez medal because so few of the men are still alive. The veterans' calculation is £670,000.

Mr. Hancock: The hon. Gentleman is slightly mistaken about the cost. I believe that that applies to the Ministry of Defence, too—its estimate was £14 million, which is staggering and unbelievable. The hon. Gentleman is right to pursue the lack of joined-up government. The figures should be questioned.

Mr. McWilliam: The sum of £14 million was mentioned to the veterans but the medal manufacturers reckoned that the cost would be approximately £670,000. If the hon. Gentleman wants to add a few thousand pounds for administration, that is fine.

I want to underline my point about the politics of the matter, which the hon. Member for New Forest, East also mentioned. I received a letter from the then Minister, my hon. Friend the Member for Kirkcaldy (Dr. Moonie) in August 2002. It states:

"An approach was made by the Russian authorities in the early 1980s when their 40th Anniversary of Victory in the Great Patriotic War Medal (also known more commonly as the Russian Convoy Medal) was offered to British ex-Servicemen by the Russian authorities. Originally instituted in 1985 and offered to British veterans shortly afterwards, permission was not granted for it to be accepted and worn at that time. Some years later, further official approaches by the Russians to the British Government through the Foreign and Commonwealth Office were reconsidered. In 1994, the Queen"—

[Mr. McWilliam]

I am quoting from a letter; otherwise I would not use that expression—

"granted permission for this medal to be accepted and worn by eligible British citizens. This was considered acceptable in the light of changed circumstances in Russia since the medal was first issued".

We therefore have it from the Ministry of Defence that there was a significant change in circumstances. There has been enough pussyfooting. Let us honour those brave men, recognise their sacrifice and huge contribution to victory in the second world war, and give them their campaign star.

4.7 pm

Mr. Mike Hancock (Portsmouth, South) (LD): Let me take hon. Members back to the beginning of this afternoon's debate and the Minister's rightly long introduction about the celebrations to commemorate the 60th anniversary of D-day. As someone who was heavily involved in the 50th anniversary celebrations in this country and in France, I felt that, once again, both sides of the channel had done justice to the veterans. I was therefore sad that the Minister chose not to acknowledge the huge commitment—financially and in hospitality—that the people of the city of Caen, the region of Normandy and the French Government offered to the veterans, their families and others who crossed the channel. It was a mistake that the Minister chose not to thank them for the enormous amount of work that went in to making the celebration and the commemoration such a meaningful event.

I know from personal experience of working with the governments of the city of Caen and of Lower Normandy for the 50th anniversary and, to some extent, on the celebrations on this side of the channel for the 60th anniversary, about the amazing amount of work that goes into ensuring that things move smoothly and swiftly. Wherever possible, every effort was made to accommodate the needs of the veterans. It is to the veterans' credit that they rightly acknowledge the hospitality and the warmth of the welcome that they receive every time that they go to Normandy. The people of France, especially in Normandy, have never forgotten the debt that they owe. They witness it every day along the streets and the byways in the countryside of Normandy when they pass the allied graves, which are sadly so numerous.

Mr. Caplin: In my day in France on Friday, I took the opportunity to thank the various mayors and the prefecture of the Lower Normandy region for their help and support. Indeed, in the meeting with the French Minister for veterans, I made clear on behalf of Her Majesty's Government our thanks for the help that we had received from the French Government during the preparations for that weekend.

Having done that in France, I felt that I should reflect more this afternoon on the actions of our own United Kingdom staff, including members of our armed forces.

Mr. Hancock: I thank the Minister for his comments. It is right and proper that that was done, and I was sure that it would have been done, if not by him then by the Prime Minister. I am delighted that the Minister has now put the record straight in the House. I would also like to take this opportunity to thank the people of my own city, who did a great deal, over three days, to offer hospitality, good will and all possible assistance to the veterans. Close on 50,000 people took part in the various activities last weekend in and around the city of Portsmouth, and we are mighty proud of our continuing association with the Normandy veterans and of the rightful recognition that people on both sides of the channel give them.

It is not often that we are privileged enough to have four real heroes in our presence, but we have that privilege today. Four members of the Arctic convoy campaign group—Eddie Grenfell, Dave Nash, John Hobbs and Frank Sanders, all from the Portsmouth area—have come to the House today to listen to this debate. They travelled here in the optimistic hope that there would be a change of heart on the part of the Government. They have been campaigning for many years, and their ages add up to well over 300 years. Their service to the nation in the Royal Navy in various forms ranges from six to more than 30 years' commitment. All of them gave valiant service, such as that described by the hon. Member for Blaydon (Mr. McWilliam), in the Arctic convoy campaigns, and several of them made more than one trip.

Many of the Royal Navy veterans whom the Minister met on the beaches at Arromanches last weekend were sailors who wore the Atlantic Star with pride. However, they were unable to wear with pride the medal that they should have received for the part that they played in the Arctic convoys. Instead, many of them wore with amazing pride the medal presented to them by the Russian Government. How right the hon. Member for Blaydon was to expose the shabby and shameless way in which those people have been treated. At first, the Government even resisted giving the men permission to wear the medal that the Russian people wanted them to have, but then allowed them to wear it when circumstances changed. That is the case here, is it not? Circumstances have changed. Perhaps only one or two Members here today will be able to remember a time when Russia was not perceived as the No. 1 enemy of this nation, but things have moved on. That is the only possible reason why those men were denied the justice and recognition that they deserved in 1946. There is no excuse for allowing this situation to continue.

I said in an intervention earlier that this matter was not an example of joined-up government. The hon. Member for Blaydon pointed out that one Department, the Foreign Office, advocated the award of that medal. I must also mention two senior members of the Government: the Home Secretary and the Chairman of the Labour party—also a Cabinet Minister. I should like to quote the Chairman of the Labour party, who visited my constituency recently in an effort to boost Labour's chances in the European elections. He said that he understood the merits of this case, and that Arctic veterans were fully deserving of this recognition. He stated:

"Following my visit to Portsmouth, I will take this matter up with the defence secretary."

How can the present situation be right, when Members on both sides of the House, including the Leader of the Opposition, the leader of my party and two members of

Her Majesty's Cabinet, support the justice of this case? A number of Labour Members have pointed to the justice of those men's case and said that the medal should be awarded.

Bob Russell: Does my hon. Friend recall that there was a similar obstruction to the Suez canal zone medal? Could quite simply the four worthy heroes not resolve this matter by seeking an audience with the Prime Minister? Quite clearly, he is the one who gave the go-ahead for the Suez medal.

Mr. Hancock: How I wish that it were so easy to arrange. I went with the Arctic veterans, along with two other Members of the House, to Downing street. What did we get? We got as far as the front door, which was enough to hand over a petition signed by 44,000 people and supported by my local newspaper, *The News*, which has led this campaign for justice.

How nice it would have been if a Minister had agreed to meet those veterans. It would have been nice if the Minister had met them in this country in his office. He met some of them when he shook hands on the beaches in France, but they were not offered hospitality when they asked for a meeting with a Minister two years ago and again last year.

I plead with the Minister not to sit back and rely on the answers given in previous debates. This is a simple request from people who put their lives on the line and who deserve the justice that the House knows they deserve. The only people saying no to them—I am sure he is not saying no—are bureaucrats who have forgotten the plot when it comes to honouring the heroes of this country. It is not too late to say, "We made a mistake and let's do it. Things have changed."

While we are discussing medals, I want to ask the Minister to give a firm assurance that every effort will be made to speed up the process of issuing the Suez medal. He was quick to say that the Prime Minister overturned the original decision, but it took a long time for him to have that change of heart. Time and again, Members of the House pleaded with Departments of State to do something to recognise the Suez campaign and the efforts of the men and women who took part in it. Like them, I am disappointed.

I was told as recently as yesterday that one of the reasons for the delay is the insufficiency of people who can properly engrave the medals. That is the excuse, but surely those people who have waited 50 years for this recognition should not have to wait another two years for the medal that is due to them. I hope we can make progress.

Bob Russell: Will my hon. Friend confirm that the vast majority of the men who served in the Suez canal zone were national servicemen? They were conscripted into the Army and sent there; they were not volunteers. If they have to wait upwards of another two years, they will have had to wait longer for the medal than they served in the Army.

Mr. Hancock: Once again, my hon. Friend is absolutely right. It is a great pity that we do not treat these issues with the speed and importance that they deserve. The decision was taken, so all the stops should be pulled out to ensure that those medals are issued quickly.

Mr. Luff: I think I am right in saying that Gosport is in the hon. Gentleman's constituency.

Mr. Hancock: No.

Mr. Luff: I beg his pardon. The Government's contribution to speeding up the issuing of the Suez canal zone medal is to close the Army medal office and the two medal offices in Gosport, risking the loss of all that expertise. Those men and women are anxious to deliver the medal punctually, but they will all be lost to the service.

Mr. Hancock: I agree with the hon. Gentleman entirely. It is a great pity that there is not greater recognition and understanding of the efforts of the men and women in those departments. Should not they at least be kept on for the next three years, as he suggests? I am sure that there will be a change in relation to the Arctic medal. In the end, the moral case will prevail and the Minister will come to the House to say, "The Prime Minister has had a change of heart."

The only alternative is for all those veterans and their families to vote Tory, because the Tories have said that if they come to office they will issue the medal.

People should not have to do that. It should not be an issue in relation to people voting Tory, but they have an incentive to do so. We would support it because of the justice of the case, and we do not need to be in government to recognise that. Had we been in government, the veterans would have had the medal in 1946. If we were in government today, they would not have to campaign. We will support whoever decides to give the medal, because it will be the right decision.

I want to speak about some other issues, which the Minister touched on without going into specifics. I am delighted that a Minister from the Department of Health will wind up the debate, because one of the biggest issues facing veterans and their families at present is Gulf war syndrome. I want to read out a letter from a Gulf war veteran, with whom I have been working for the last three and a half years and with whom I must have corresponded 100 times. He wrote to me on 1 May:

"I am writing to . . . inform you, that I have as from the 01 May 2004 . . . endured myself upon a hunger strike. This is a last desperate attempt upon my behalf in trying to force the Ministry of Defence to tell the truth regarding my suffered illness of Gulf War Syndrome.

Not only have I thought about my actions for some months . . . I have deliberately chosen the 01 May 2004 due to the fact that it is my 34 birthday. I am somewhat saddened, more so heart broken that the country I once loved has abandoned me and driven me, more so my desperation for recognition of my condition to such drastic measures."

That is from Alexander Izett. He featured on the "Today" programme yesterday, because his health has deteriorated considerably. He is close to having to be taken to hospital, and recently signed papers refusing any sort of medical treatment. As a young soldier of 20-odd years, he went to take part in the first Gulf war. He was given a cocktail of injections, and the MOD cannot

[Mr. Hancock]

tell him what they were. He is convinced that the illness that prevailed a few weeks after his service in the Gulf was completed has wrecked not only his life but his family's life. He is not taking this action for himself, however. He is doing it for his generation of servicemen who took part in the first Gulf war and for their families. Some of those have already died and some have suffered unimaginable pain and suffering.

I hope that the Government will do something to recognise Mr. Izett's case. They are not ignorant of it—I have written several times to several Ministers about the case, and they have written back to me as recently as 19 May. Many other Members of the House are actively involved in the campaign. If we are to tackle the issue of veterans and their problems, we must treat the individual case as well as glad-handing the majority of people.

Mr. Brazier: I am grateful to the hon. Gentleman for making such a powerful case. Does he agree that the Royal British Legion is right to point to Gulf war syndrome as a particularly striking example of how raising the burden of proof in compensation claims would make a mockery of the hopes of such people?

Mr. Hancock: The hon. Gentleman knows that he has my fullest support. On an individual basis, I would think that the majority of Members of the House are fully behind him. The shifting of the burden of proof is a serious mistake that does nothing for the veterans' cause, and it should have been the No. 1 goal of any Minister responsible for veterans not to get that through the House. He should have rejected it and recommended refusal to Members of the House. He lost a great opportunity in that regard. Of course, it will make the plight of Alexander Izett and other such people much more difficult.

Let me give another example of how individuals and families are affected. The Minister mentioned this, but did not go into detail. A young soldier from the Portsmouth area was killed in Bosnia. Simon Jeans is the name, a name that has appeared in many newspapers because for many years Simon's father Terry has campaigned in an attempt to bring the culprits—those responsible for his son's murder—to justice.

Because Simon was married at the time of his death and his German-born wife was his next of kin, the MOD does not support his father's request to be at the trial and witness the final chapter in this sad saga of the taking of a young soldier's life in such tragic circumstances. His father cannot have the satisfaction of closure. The cost would probably have been less than £2,000, yet the MOD, the Secretary of State and the Prime Minister have refused to budge and to give Mr. Jeans that satisfaction. They have continually used the fact that he was not the next of kin. Simon's former wife has remarried and moved on: she has been able to have closure, but his father has not. If, as the Minister suggested, we truly reflect when dealing with veterans' affairs a duty of care not just to veterans but to their families, surely Mr. Jeans is entitled to that duty of care, and we should do all that we can to help him go to Croatia to see the end of the case.

Another injustice, which has continued for more than 50 years, is shown in the case of the nuclear test veterans. I saw that group of veterans in their blazers in Portsmouth at Sunday's remembrance service, and I saw the television coverage. They are Normandy veterans and nuclear test veterans. Where is the Minister's concern for their plight? How sad it is that Labour Ministers have simply followed the same line as their Conservative predecessors, and ignored those men's claims relating to the enormous risks that they were put through in the name of military technology and developments in the 1950s and 1960s. Once again it is "out of sight, out of mind"—but those men are not out of sight and out of mind to their families, who see them deteriorating daily because of the effects of those nuclear tests.

Men and women who have served in our armed forces and our naval bases die each week from asbestos-related conditions. How nice it would have been if the veterans Minister had come here today and said, "I will allocate Ministry of Defence money to supporting those suffering from proven asbestos-related conditions and their families."

Let us suppose that the only occupation of a worker in a naval dockyard from the age of 15 to the age of 50 is as a lagger, cutting asbestos from pipes or lagging them with it. The chances of his contracting an asbestos-related illness in any other way will be pretty remote. The MOD, however, does not accept that all such cases are connected with work that people have done for it. It continually battles with individuals who seek justice. Time and again, coroners reporting on the sad deaths of such men and women reflect on the need for the Government to get a grip and not just support families after their loved ones are dead, but help people have a better life while they are living. A veterans Minister with any credibility would do just that.

Many Members have mentioned the Chinook crash on the Mull of Kintyre, and I do not want to add much to what they have said; but I am disappointed that the Minister and the MOD have again denied justice to those two pilots and their families. I think it was all too easy to leave the blame there, but things have changed now. If that accident happened today, the pilots would not be held responsible.

How can it be right that memories of those two men should be scarred in that way? How right it would have been if the veterans Minister, who has a duty of care not only to the living but to the memory of the dead, had said today, "We shall look at it again and reverse that decision." A former Prime Minister has said that he was wrong. For goodness sake, surely the House owes it to those men, to their memory and, most of all, to their families to get it right.

Mr. Dalyell: Is not part of the problem, albeit only part of it, that the officials who took the original decisions have either been promoted or have retired? The present officials must look at documents from the past, rather than exercise a judgment. Of course, it has now come to light that the officials of the time appear—we cannot know the detail but it goes back to Lord Jauncey—not to have been entirely frank with the then Secretary of State, Malcolm Rifkind.

Mr. Hancock: I agree entirely. The Father of the House has desperately tried time and again to get

recognition of that point. The former Secretary of State for Defence has made it clear that he got it wrong and that, had he been aware of the information that is available now, he would have overruled that decision. He has had the courage to say that. It is not often that politicians have the courage to say that they got it wrong.

The hon. Gentleman is correct to say that the officials have either retired or been promoted. The Secretary of State should have the courage to say, "I shall not allow that mistake to continue. As the democratically elected principal head of the MOD, I will overturn that decision." That is what the public expect him to do, irrespective of the points made by bureaucrats or former air marshals about the merits of the case. The Secretary of State must know that there is a compelling case to which he should respond.

This debate has been useful. The Minister got plaudits from hon. Members on both sides of the House. They were well deserved for this weekend's performance probably, but I am not as generous as those who say that he is the best veterans Minister that we have ever had. We have only had two and the first one was a slightly difficult character to do business with. We should leave it at that. Nevertheless, he was a fair person.

I hope that, when he leaves office, the Minister will have the feeling that the House and veterans in the wider community are congratulating him not on the organisation of a commemorative event, important though that is, but on his commitment to veterans as individuals and to their families; on his commitment to natural justice, whether it is the award of a medal or proper compensation for accident or injury; and on his commitment that their families will be properly taken care of and their housing needs met.

It is a national scandal that the MOD still controls empty houses while ex-servicemen struggle to find somewhere to live in the same area. It is not just about Addington Homes; it is about how the MOD handles the housing issue. It needs to be more understanding and generous to its personnel and their families, because it has a duty of care to those inside and outside the service.

If, when the Minister leaves office, veterans queue up to pat him on the back and say, "Thank you; as an individual, you did a great service to the veterans' cause," I will have been wrong this afternoon and hon. Members who praised him will have been right. But I fear that we have a long way to go before the majority of veterans say that.

4.34 pm

Mr. Robert N. Wareing (Liverpool, West Derby) (Lab): There is no doubt that one of the greatest stories of the second world war is that of the role played by the Merchant Navy, which suffered 30,189 deaths, 4,402 wounded and 5,264 missing. I offer no apology for returning to the subject raised time and again in this debate, of the worst test of the Merchant Navy's courage in having to suffer the hazards of the Arctic convoy route. There was the continual strain not only of the blizzards, ice and snow but of the relentless air and underwater menace. My hon. Friend the Member for Blaydon (Mr. McWilliam) spelled out what that meant.

These men sailed in snowstorms, often in semi-darkness, as in that part of the world it can be pitch black for 24 hours, in sub-zero temperatures, sometimes as low as minus 40, and often with the spray from near misses from enemy bombs hitting the deck as ice. The 1941–45 Arctic campaign involved taking supplies of weapons, food, fuel and other resources to aid the red army in its courageous fight against the Nazis, which saved us. As has been said, without their bravery, D-day would have been impossible. Imagine what would have happened had the Soviet Union succumbed to the Nazi onslaught. I was struck by what the hon. Member for New Forest, East (Dr. Lewis) said about his discussion with Betty Boothroyd, who said that she thought she would not have survived the second world war had the Russians succumbed.

When I look around the Chamber, I ask myself how many chaps, like me, actually lived through the second world war. I do not think that there are more than one or two. I lived for 14 months, in the period between the fall of France and the invasion of the Soviet Union on 22 June 1941, night after night in an air raid shelter at the bottom of the garden. Liverpool, like London, was constantly blitzed.

Mr. McWilliam: I must have been the only baby who was evacuated to London. I was taken to London by my parents in 1942, when my father was sent to repair bomb damage to main cables, and I lived not far from Battersea power station, which was a major target.

Mr. Wareing: I have never heard of anyone being evacuated to London—clearly, someone had it in for my hon. Friend.

I lived on the wrong side of the ring road in Liverpool, beyond which one did not get evacuated, so I remained throughout the Blitz. The worst part was in the first eight days of May 1941, when we were bombed for eight consecutive nights.

I can remember more about those eight nights than I can about any eight nights in just the past week or so.

Such was the importance of the contribution of the red army that once the Nazis had turned their onslaught against the Soviet Union, our lives became much easier. Yes, there were some air raid warnings from time to time—the last was as late as December 1944, when it was feared that a V1 might come towards Merseyside. We were fortunate in that regard; it was the poor people of London who suffered from the V1s and V2s. They bore the brunt of that. But from the time when the Nazis turned their forces eastwards, our lives became easier. This might be difficult to appreciate now, but people in Liverpool used continually to say, "Thank God for the red army!" I grew up with the feeling that we owed it a debt. Indeed, I remember going to the cinema and seeing Lord Beaverbrook speak in Trafalgar square. Not many Tory politicians actually speak in Trafalgar square, but he did. I remember him saying that we must never forget the debt that we owed to the red army and to the Russian people.

My hon. Friend the Member for Blaydon referred to the siege of Leningrad, and it was that sort of heroism that carried Russia through the war and saved us. Of course, the Russians did not do that on their own. They depended to a considerable extent on the assistance that our people were giving through the Arctic convoys. I am pleased that the Portsmouth edition of *The News* took up the cudgels on behalf of the "Last Chance for

[Mr. Wareing]

Justice" campaign, because Portsmouth is the home of the Royal Navy. However, the people who sailed in the convoys were not only of the Royal Navy, and they did not come only from Portsmouth. I have a list of people from Liverpool who are still alive today and who served in the Royal Navy and the mercantile marine in those convoys, throughout that period.

Mr. McWilliam: I hesitate to interrupt my hon. Friend on such an important point, but is he aware that the difference between the mercantile marine and the Royal Navy at the time was that when a merchant ship went down, the crew's pay ceased immediately? Their families had nothing to rely on, and if a sailor ended up in a Russian hospital for six or eight months, there was nothing.

Mr. Wareing: I appreciate what my hon. Friend says. Of course, that time in hospital was not taken into account for any medal whatever—it would not even have qualified towards the Atlantic star, which those people were offered.

Throughout that time, the convoys sailed again and again with more than 3.5 million tonnes of war material to Murmansk and Archangel, while the red army, to use Winston Churchill's words, was

"tearing the guts out of the Nazi war machine".

Yet despite the valour of our seamen in the Arctic convoy campaign, they are still refused the reward that they originally deserved. Reference has been made to the Russians showing their admiration of our seamen for their sacrifices by awarding them a commemoration medal. I was pleased to meet, with the hon. Member for Portsmouth, South (Mr. Hancock), some of those veterans outside this place. The Russian medals that they were wearing were very distinctive, because Russian medal ribbons are rather different from those that we produce in Britain. Those veterans were wearing the medals very proudly. I am sure that they would be even prouder to be able to say that they had been honoured by their own country, but our country denies them that honour.

Explanation has already been given as to why the Atlantic star could be awarded only to the crews of some half dozen ships of the 670 that sailed in the Arctic waters. Many of the young people who served in the Merchant Navy in those horrendous conditions—we should remember that in those days, the school leaving age was 14—would have been 15 or 16.

I wonder whether any other Members have experienced the winds that blow in the north cape. I was fortunate enough to spend part of a holiday there during a parliamentary recess, when there was constant daylight. The winds take one's breath away, even in mid-summer. Imagine what those winds are like in the middle of winter, with temperatures of minus 40°.

Apart from the severe winter conditions, the Arctic convoys faced constant harassment from enemy bases in occupied Norway. In addition to its bombs and torpedoes, the Luftwaffe dropped mines ahead of the convoys. There was the constant danger of the big ships, such as the Tirpitz, coming out of Norwegian ports to overwhelm all but the heaviest escorts. For example, on 2 July 1942, 38 merchant ships were attacked by the Tirpitz, and by aircraft and U-boats, in the area between the north cape and Spitzbergen. Some 829 British and allied Merchant seamen lost their lives on that route. Forty-one convoys went into Murmansk and Archangel with supplies. They were never more than 300 miles away from an enemy coastline studded with bomber bases. Only in that area could that be said of any convoy route.

Some 792 ships sailed outward and 62—7.8 per cent.—were lost. Some 739 ships sailed home and 28—3.8 per cent.—were lost. As I pointed out in an intervention on the hon. Member for New Forest, East, in the Atlantic, on the other hand, fewer than 1 per cent. of ships were lost. I am not belittling the battle of the Atlantic, and perhaps the hon. Gentleman misunderstood me earlier in this regard. Indeed, the battle headquarters was in Liverpool, so I by no means dishonour the memory of those who served in it. But there was a real difference, as I hope my explanation shows.

On the Arctic run, the Royal Navy lost two cruisers, six destroyers, three corvettes, three minesweepers and 1,840 men. Thirty per cent. of one convoy that sailed past the north cape was lost to U-boats and enemy aircraft. Charles Jarman, the then Secretary of the National Union of Seamen, told of an Arctic convoy of 40 ships, only three of which reached Murmansk.

Veterans have fought for their rights for decades, as we know. The "Last Chance for Justice" campaign was launched on 5 January and has been promoted by Portsmouth's *The News*. My own local press would support that campaign completely.

So far, however, there has been no positive response from the Government. If he had been allowed to get away with it, the Minister would have ignored the problem completely this afternoon. It was only when the matter was raised in this place that any consideration was given to this particular scandal—the lack of support for decent people who were willing to give their all, as some did, for the freedom of this country and the world. The cost of £14 million was mentioned, with others arguing that it could be only £0.5 million. I say, so what? My God, we spend more than that on this building every summer on work that often does not really need to be done. We could find £14 million quite easily.

The Government might ask for a little bit longer and then say that it all happened more than 50 or 60 years ago and the people involved are dying. Perhaps they would like to wait still longer for more people to die so that there would no longer be a campaign. If that is the Government's attitude, I think that it is disgusting.

Mr. Hancock: The hon. Gentleman is making a very important point. There are currently just about 2,000 survivors left out of the tens of thousands—I believe that there were about 30,000 crew members—who served on those ships. We are running short of time to secure justice for those people, but the story will not end when the last one is dead, because their families will continue the fight, as will hon. Members in the House.

Mr. Wareing: May I say that they would be quite right to do so? I would remind the Government, in case they think that time will somehow see the problem disappear,

of what happened in 1853. Queen Victoria awarded a Royal Navy campaign medal, 38 years after Napoleon's final defeat at the battle of Waterloo. We should bear in mind the fact that life expectancy today is far greater than it was in 1853. My hope is that many of the 2,000 people to whom the hon. Member for Portsmouth, South referred will remain alive for many more years to come. [HON. MEMBERS: "Hear, hear."] I hope that, before they depart from this planet, they will enjoy recognition by their country.

I suspect that it is not all simply the Minister's fault. I suspect that civil servants in the Humphrey style are saying that this is not the sort of thing that we usually do. *[Interruption.]* Sir Humphrey—yes, we must give him his rightful honour, and he probably had his medal as well. There is a typical Sir Humphrey style and I can imagine civil servants telling the Minister that it is not the sort of thing that the Department does, that it all happened a long time ago, that precedent has to be considered, and so on and so forth.

I certainly hope that the Minister is in command of his Department. It is always useful for anyone who is to be a Minister and serve in a Government to read chapter 14 of Anthony Sampson's "Anatomy of Britain". He says that there are two types of Minister: the Minister who controls his Department, and the Minister who is controlled by his Department. I would like to think that the Minister in charge at the moment is one of the former rather than the latter Ministers. *[Interruption.]*

Dr. Julian Lewis *rose—*

Mr. Luff *rose—*

Mr. Brazier *rose—*

Sir Sydney Chapman (Chipping Barnet) (Con) *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. Can we establish what the hon. Gentleman is doing?

Mr. Wareing: I am giving way to the hon. Member for New Forest, East.

Dr. Lewis: Briefly, Portsmouth's *The News* was particularly upset about the fact that the Prime Minister promised that he would personally look into the matter and review it, but the review was carried out in the Ministry of Defence by the same two civil servants who were advising Ministers to say no all along. This time round, Ministers, if not the Prime Minister, should look into the matter personally.

Mr. Wareing: I completely agree. A petition of 44,000 signatures was submitted to 10 Downing street about two weeks ago. The Prime Minister has indicated that he is willing to look at it, and I hope that he does so. His position is very difficult, but the matter is worth looking at.

Mr. Hancock: I do not want the hon. Gentleman to misinform the House, as the Prime Minister said no to that further review. He did not say yes, but that he would stick by the decision that had been taken. That is the great sadness.

Mr. Wareing: I was under the impression that the Prime Minister was giving the matter some consideration. However, so many representations have been made from hon. Members of all parties in this debate that it is clear that the issue arouses strong feelings. When he replies to the debate, I hope that my hon. Friend the Under-Secretary of State for Health will say that he will take the matter on board. I know that he may not be able to promise anything today, but we are asking that the people involved receive the consideration that they deserve. The Arctic convoys helped the Russians to help us. If there had been a collapse in the east, D-day would never have happened.

My hon. Friend the Minister, who opened the debate, referred to the document prepared by his Department for hon. Members. I was pleased by that reference, as it is a very useful piece of work. I am glad that further such documents will be produced, on other issues. I note that the Minister begins his foreword to the document by quoting the words of Winston Churchill, who said:

"A nation that forgets its past has no future."

How right Churchill was.

4.57 pm

Sir Sydney Chapman (Chipping Barnet) (Con): It is a pleasure to follow the hon. Member for Liverpool, West Derby (Mr. Wareing). I welcome this debate very much, and it may help the hon. Gentleman, and the House, to know that I am a Tory who has spoken on a number of occasions in Trafalgar square. However, I remain an ambitious politician, and do not want my side to know on which occasions I did so.

The hon. Member for Liverpool, West Derby said that there were two sorts of Minister—those in control of their Departments, and those not—but I was a Minister for six and a half years and I had no Department at all. That must have reflected a certain lack of confidence in my skills, whatever they might have been. Finally—and I say this with some trepidation—I am a Member of Parliament who was born well before world war two broke out.

I counted it a great honour to be invited to be an official guest at last Sunday's commemorative events in Normandy. I have made some calculations about who attended. Four Ministers were there, including the Prime Minister and—quite properly—the Minister with responsibility for veterans' affairs, the hon. Member for Hove (Mr. Caplin). My right hon. and learned Friend the Leader of the Opposition was there, as were the shadow Secretary of State for Defence, the leader of the Liberal Democrats and that party's defence spokesman, the hon. Member for Hereford (Mr. Keetch). Also present were the Chairman of the Select Committee on Defence—and me.

I did not know whether the Government made a mistake in inviting me, although mistakes are well known in ministerial circles. Perhaps they thought I was a Normandy veteran, but I hope that the reason for my invitation was that I instituted a debate on dealing with the commemorative aspects of the 60th anniversary celebrations of the D-day landings. I am very grateful for having the opportunity to go there.

I have come to praise the Minister who opened the debate. I shall not spare his blushes, as I believe that there has been a change in Government policy.

There was, as the Minister will know, a debate in Westminster Hall on 11 November last, when he ruled out providing monetary assistance for D-day veterans. He said:

[Sir Sydney Chapman]

"It has also been suggested that the Government could provide financial assistance to veterans for their transport and accommodation expenses. It would not be possible—neither would it be fair—to be seen to provide assistance for one anniversary or group of veterans and not another."—[*Official Report, Westminster Hall*, 11 November 2003; Vol. 413, c. 29–30WH.]

However, in my Adjournment debate, he was able to say that

"direct financial assistance is now available through the New Opportunities Fund"—[*Official Report, Westminster Hall*, 25 February 2004; Vol. 418, c. 94WH.]

I applaud the Minister for that change of heart. He gives a good name to doing a U-turn. He changed his mind not out of any defensiveness or weakness, but to show magnanimity, and I applaud him for that.

The Heroes Return Fund was launched on 9 February to provide travel cost assistance to people going to commemorate the 60th anniversary of D-day and visiting other countries where veterans served in the second world war. I also welcome the introduction of the free passports for those aged 75 and over. I also welcome the Veterans Reunited programme, through which children have the chance to join veterans in commemorating events. I applaud the Government for those initiatives and I hope that both sides of the House will join me in doing so.

I was deeply moved when I attended three particular events last Sunday. It was a long day for me, although I have no doubt that for the people involved 60 years before it was the longest day of their lives. The service in Bayeux cemetery was attended by Her Majesty the Queen and President Chirac of France. As I went through the entrance, I passed some gravestones. The first gave a name and continued:

"Died 6 June 1944, aged 20".

The next one gave an age of 18. Those gravestones brought home to me the tragedy of what happened as well as the glory of the dedication and service given by our troops.

Then we moved on, as the Minister will know, to the international gathering on the hilltop at Arromanches, attended by 17 heads of state, including Her Majesty the Queen, President Chirac, President Bush and President Putin. I was delighted to see that Herr Schröder, the Chancellor of Germany, was also present. The third event was the UK-only—if I may put it that way—event in Arromanches town square, facing the beach, at which Her Majesty the Queen reviewed the 800 or so veterans as they marched past. That was a hugely moving occasion.

I also had the opportunity during the day to meet some Barnet members of the Normandy Veterans Association, including the chairman of the north London branch, Mr. Terry Burton. I am proud to have such people as my constituents, as we all are. We have deep gratitude for the sacrifices made by so many people. As Her Majesty the Queen said, there are 22,000 Commonwealth graves in Normandy alone.

I would like to quote something that I felt compelled to write after the event.

"One of the most pleasing aspects of the celebrations was the perception of the younger generations. I believe that the 60th anniversary celebrations have awakened their interest, and that they properly appreciate the huge sacrifices made for their liberty. They will also realise the full ghastliness of war and the futility of wasted lives. This must give us extra resolve to avoid war if we possibly can, but at the same time, this anniversary shows that there are times when we must stand up against tyranny.

Though this will probably be the last major celebration in Normandy, we must continue, through the services that will be held in our own country, to remember those who fought for our country. The sacrifices made by the thousands of men and women who fought in Normandy mean Britain and Europe continue to enjoy freedom from tyranny."

I welcome the appointment of a Minister for veterans' affairs and the initiatives taken so far. They are only a start but the Government have made a good move. I welcome, too, the Public Accounts Committee's call for speedier pension pay-outs for war veterans, and the idea of lapel badges. They will be a source of pride for the many veterans who want to wear them and will, in time, give greater public recognition; if only inquisitively, some younger people may ask, "What is that badge?"

I want to comment briefly on some topical issues. The first is the Armed Forces (Pensions and Compensation) Bill. I do not want to revisit all the arguments, but I ask the Government to consider three points. The first is the deadline for pension applications regarding disabilities attributable to service in the armed forces. I am critical of the proposal to reduce the period from seven years after leaving the service to five years from the incident. Will the Government think again about that?

Secondly, will the Government also think again about the change proposed in the Bill on the standard of proof? The proposed change is from "beyond reasonable doubt" to

"on the balance of probabilities".

Will the Government consider seriously the point made by the Royal British Legion that such a change could cut the number of applications by up to 50 per cent? I realise that the Government do not accept that figure, but I ask them to look into the likely effects of a change.

Finally, in relation to the Bill, there is no question but that some widows face great hardship, which could be remedied without spending too much money—not that that should be the benchmark for whether they should be helped. I remind the Minister that in the last year alone the number of those widows fell from 48,000 to 46,000.

Like many other Members, I want to touch on Gulf war syndrome. As has been mentioned, one possible cause is the cocktail of vaccinations that was given to members of the armed services before they left for the first Gulf war. They seem to have been vaccinated against everything from anthrax to yellow fever, sometimes only 24 hours before their departure. In some cases, the vaccinations led to a number of conditions, including osteoporosis and depression. Either it is wrong to give multiple injections over a short period or such a cocktail of vaccinations compounds the remote chance of adverse side effects.

Of course, I realise that there are other possible causes of Gulf war syndrome: depleted uranium poisoning, the pesticides used to control flies, and pollution from oil fires. However, although I have no medical qualifications, my gut feeling is that the cocktail of vaccinations was probably the main contender, simply due to the fact that some men who received the

vaccinations were affected even though they did not go to the Gulf. Will the Government continue to inquire into the matter?

It would be a fool who did not add his voice to the request that the Government look again at the award of the Arctic convoy medal. I have sympathy for Ministers; if they make an exception and bring in a medal, the floodgates will open. However, the evidence is so overwhelming in this case that I certainly give my support to the issue of an Arctic convoy medal.

Perhaps more importantly, because I want to be constructive, I believe that we need a new policy on the award of medals in future. Ideally, that policy should be understandable, unambiguous, rational and acceptable. If it is possible to achieve that, I would give the Government my full support in reviewing the issue. In this day and age, when awards are made or medals are struck, we should consider the role of civilians, as well as the armed services, in armed conflict.

I was interested to hear the Minister's wide-ranging definition of "veterans", which embraced about 13 million people. It is more comfortable to belong to a bigger minority than a smaller one. The way in which we treat our veterans—the soldiers, sailors and airmen of yesteryear—is not unrelated to the recruitment and retention of our armed forces personnel today. They are entitled to have confidence that when they have given service to our country, they will not be forgotten; and if they give their lives in the service of our country, we have a special obligation to their widows and loved ones.

5.11 pm

Mr. David Borrow (South Ribble) (Lab): Ten years ago, when the celebrations for the 50th anniversary of D-day were taking place, it was felt that that would be the last major celebration. It was only when servicemen and women began to object to holding fairly low-key 60th anniversary celebrations that the public bodies responded—as they did magnificently—to the demands for major celebrations this year. I congratulate the Ministry of Defence and all those who were involved in those celebrations. It has been mooted that the 60th anniversary should be the last major celebration. That may be so, but it would be wise to wait and see what celebrations the servicemen and women who took part this year want in 10 years' time.

I want to speak mainly, but not entirely, about veterans other than those of the second world war. I was interested to hear about how the Minister sees veterans. The young men and women who walk into recruitment offices this week and sign up to join Her Majesty's services will be the veterans of tomorrow, whether they serve for only a few years or their whole working life. The vast majority will have careers outside the armed forces. It is crucial for the Ministry of Defence and for us here in Parliament to recognise that the period that people spend in the armed forces, however long or short, is very special, because we ask very special things of those who join Her Majesty's armed forces. We ask them not only to put their lives at risk, but to give up many of the rights and freedoms that those of us in civilian life take for granted and enjoy. We expect them to move from one end of the world to another at the drop of a hat, to come back from operations and turn round to go somewhere else, and to disrupt their family life and put it on hold. We expect them to be treated in a way that people in civilian life would never accept.

That is crucially important if we are to have an effective and well-oiled military machine—it is part of the deal that is done. However, I sometimes think that the Ministry of Defence gets into a mindset whereby it assumes that when those men and women leave the armed forces they can continue to be treated in the same way as they were as servicemen and women.

That is why I so much welcome the establishment of a Minister for veterans. As a constituency MP dealing with a variety of cases involving ex-servicemen and women over the past seven years, I have noticed that the Ministry of Defence often has a jobsworth approach to such issues. It is often obstructive, and treats such people as it would expect a serving soldier or sailor to be treated.

It is important to change the culture within the MOD; that is one reason why it is so important to have a Minister for veterans. When someone comes towards the end of their service they should be treated properly, and there should be proper planning for their career when they leave. I welcome some of the initiatives that have been taken over the last couple of years, especially the career transition partnership, the work being planned for early leavers, and what is being done with projects such as Project Compass. Such projects are important, and I am sure that all Members in the Chamber will have had constituents with major social problems after their service with the armed forces, who are struggling because they are homeless or have not been able to settle down properly into civilian life.

It is crucial that the Ministry of Defence recognises that its responsibility does not end the moment that somebody leaves the service of their country, and that we have an ongoing responsibility. For many of the reasons that have been raised in the debate, that responsibility needs to be there in the long term, after military service is over.

I sense that what happens in a small case when someone leaves the service is likely to be repeated on a larger scale. I am in dialogue with the Minister at the moment about such a case, involving a constituent of mine with long service, who was not treated very well when he left. The same jobsworth attitude is often to be seen: "It doesn't conform to the rules," or "It'll set a precedent, so it will be very difficult to do that, Minister."

Mr. Brazier: The hon. Gentleman is making an interesting point. It is surely no criticism of the current Minister, who is energetic in his job, to point out that that is exactly why, in America, the veterans ministry is at arm's length from the Pentagon. That was the arrangement for which the Royal British Legion pressed, because the organisation whose focus is, rightly, on fighting the wars and fulfilling the commitments of today, will never have its eye fully on the ball of the kind of case that the hon. Gentleman has mentioned.

Mr. Borrow: I am grateful for those comments, and I shall come back to them in my final few remarks.

Let us think about the issues that have been raised this afternoon. The problem with the Arctic convoy medals is a classic. If we asked Members anonymously, the vast majority would say that the men who served on those

[Mr. Borrow]

convoys should have a medal, and it is up to MOD officials to find a way of giving them one. However, I fully understand the difficulties that Ministers may have in sorting that out, because civil servants will always come up with a reason not to do it. That is one reason why we need a Minister for veterans, but the job is only half done.

That brings me back to the comment made by the hon. Member for Canterbury (Mr. Brazier).

Since we have had a Minister for veterans, much progress has been made on several matters but we have not reached the point where we need to be. The Minister has much more work to do to deliver on many of the issues that we have discussed.

We must consider, for example, the way in which we deal with people when they have left the services. I spent 1998 and last year on the armed forces parliamentary scheme with the Army. I therefore spoke to many of the servicemen and women who were involved in the Iraq campaign last year. Former servicemen and women are expected to serve as reservists, but the assumption since the second world war has been that a reservist would be called up only in the case of a direct threat to the United Kingdom. My father told me a few years ago that he was nearly called up to go to Korea but the general assumption in the UK was that once people had left the Army, the Navy or the Air Force, they would not be called up unless the Russians came over the German plain and we were fighting for our existence.

Iraq shows that the situation has changed—it was expected that the reservists would be called up. Although the Territorial Army generally responded well to the call-up, many reservists assumed that they would not be called up unless there was a threat to the UK and found all sorts of reasons not to respond. We need to sort out what is expected of people when they leave the services. If they intend to continue as reservists, they must be clear that they could be called up for relatively small peacekeeping campaigns if that was the military's requirement. We must ensure that men and women who leave the services understand their obligations and future role. Many issues have not been properly sorted out because matters have drifted and we have assumed that things will simply carry on.

Many of today's contributions, especially on the Arctic convoy, have been powerful and I hope that my hon. Friend the Minister will take them on board and acknowledge that change will happen. He has a major job of work, which is half done. He has made significant progress in the Ministry of Defence in improving the way in which we deal with servicemen and women when they reach the end of their service and move into civilian life and their treatment during that transition period. Many good initiatives have taken place and the Ministry's response to the D-day celebrations was excellent; everybody deserves congratulations on that.

However, we should not believe that we have reached the end of the process. The job is half done. Perhaps we may have to revert to considering whether the Minister for veterans should remain at the Ministry of Defence. Much progress is being made, however, and compared with the position seven years ago, when I became a Member of Parliament, matters are immeasurably better. If progress can continue at such a pace, we may well reach where we should be by the time I leave the House.

5.23 pm

Mr. Julian Brazier (Canterbury) (Con): I am pleased to follow the hon. Member for South Ribble (Mr. Borrow). Indeed, some of my remarks follow from his points.

It is appropriate that the debate is being held this week. The tens of thousands of men who crossed the small strip of water close to my constituency where ferries ply today were on an uncertain mission. Most of the amphibious landings that allied forces attempted in both world wars failed and Hitler never tried a major amphibious landing. Although in physical terms the distance was small, when we consider that they faced minefields, barbed wire, concrete emplacements—some of which are preserved and were shown on television—and being swept by formidable fire from determined defenders after a bone-shaking sea crossing, it is clear that they were a remarkable group of men.

I pay tribute to my local branch of the Normandy Veterans Association, headed by the redoubtable Frank Risbridger, which commemorated this remarkable event. I also join other hon. Members in congratulating the Government on the organisation and work that went into the commemorations. It is particularly encouraging to see the number of young people who have been so impressed by them. I further congratulate the Government on the announcement of the £27 million package that the Minister has extracted from the national lottery to carry on the commemorations by reminding young people in our schools of the sacrifices that were made by people of previous generations.

It is easy to pay lip service to the achievements of our veterans when we have a focal point as obvious as the recent anniversary, but it is also our duty to remember the countless other wars and operations on which we have sent our armed forces. Today, we are thinking mostly about D-day; tomorrow, our thoughts will no doubt return to Iraq, Afghanistan and other places. Since the end of the second world war, we have sent our forces to, among other places, Palestine, Korea, Egypt, Malaya, Kenya, Cyprus, Aden, Oman, the Falkland islands, Sierra Leone, Kosovo, Kuwait and—again and again—Northern Ireland. Each of those engagements required the courage, professionalism and dedication to duty for which our armed forces—regular and citizen—are so well known.

Successive British Governments have been able to undertake those actions because, no matter what technical or geographical problems lay ahead, we could be confident that our armed forces would surmount them, and they are rightly admired all round the world for doing so. The men and women of our armed forces go to those places without complaint—British soldiers have always enjoyed a bit of chuntering, but they go willingly and without hesitation or reservation. We are very fortunate to be so well served.

In so many debates on the armed forces, we acknowledge the debt that we owe our forces and rightly pay tribute to those who have been killed. We owe the members of our armed forces a duty of care, and I sometimes wonder whether we are fulfilling it. The

whole nation was moved when it watched those brave old men make their pilgrimage to the beaches and drop zones around Normandy. It is all very well to talk about our debt of gratitude to the people who fought in the second world war and in subsequent conflicts, but each conflict produced its heroes and each man or woman involved had a story to tell, and all those events left scars—some mental, some physical—on many of the survivors.

That is why this year, the 60th anniversary of D-day, is an incredibly inappropriate time—not that there would ever be an appropriate one—for Her Majesty's Government to introduce proposals to alter the arrangements for war pensions. The worst of the changes is the raising of the burden of proof, to which the British Legion and the other service welfare organisations have objected so strongly. My hon. Friend the Member for Chipping Barnet (Sir Sydney Chapman) referred in his powerful speech to the shortening of the time periods for most medical cases from seven years to five, and to the fact that procedures and tribunal arrangements will be much more complicated.

Mr. Caplin: I know that the hon. Gentleman would not wish to mislead the House in any way. It would be right for him to say, therefore, that the new compensation arrangements are for events that occur after 6 April 2005, when the new compensation scheme will come in, provided both Houses approve the necessary legislation. Anything that happened before that date will be covered by the current war pension compensation arrangements.

Mr. Brazier: The Minister is, of course, entirely right, but that is exactly my point: we owe those who are serving in the armed forces now—our future veterans—the same duty of care that previous Governments have accepted since the first world war. It applied to those generations that went over the top on the Somme, on to the beaches of Normandy and to all the places I listed.

We owe that same debt to people who next year will serve in theatres in which we are still involved—Iraq, Afghanistan and so on—as well as in subsequent years and subsequent conflicts. The new arrangements are a shabby change. The Defence Committee put it terribly well:

"One of the main objections to the proposals continues to be the change in the standard and burden of proof for claims under the scheme . . . The Royal British Legion claims that this is a cost-saving exercise, which will make it harder for claims to succeed, and which at least initially will not even save any costs (as most claims"—

as the Minister has just said—

"will continue to be under the old scheme)".

The Committee's report points out that the Government's defence is the astonishing assertion that it is necessary to bring things into line with civilian practice. However, the powerful speech from the hon. Member for South Ribble (Mr. Borrow) made clear a range of ways in which the armed forces are very different from the civilian community. The Committee said:

"Because of the special risks that Armed Forces personnel are required to run, and because they are likely to be involved in situations of great uncertainty, with uncertain effects on their health, we continue to believe that the onus should remain on the Government to prove that service was not responsible for causing or worsening a condition for which a compensation claim is made."

The Minister has just alluded to both Houses of Parliament. Having voted against these proposals at every possible opportunity in the House, may I say that I very much hope that another place throws out this mean-minded little measure, striking it from the Bill?

I want to make one more point before moving on. One of the things that worries large numbers of people across all parts of the political spectrum—my private Member's Bill addresses a tiny part of this—is the growth in the litigious culture. Many people who have served in the armed forces are extremely worried about the demoralising and corrosive effect on morale and the command structure of the growing number of successful litigious claims being brought against the MOD. I can think of no other way of ensuring with greater certainty that the number of cases taken to the civil courts will spiral than such an emasculation of the internal procedures. What message do we send to the shades of the men whom the crosses in Normandy represent when we tell them that this is how we are treating their military descendants—our current armed forces?

Family life in the armed forces has been desperately hit by overstretch over the past few years. When this Government took office, the average divorce rate for the armed forces, which is very different among the three services, was well above the national average; since then, it has risen in the Army by almost another third.

The truth is that service families have aspirations too. Besides the obvious effects of overstretch, with husbands or wives being away for such long periods, one area where the pressure is greatest is housing. I pay tribute to the Minister for his work at the hardest end of the problem, which is considering the issue of the homeless and the fact that between 10 and 20 per cent. of people on the streets are former service personnel. That worries us all, but it is only a small part of the total.

The much wider problem for service families is the huge gap in respect of the aspiration, which they share with the civilian population, to own their own home. The reality is that the peripatetic nature of life in the Army and parts of the Air Force means that people cannot do so for the bulk of their service.

Indeed, the experiment that we introduced in the early 1990s to encourage soldiers to buy homes—the Navy concentrated mostly on south-west England—was a disaster, and resulted in a big increase in people leaving prematurely.

If we want to continue to attract and retain good-quality people in our armed forces, which are still under strength, despite the fact that the manning targets keep getting reduced—*[Interruption.]* I am happy to give way to the hon. Gentleman if he wishes to make a point.

Mr. Mike Hall (Weaver Vale) (Lab): I apologise to the hon. Gentleman. I was making an aside that the shadow Chancellor's plans for spending on our armed forces would make that situation even worse.

Mr. Brazier: The shadow Chancellor has not announced any spending targets for defence. I have read his paper—I doubt that the hon. Gentleman has done so. He should watch this space for the announcement.

[Mr. Brazier]

The Government must address the issue of housing in the armed forces. One of the key factors must be to recognise the importance of continuing to provide a decent subsidy for rent, so that members of the armed forces can save to own their own homes.

Almost every Member who spoke in the debate mentioned the Arctic convoys. One of the Arctic convoy veterans, Commander Rodney Gear-Evans, whom I feel privileged to know, lives in my constituency. He is a quiet, self-effacing man and he does not talk about his experience. It is extraordinary, however, that of the two great outstanding medal issues, the Government have chosen the other one. I welcome the fact that the canal zone medal is being struck—by chance, my father served in the second half of that, the Suez operation, and not in the canal zone. It was deeply uncomfortable for the people there, and extremely hot, but there were relatively few casualties.

What those soldiers went through, however, in a hot, sticky, unpleasant environment, periodically getting shot at, cannot be compared with the incredible danger and discomfort that people on the Arctic convoys went through, with minus 40° weather, continued bombing raids and torpedo attacks. Only a small number of other parts of the service, such as Bomber Command and Fighter Command during the battle of Britain, suffered a death rate that was remotely comparable. The idea that we can agree to make a special case for the canal zone veterans, worthy as their case is, but turn down the Arctic convoy veterans, strikes me as extraordinary. On a visit with the Defence Committee to Moscow, it was strongly pointed out to me how much the sacrifices made by those brave sailors of both the Royal Navy and the Merchant Navy, whose casualties were much heavier, were appreciated. I hope that the Government will consider that again.

This has been an excellent debate in the most appropriate week of all. We owe our veterans a tremendous debt of gratitude. We pay tribute to the dead, and the best way in which we can do so is by looking after their comrades who survived not just the second world war but all the subsequent wars and those who will survive the wars that, sadly, no doubt are to come.

5.39 pm

Andy Burnham (Leigh) (Lab): Perhaps all of us are prone to overstatement in this place, but it is a privilege to contribute in a small way to a debate on such momentous events in our country's history. A couple of Opposition Members have mentioned the younger generation, and I hope that I can speak as a representative of that generation. One of my main points relates to how we remember, as we go forward into this century, the events about which Members have spoken so eloquently today.

Although I am no expert on military matters, I suppose I have family experience that is common to many British families—experience of loss in one of the great wars of the last century. My great-grandfather, Edward Burke, a soldier in the King's Regiment (Liverpool), died as a prisoner of war in Cologne during the first world war. That is mirrored in the experience of thousands of families in my constituency and throughout the north-west, and thousands more have given service to the armed forces. It is in recognition of service to our country that I speak today. In the second world war 1,800 people from our borough lost their lives, and in what is perhaps a more selfish era it is humbling to think of what they did for us and the enormous debt of thanks that we owe them.

The weekend's dignified events in France provide a sharp counterpoint to our more complicated and possibly more troubled times. Although they might have seemed to jar somewhat with a Europe-wide election, it was actually quite fitting that they took place at the time of an election in which issues such as racism, nationalism and isolationism are all on the agenda. I do not want to make a party-political point, but it was as if Europe was receiving a stern message from the past: that co-operation always defeats isolationism, that patriotism always defeats nationalism, and that our common humanity always defeats racism.

Over the weekend it was reported that Chancellor Schröder, who I think was very welcome at the celebrations, had said that the post-war period was finally over. I feel instinctively that that is true, but it prompts us to ask what we must do today to ensure that the sacrifices made in the last century are remembered by my generation, by my children's generation, and throughout this century. It is vital for us to support the organisations that will help us to remember those who died, and will continue to teach generations to come the lessons of the last century.

Let me say something about what we are doing individually to thank those who gave us the freedom that we enjoy today. I welcome what the Government have done, and join others in praising and thanking the veterans Minister, who has done a sterling job since his appointment: many hon. Members have mentioned the "Heroes Return" scheme, and passports for the over-75s enable them to travel freely in the free Europe that they helped to create. Those gestures are fitting and right.

The Minister mentioned the celebrations that will take place in July next year. I trust that they will be a great success, and hope that one of my constituents, Mr. J. R. Rollings, who was a driver for Field Marshal Montgomery when the Germans surrendered, will be able to play a part in them.

It would be a grave mistake, though, for policy-makers or politicians to imagine that we could ever do enough for the veterans, or that we have done our duty by them. In preparation for the debate, I met John Kelly and Jan Thomas of the Leigh branch of the British Legion. They asked me to raise with the Minister an issue related to the war disablement pension. I hope that the Minister will raise it with his colleagues in other Departments as part of the Government's spending review.

I believe that £10 of the war disablement pension is disregarded in the calculation of entitlement to pension credit. The same applies to any means-tested benefit. The disregard has not been uprated since 1990, when it was uprated from £5. According to the most recent figures supplied by the House of Commons Library, 11,200 people receiving war disablement pensions that have been taken into account receive pension credit. Currently, 251,400 war pensions are being paid, which

suggests that many veterans are not taking advantage of the pension credit. That may be because it would not benefit them greatly, given that the disregard is only £10. I am not necessarily asking for a 100 per cent. disregard, but I hope that we can do more for elderly people in retirement who have given great service to our country.

Apparently, only a couple of years ago, 284,000 people were in receipt of war pensions. The number is now down to 250,000. It is declining sharply. It would be a small gesture to enable them to have more comfort and dignity in their well-deserved retirement.

I come on to the organisations that will help my generation and generations after that to remember what our forefathers did to give us the freedoms that we enjoy. I am sure that my area is not alone in this but, a few years ago, we lost the Royal British Legion club in Leigh because of financial difficulties and there is now no permanent branch in the town. One of the problems faced by such clubs is their dwindling memberships, which means that they are less able to draw on the membership to keep the club in existence. It is an issue not for the Government but for the Royal British Legion, which may need to be flexible when it comes to trying to help those clubs to carry on. The loss of the premises led to a capital receipt, which is held nationally by the Royal British Legion. I believe that a club has to have 200 or 300 members before the Royal British Legion will help it to acquire new premises.

Mr. Caplin: I hope to help my hon. Friend. In response to the hon. Member for Belfast, South (Rev. Martin Smyth), I referred to my meetings with the Royal British Legion. I have made that point. Clubs are getting older because their memberships are getting older. The challenge for the Royal British Legion, which it entirely accepts, is how to get younger veterans into Royal British Legion clubs. It has a project team looking at that. My hope as the Minister for veterans is that, in the longer term, the Royal British Legion will have more clubs and a lot more younger people going into them.

Andy Burnham: I welcome the Minister's intervention and hope that that review will produce something concrete. It is a chicken and egg situation. The longer there is no permanent club, the more the membership declines. The members of the Royal British Legion to whom I referred earlier, John Kelly and Jan Thomas, are working hard to keep the flame alive. They need some help but they cannot access the capital receipts that are held nationally for them because they do not meet the membership requirement laid down by the Royal British Legion. I welcome that review and hope that it will make progress.

This year, I will work with the Holocaust Educational Trust to take a group of 16-year-olds from Leigh to Auschwitz. The trust will do an increasingly important job this century in telling generations to come of the lessons of the previous century, but I do not believe that it receives substantial public funding. There may be a case to be made to help it to pass on the memories of what happened to other generations.

I hope that, in discussions with colleagues at the Department for Education and Skills, the Minister will make the point that every school should give young teenagers the chance to go to the Commonwealth war cemeteries. It is such a moving and memorable experience. Even the hardest of nuts will be moved when they see the rows and rows of graves marked, "Anonymous. A soldier known unto God." That is one thing that all our schools should be involved in. Incidentally, my brother, John Burnham, who is a teacher at Birchwood high school in Warrington, is taking a group to Ypres this Monday. It would be worth investing in such visits.

Mr. Mike Hall: My hon. Friend refers to the Commonwealth War Graves Commission and mentions the graves that are there for all to see, but the most important thing to say is that the Thiepval memorial records the names of people whose bodies have never been found. That is a profound message and younger generations need to be given the opportunity to see that at first hand.

Andy Burnham: Absolutely. It is crucial.

That brings me to my final point, which is about organisations that are keeping the legacy alive and passing on memories to another generation.

The Commonwealth War Graves Commission does a marvellous job in putting families back in touch with their loved ones and preserving their memory. It clearly needs to be fully financed, which should not be a party political issue—there should be complete unanimity across the Chamber. As well as physical memorials, the commission uses new technology to preserve our collective debt of thanks. I want to give a personal example of the incalculable value of that.

The commission runs an internet service known as the debt of honour register. Three or four years ago, when the service was launched, my brother searched for my great-grandfather, and now we have a document that says:

"In memory of Private E. Burke of the King's Liverpool Regiment, died aged 34, 28th of October 1918. Commemorated in perpetuity by the Commonwealth War Graves Commission. Remembered with honour."

That is fantastic for my family.

My great-grandfather's wife and daughters searched throughout Germany to try to find where he was buried, but they never found him or what happened to him. In the end, my gran and her sisters wrote to the Vatican, but that produced no results, so they never knew. It is amazing that I am more in touch with my great-grandfather than they were. That is what new technology can do for my generation.

If the House will indulge me, I shall quote from a letter that we discovered from my great-grandfather to his twin brother Walter on 27 July 1918—a couple of months before he died. Perhaps there was a spark of politics in him, which I may have inherited, because he said:

"I had a good talk last night over Old Ireland. Walter, there are thousands of Irish boys here and I may tell you it is God help the Boche if they come across them. Then they say Ireland is not doing her fair share in this war."

Mr. Deputy Speaker, you may pass it on to Mr. Speaker that he added:

"Also, the Jocks are fine fellows."

Poignantly, the final paragraph reads:

[Andy Burnham]

"By the time you get this letter, things will have happened here and I ask you to pray for me that our holy mother will protect us from all danger. That I may see you again, Walter, is my sincere wish."

It goes without saying that such memories are priceless for families such as mine, keeping us in touch with what happened in the last century. They are among the most cherished collective memories of this nation. Long may they continue, and long may the Minister continue in his excellent work for veterans, their families and all who have served in our armed forces.

5.53 pm

Mr. Robert Key (Salisbury) (Con): I congratulate the hon. Member for Leigh (Andy Burnham) on a most moving speech.

It is a great privilege and honour to represent more than 11,000 Ministry of Defence employees, half of whom are in Her Majesty's forces, and half civil servants, scientific civil servants or in support roles. Thousands of my constituents are veterans. By disposition, I am an optimist. After all, war represents a failure of diplomacy and politics.

Summer 1944 was a very important time for me. My parents had survived the blitz in Plymouth. My father was rector of Stoke Damerel, part of the dockyard community. My brother and sisters had survived night after night in the cellar while my father was out on air raid patrols in the dockyards. The summer was a time of some celebration, of which I am living proof, because I was born in April 1945, at 1 Penlee way, Stoke Damerel.

In 1947, we moved to Salisbury, a garrison city. I was brought up with the traditions of the military and military uniforms.

Yes, the military all wore uniforms in the street as a matter of course in those days as they went through Salisbury. Last Sunday we had our D-day service in Salisbury cathedral. Our Dean, the Very Rev. June Osborne, reminded us that although our minds were focused on Normandy, we should not forget what had happened on the eastern front and we should be remembering everyone who sought to liberate Europe, whether they were in Budapest or Brest. Sitting opposite me in the cathedral was the former Father of the House, my constituent the right hon. Sir Edward Heath. I should like to pay tribute to his wartime record and all that he achieved in those dark days. He had in his own right a distinguished career in the military.

We look forward to celebrating in my constituency on Sunday 11 July the annual Fovant Badges Drumhead service, at which we will recall the contribution of the former empire and Commonwealth forces in the two world wars of the previous century. We will see there more than 30 standards of the Royal British Legion and a substantial congregation will assemble on the lawn of the farm to look at the regimental badges carved in the chalk and sing our hearts out, particularly this year as we celebrate the 60th anniversary.

If anyone doubts the spirit of the young people in our armed services, I invite them to visit Amesbury town centre on a Saturday night. They will then be in no doubt of the mindset of our young people, who work hard and, by golly, play hard. Perhaps by contrast they could then visit the Winchester Army training establishment or the Army foundation college at Harrogate to see the quality of the young people who wish voluntarily to enter the finest army in the world. They would not be disappointed.

Yesterday morning, along with my hon. Friend the Member for New Forest, East (Dr. Lewis) and the current Father of the House, I attended the memorial to innocent victims at Westminster abbey for short prayers to commemorate all those who died in the crash of Chinook ZD576 on the Mull of Kintyre 10 years ago. Various comments have been made on that, which I shall not repeat, but I shall just say that I am grateful to the Prime Minister for agreeing to see some people who, like me, have been involved in the campaign for a long time. A point of law is involved in the case. In my judgment, it is not a matter of a technical assessment of what went wrong, because none of us will ever know. That is the whole point. The burden of proof required to condemn men to gross negligence—that there is no possible doubt whatever—is more rigorous than the burden required for murder. This is not a technical issue, but a matter of political judgment.

When Margaret Thatcher was Prime Minister, I went to see her at No. 10, with several other hon. Members in a cross-party delegation, about blood infected with HIV and the way in which haemophiliacs were affected. We looked her in the eye and she looked back and said, "You're right. Morally, you're correct". So without any question of liability or admission of guilt, an ex gratia payment was made to found a fund to support people who were victims as a result. In the same way, I hope that we can now move on from what may have happened in the case of ZD576. I see this as a great opportunity for the Prime Minister to do his best to show that he is no less a Prime Minister than Margaret Thatcher was when she changed the minds of the Government, Secretaries of State and civil servants on that issue.

I welcome the Minister for veterans. It is a pleasure to work with him, as I do on many constituency issues. He is always welcome to visit my constituency, as are all Ministers in the Ministry of Defence, and I know that he and they do so regularly. I recall that it was when I was a serving member of the Defence Committee in 1996, and we produced a report on Gulf war syndrome, that we concluded that we needed a Minister for veterans' affairs. Having visited Washington, we concluded that we did not need a Department of veterans' affairs but that we did need a Minister to co-ordinate the MOD's response and do a bit of joined-up government. That recommendation was in the Conservative manifesto in 1997. Sadly we were not able to carry that out, but I am glad that the incoming Government saw the wisdom of that course of action.

The Veterans Agency has grown in stature very rapidly indeed, and I can save many minutes of my speech by simply referring Members to its excellent website, www.veteransagency.mod.uk, and by pointing out that it performs a wide range of services for veterans. But I would not want to forget what is done by other agencies, particularly the Army Families Federation, which makes a huge contribution, as do the Royal Naval and Royal Air Force family organisations and the Army welfare services themselves. All of them look after not just existing servicemen but veterans who need support.

Of course, we first and foremost think of the Royal British Legion in this connection. Last November, I attended my 21st Remembrance day ceremony, in Guildhall square, Salisbury, as its Member of Parliament. We in Salisbury are immensely proud of our Royal British Legion—the main branch is in Salisbury but we have other branches, including in Amesbury—which is a very active part of our community. But we should never for one moment think that the RBL is all about looking after the elderly, because that is not always the case. In fact, it looks after a great many people. Some 13 million people in the UK are eligible for its help: 5.5 million ex-service people and 7.5 million dependants. That is about 20 per cent. of the population.

Interestingly—this is not widely known—anyone can be a member of the Royal British Legion, ex-service or not. One need not be an RBL member to receive assistance, but one must be an ex-service person or a dependant. In fact, anyone who has been in the British armed forces for seven days or more is eligible for help. In only one year since the second world war—1968—has a British service person not been killed on active service, so the work of the RBL is ongoing. It will always be there for future generations, and for that we are deeply grateful.

I am also particularly grateful to the Soldiers, Sailors and Air Force Association, which does wonderful work in my constituency and throughout the country by supporting the regimental benevolent funds. Thank goodness we have a regimental system in this country; it is the envy of all other NATO countries. The regimental benevolent funds are not limitless, and SSAFA helps a great many people, including, of course, veterans and their dependants.

There is one particular issue that I want to deal with before I finish. In July 1999, Wiltshire constabulary began inquiries into allegations made by a former serviceman, who said that during his national service, he had taken part in research into finding a cure for the common cold at Porton Down. He subsequently said that the experiments and tests carried out on him had nothing to do with common cold research, and that those who conducted the experiments had assaulted him. He also alleged that another serviceman had been killed in an illegal experiment at Porton involving nerve gas, in 1953.

As a result of that complaint and of other allegations, Wiltshire constabulary initiated a major inquiry, Operation Antler, the purpose of which was to examine the issues associated with the service volunteer programme at Porton Down and experiments relating to the use of chemical and biological agents during the period 1939 to 1989. Some volunteers claimed to have suffered long-term illness or injury. More than 250 were interviewed and 25 cases were selected for development, with a view to ascertaining whether criminal offences had been committed. Of those, eight were selected to progress to the Crown Prosecution Service for consideration in respect of the offences of administering an unlawful substance, and of assault. More than 700 ex-service personnel and their relatives had made contact with the Wiltshire constabulary or had been contacted by the inquiry team. Although some claimed to have suffered illness or injury, others were shown to have experienced no adverse long-term side effects, and they made no claims.

Operation Antler came to a conclusion, and last summer the Government announced that they were not going to take any action. That has caused a great deal of consternation for many hundreds of veterans. Only this week has a lot more information been put on the public record, as a result of a parliamentary question that I tabled in January.

Although I received a letter from the Solicitor-General in March, explaining why it was taking a long time, the results were published on Monday this week. It is important to put the minds of many hundreds of veterans at rest by explaining briefly what had happened.

The testing of chemical agents at Porton Down goes back to the use of poisonous gas by the Germans in the first world war. The participation of servicemen in testing, in connection with the use of chemical agents, began on an organised basis back in the 1920s. Recent surveys have found that more than 20,000 servicemen were involved, of whom about 3,000 participated in studies involving nerve agents, 6,000 in studies involving mustard gas and several hundred in studies evaluating the effects of other incapacitants, mental or physical. The evidence gathered under Operation Antler provided considerable detail on these matters.

The Crown Prosecution Service has examined in general terms the evidence concerning the conduct, authorisation and supervision of tests carried out at Porton Down—from ministerial level downwards, through the internal and external supervisory committees, to the point of testing there. Contemporary knowledge was assessed in respect of the foreseeable risks to the health of servicemen. The CPS considered evidence about the information provided to servicemen prior to the tests. It also examined evidence on what was administered or done to the observers and on both the immediate effects and subsequent ill health. Modern expert evidence has assessed various aspects of the treatment of the servicemen at Porton Down by the standards applicable at the time, including medical ethics. The CPS also had access to formal interviews with surviving potential suspects.

The lawfulness arising in each of the selected episodes of testing reflected in the advice files is, it seems to me—though I am not a lawyer—a novel issue in the context of our domestic criminal law. It concerns the legal principles applicable to non-therapeutic medical experimentation on human subjects, and, in particular, the principles bearing on the issue of consent.

The inquiry has shown that, although there was a substantial body of evidence suggesting that military station notices did refer to common cold research at Porton Down, no such notices have ever been found. There has been much confusion about that. There was a common cold research institute outside Salisbury—at Harnwood hospital—and it also ran a volunteer programme, which was a confusing factor.

There is no clear evidence that the staff at Porton Down ever sought to misrepresent the testing that was carried out there. Whatever reason the volunteers had for attending Porton Down, once there, they were told in very clear terms that the research was connected with chemical and biological warfare and defence. That means warfare prior to the mid-1950s and defence

[Mr. Robert Key]

afterwards. We have done no offensive work on chemical and biological warfare in this country since the mid-1950s: it has all been defensive.

The obvious criminal offences against which to evaluate the evidence were administering a noxious thing, contrary to section 24 of the Offences Against the Person Act 1861 and assault occasioning actual bodily harm, contrary to section 47 of the same Act. In addition, there is the general common law rule that it is not in the public interest that a person should wound or cause actual bodily harm to another "for no good reason". Accordingly, such conduct is unlawful, regardless of the consent of the injured person. Non-therapeutic research on human subjects carried out in accordance with contemporary standards of reasonable medical practice is highly unlikely to be regarded by any criminal court as other than properly conducted.

The point that I am getting to is that there has to be sufficient evidence to provide a realistic prospect of proving to a criminal standard that specific testing at Porton Down was a substantial cause of any subsequent ill health suffered by an observer. Evidence of subsequent ill health is necessary before assessing the prospects of success in proving a criminal charge. There is no evidence: that is the final word of the Crown Prosecution Service.

Having considered all the evidence, the CPS concluded that it did not provide a realistic prospect of conviction. The weight of the evidence revealed that the testing had been carried out in the public interest, and in accordance with the accepted professional standards of the day. Moreover, the observers volunteered for the nature of the act, and there is no evidence to suggest that the testing caused any subsequent ill health.

There were some problems to do with the quality of the evidence, and with evidence that had gone missing in the long period since the events took place. However, the CPS concluded that there was insufficient evidence to prosecute any person for any criminal offence. That decision was taken after the most thorough and careful consideration of the evidence.

We must start a new chapter at Porton Down. For five years, my constituents at what is now the Defence Science and Technology Laboratory there have gone to work every day knowing that 20 police officers from the Wiltshire constabulary, and a number of Minister of Defence police officers, were undertaking criminal investigations into work carried out by my constituents' predecessors. For five years, retired scientists have feared the knock on the door from police calling to interrogate and, possibly, arrest them. For many years, retired civil servants—and volunteers and veterans—have been telephoned and doorstepped by journalists coming hotfoot from the old Public Records Office at Kew as official documents came to be released under the 30-year rule. The names of the scientists who participated in trials many years ago have, of course, been released.

There are more than 1,000 dedicated employees at DSTL Porton Down, and another 800 at the Health Protection Agency next door. Many are world-class scientists. I visited the US last year with the Select Committee on Science and Technology, as part of our inquiry into the scientific response to terrorism. Wherever we went—from the White House, to the centres for disease control in Atlanta or the Lawrence Livermore laboratories in California—we learned of the high regard in which the scientists at Porton Down were held.

They are all dedicated professionals, whether they be scientists, civil servants or support staff. They are dedicated to saving life. They work to save the lives of our service men and women. Increasingly, they are conducting research into nervous disorders, and into saving the lives of people suffering from Alzheimer's and Parkinson's diseases. I salute them, just as I salute our proud and noble veterans.

6.12 pm

John McDonnell (Hayes and Harlington) (Lab): I commend the work undertaken by my hon. Friend the Minister who opened the debate, and his contribution to what was a very moving weekend of commemoration.

I also commend the work of the Imperial War museum. I took my eight-year old son Joseph to the D-day exhibition last week. The display was fascinating, and incredibly moving for people of all ages.

Last night, I met two other veterans, Jack Jones and Bob Doyle were members of the International Brigade in the Spanish civil war, who volunteered to fight fascism when it appeared in its earliest form. I welcome the fact that the Government are considering what commemoration could be afforded to them and the sacrifice that they made. Last night, a plaque was unveiled at a ceremony held by the National Union of Rail, Maritime and Transport Workers to celebrate and commemorate the 70 members of the National Union of Seamen and National Union of Railwaymen who fought for the International Brigade. If the brigade had been successful, it is possible that we could have avoided world war two and its consequences, including D-day.

I want to refer to a matter that I and the Royal British Legion raised two years ago, and that is the records of British ex-service personnel. At that time, the Government announced proposals to privatise the Ministry of Defence records office based in Bourne avenue in Hayes, in my constituency. The office stores all the records of all service personnel, going back to well before world war one. Visitors to the office can see the historical artefacts that are the actual records of each serviceman: indeed, when I visited, the staff there brought out my father's second world war records.

The records are stored and archived by a team of dedicated staff, many of whom have served there for a long time. They are extremely caring, diligent, conscientious people. The records are very sensitive, as they contain the personal details of all ex-service personnel of all ranks. For example, they also include the records of personnel who have served recently in Northern Ireland. Some of the records were used in the Bloody Sunday inquiry.

In December last year, the records operation was sold to TNT and the site was sold to ProLogis for development. The records are being transferred to a TNT warehouse in the midlands. The MOD staff, who have given loyal and dedicated service, have been transferred to the private company, TNT, and most will

lose their jobs within 15 months. As well as the loss of my constituents' jobs, the MOD will lose their expertise and care.

I am also concerned about the risk to those irreplaceable and historical documents. Parliamentary questions have revealed that more than 40 complaints have been made about the performance of the private company in handling those records since the transfer in December. Large numbers of new agency staff are now operating on the site and have access to those sensitive records. The speed with which those staff have been granted sufficient security clearance to gain access to those records is remarkable. The speed of that security clearance has never been observed in an MOD establishment before.

I pay tribute to the existing staff who are doing all that they can to maintain a high quality service. I pay tribute in particular to Dolores Moody, the Public and Commercial Services Union representative, who seeks to protect the working conditions of her fellow workers as well as to ensure the standards of service delivery and the protection of those precious documents.

I urge Ministers to re-examine the operation of that public-private partnership. If it were up to me, I would invoke the penalty clause and bring the service back into public ownership and the control of the MOD. If that is not possible, Ministers should at least consider how they can ensure that both the staff and the records they tend are protected. Under the new arrangements, those documents are at risk, and that puts the security of some of our ex-servicemen at risk, too.

6.17 pm

Mr. Peter Luff (Mid-Worcestershire) (Con): It is right and proper that this debate should be conducted a few days after the commemoration of the 60th anniversary of D-day last weekend. I hope that the Minister does not think that I am being facetious if I say that Britain likes to celebrate its retreats as well as its victories. My father was involved in one of our most celebrated retreats—from Gallipoli, where he fought with the Berkshire Yeomanry in the first world war—and I also have in mind the retreat from Dunkirk.

I have a high regard for the Minister for veterans. I would go so far as to say that he is the best we have had—although he is only the second. I admire his dedication to his cause in sitting through this debate—although it has been a good one to have to sit through, with some moving and memorable speeches from different generations with various reflections on what being a veteran means—but he is in grievous error on two counts. If he were to beat a tactical retreat—like those at Gallipoli and Dunkirk—on the issue of the Arctic convoy medal and the closure of the Droitwich Spa Army medal office, he would be even more popular with the veterans whose causes he generally espouses so well.

I am pleased to follow the hon. Member for Hayes and Harlington (John McDonnell), because there is a strange synergy between the points that we wish to make on behalf of our constituents in relation to the protection of records and excellent services based in our constituencies. I am deeply and seriously concerned that the closure of the Army medal office—and of the Royal Navy and Royal Marines medal offices in Gosport—will seriously prejudice the issuing of medals.

I saw at first-hand the efficiency of the Droitwich Spa Army medal office when I visited it for the first time as its constituency MP some years ago. The staff asked me about my father's service record and I described his service in the first world war with the Berkshire Yeomanry, the Imperial Camel Corps and the Worcestershire Yeomanry. They asked whether he had served in the Home Guard during the second world war. I confirmed that he did, so they asked whether he had claimed his defence medal. I did not know, but I knew that I had only his first world war medals. They looked up the records on the spot and established that my father had never claimed his defence medal. They issued it to me and, two years ago on Remembrance day in Droitwich, I was able to wear his three first world war medals alongside his second world war medal.

That was a proud moment for me. I know how much the Royal British Legion appreciates the wearing of veterans' medals by their descendants. I owe the medal office a debt, but the veterans owe the medal service a very big debt indeed for the remarkable job that it does.

I want to make three points. First, I want to discuss the general wisdom of moving the Droitwich Spa Army medal office to a new location based at the RAF medal office at Innsworth. Secondly, I want to look at the impact of that change for the Suez medals and, to a lesser extent, the Iraq medal. Thirdly, I want to look at the detail of the financial case that the Government are fighting for closure.

My view overall is that the Government have been led into an error of judgment through unblinking adherence to a simple tri-service agenda. The facts are being made to fit the model when actually the model should be made to fit the facts. I do not dismiss the possibility that at some stage in the future merger of the three offices may make sense but, as the Minister knows, I genuinely believe that this is the worst possible time in the history of the medal offices to make such a change.

The change did not come as a great surprise. I heard rumours from the trade unions at the site in late March that the move was on the cards, but the event was publicly confirmed only with the Minister's statement on 20 April when he said:

"Consultation with MOD Trade Unions about the choice of the three sites from which JPA"—

the new joint personnel administration—

"will be delivered has been undertaken and detailed local consultation about the implications for staff will start shortly."—[*Official Report*, 20 April 2004; Vol. 420, c. 11WS.]

It is both the absence of that detailed consideration of the implications for the medal offices and the whole strategy of the JPA that cause me concern, which is hardly surprising as medal offices are not currently part of the structure that will form part of the JPA. They are outside the AFPAA—the Armed Forces Personnel Administration Agency. This is a difficult subject area for civilians to venture into—the acronyms are, in the best military tradition, truly blinding.

I have a letter written to veterans' organisations by the senior national officer of the Public and Commercial Services Union, Mike Duggan, which summarises the situation extremely well. It states:

"Currently our members at Droitwich undertake all the research required to ensure that awards and medals are properly granted to Army personnel and are responsible for the stamping and issue of all medals to the three military services."

[Mr. Peter Luff]

That is a very big operation indeed, by the far the biggest of the four medal offices.

Sometimes, concern is expressed about the length of time it takes to issue medals, but it is difficult to speed up the process, especially when it involves checking the records of older campaigns. It has to be a meticulous affair. Several Members have spoken about the difficulties of determining the length of time that people were in theatres in order to justify the issue of a medal, but very specific criteria are attached to each medal and the process and the work involved are indeed complex.

The PCS letter also states that

"the loss of the majority of the Army Medal Office staff at Droitwich, with the formation of the Joint Medal Office at Innsworth, will have a severely detrimental impact upon the levels of experience amongst staff handling enquiries and requests for awards . . . with the current backlog of requests for medals and the further campaigns which the Government has recognised for awards, now is the worst possible time for the transfer of work and loss of experienced staff".

We have heard a number of estimates of the length of the backlog for the issue of the Suez medal. Today, the Minister told us that it was two years. I understood that three years was nearer the mark and some people take an even more pessimistic view, but the backlog is certainly considerable.

All those factors combine to make me ask the basic question: why move the operations away from Droitwich? If there has to be a joint medal office, why not concentrate the expertise at the biggest of the medal office sites in Droitwich? If that is not possible, why not delay the closure for at least three years, to enable the current heavy work load to be dealt with effectively?

This is the busiest time in the office's life. The Suez canal zone medal, which has been generally welcomed, has produced thousands upon thousands of applications—more than 30,000 in total—most, but not all, are Army applications.

The campaign in Iraq is generating a new flood of medal-issuing demands. As regards the second world war, about 500 or 600 applications are received each month, and the events of last weekend will have again prompted many veterans and relations of deceased veterans to claim their medals.

Then there is the ongoing business of replacing lost and stolen medals. Establishing beyond doubt that medals were genuinely lost or stolen is a very time-consuming process. Reissuing medals from earlier campaigns is equivalent to issuing money, because they are very valuable, and careful checking has to take place beforehand.

The ongoing campaigns in the Balkans, Northern Ireland and Sierra Leone produce medals, too. It is a very busy time.

The Minister told me in a parliamentary answer:

"The Army Medal Office at Droitwich is currently responsible for the issue or replacement of some 332 medals or awards."—[*Official Report*, 29 April 2004; Vol. 420, c. 1173W.]

He promised to send me a complete list of the medals, which I have not yet received. I would love to see it. Until recently, the Army medal office issued medals from the Boer war to proven descendents of that conflict. It did a marvellous job in issuing the Queen's golden jubilee medal; to date, it has issued, again according to a parliamentary written answer from the Minister, more than 85,000 such medals.

I met the Minister with the hon. Member for Worcester (Mr. Foster) to discuss the implications of the closure of the site. Many of its staff come from my constituency, from Worcester and from Wyre Forest. I am grateful to the Minister for the courtesy with which he heard our representations and the courteous letters that he has sent me subsequently. However, the warm words that he has offered do not reassure me. As he knows, I wrote to him again on 19 May, saying:

"I am very far from reassured. I urge you to re-think this policy and either to delay the closure of the Army Medal Office for three years and announce that as policy or, better still, to exploit its expertise and instead concentrate medal issuing at Droitwich rather than at Innsworth."

I was particularly concerned to see that the investment appraisal assumed that only nine members of staff out of 55 or 60 at Droitwich would be transferred. The rest would be lost, with all their crucial expertise.

All this comes out of a plan developed by the Government to harmonise the work of the Armed Forces Personnel Administration Agency, which is based at four sites—Glasgow, Worthy Down, Centurion at Gosport and Innsworth—into three sites under a new joint personnel administration centre. As far as I know, the investment appraisal team responsible for that work has not visited the Army medal office in Droitwich Spa. Certainly, the consideration given to medals has been superficial, to say the least. Issuing medals is a very different and specialised operation, but I am afraid that that has not been properly considered. The experience needed and gained by staff is huge.

It is also worth pointing out—I say this as someone who married into a naval family, so it goes against the grain to admit it—that the RAF and the Navy often look to the Army medal office for guidance on medal-issuing procedures. Because of its history, the medal office has unique records for the Home Guard, from which I benefited during my visit there regarding my father's defence medal. The bullion room secures safely all the blank medals for all the armed forces—it is a very important secure facility. It is unthinkable that all that should be prejudiced by this ill-considered move.

When I asked the Minister how many staff work in the various Army medal offices, he told me that there are 89 in total, of whom nearly two thirds—55—are at Droitwich; it is by far the biggest of the facilities. Extraordinarily, in a written answer of 20 May, the Minister told me that the closure of the Army medal office was

"part of a risk reduction strategy aimed at minimising disruption to medal service delivery."—[*Official Report*, 25 May 2004; Vol. 421, c. 1613W.]

I have to say that it is a risk maximisation strategy aimed at maximising disruption to medal service delivery. The Minister's phraseology was most bizarre.

The issuing of the Iraq medal has now at last begun. It was badly delayed because of the uncertainty over the site. It would have been better had the staff employed to issue the Iraq medal been placed on a three-year fixed-term contract to take account of a closure period three years hence, but they had to be employed on a casual basis.

That will really prejudice the issuing of that medal, but it has now begun, and the money for equipment—which was previously frozen, for reasons that I do not understand—has been made available. At last the Iraq medal is beginning to be issued, but too many veterans of the Iraq campaign will not wear their medals this Remembrance day, because of the uncertainty at Droitwich.

The Suez medal is, quite reasonably, hugely popular, and there is a serious backlog. A staff member is quoted in the *Soldier* of May 2004 as saying:

"Let's face it, Suez veterans aren't getting any younger and we are involved in a race against time to get their medals out to them before they die. Scrapping the Army Medal Office is going to make that backlog much, much bigger and sadly a large number of people are going to miss out".

The article also quotes

"Charles Golder, 76, who has fought for 50 years for the Suez Canal Zone medal",

as saying:

"'Veterans, like me, just want to see our medals before we die and to be honest we are dropping like flies.'"

It is inevitable that the disruption caused by closure will mean that more veterans will "drop like flies"—to use that blunt phrase—before they receive their medals.

In another answer to me dated 21 May, the Minister said that one of the constraints in issuing the Suez canal medal was "numbers of trained personnel"—yet he is planning to dismiss large numbers of the trained personnel who do this work. I shall quote again what I quoted in an earlier intervention. The Veterans Agency's website says about the Suez canal medal:

"Checking eligibility is a skilled, time-consuming and exacting job, but the medal offices have skilled staff who are experts at assessing eligibility quickly and accurately."

Not for much longer, I am afraid.

Time presses on, and I want to make sure that the Minister has a decent chance to respond to the debate, so I shall not quote at length all the cuttings that I looked up from provincial newspapers about Suez veterans who have received their medals, and the pride that they derived from receiving them. However, only yesterday in the *Western Morning News* we read the following:

"Veteran Mike Hardy, of Crediton in Devon, said some old soldiers were already dying before receiving their medals. 'It is very sad,' he said. 'In the last few months I know of four veterans who have died. People are already being told that they may have to wait three years for their medal and the disruption caused by the closure of the medal office"—

those are his words, not mine—

"is bound to add at least a year to that. There are a lot of West Country veterans still waiting, and you can imagine that in four or five years' time there will not be so many of us left. People feel very let down. Mr. Blair gave us hope last year, but we feel as if we are being fobbed off now. There is no political will and no resources being put into it."

Indeed, the resources that are around are being squandered. In my hand I have the quotations from the other soldiers about their experiences during the Suez campaign, which show just how sad the reality is.

It took a lot of work to get the investment appraisal for the plan out of the Government. Originally I received an answer on 12 May saying that the investment appraisal would be placed in the Library. In the understatement of all understatements it said that the document

"did not deal exclusively with the issue of the Army Medal Office."

There was no sign of the investment appraisal, so on 20 May I asked another question and was told on 25 May that it had been placed in the Library on 20 May. I rang the Library on 1 June and was told that the investment appraisal was still not there. I first became aware of its actually having reached the Library on 7 June.

The document is pretty disappointing, because it is not an investment appraisal about the Army medal office at all, but one

"for the future siting of AFPAA including JPAC".

It mentions the four existing sites for AFPAA, but not the medal sites. The only reference to Droitwich that I can find in the document is in a footnote, as follows:

"As a supplement to this IA and to inform the consultations with TUs, a specific analysis was done of the option of forming a Joint Medals Office at Droitwich compared with it being formed at one of the AFPAA sites—this option was highly unattractive on both business and cost grounds and has been discounted. (Reference [TBC once letter to TUs is finalised]."

In other words, that had not been done. The document was being written after the decision, and the facts were being made to fit the model, not the other way round. The published document actually says:

"TBC once letter to TUs is finalised".

That is not very encouraging, and it is the only mention of Droitwich in the entire document.

There is a hint about the timing, which we do not know much about. In the timetable, "Medals—Innsworth" appears under "Early 05, Stage 2", which suggests that closure is scheduled for next spring, but we do not know. The document also says, bizarrely:

"Where possible, functions will co-locate at the site where the greatest concentration of staff currently exist."

The greatest concentration of staff currently exists in Droitwich, but that is not where it will happen.

The document contains a forecast of the number of staff required to issue medals in the United Kingdom. The figure is 74 staff for April 2004, but that is lower than the figure cited in the parliamentary answer that I received, so I do not understand the discrepancy. It is forecast that the number of staff required to cover all three services in April 2008 will be 34, but that does not fill me with much hope given the detailed and labour-intensive nature of the medal-issuing process.

The section of the document on risk contains no mention of the risk that veterans might not receive their medals, which it should. The only significant mention of medals appears in annexe H under the heading "Medals and Awards Administration". It says that an advantage of the proposal is that there will be:

"Reduced distance for the majority of staffs needing relocation".

No, the proposal will increase distances for the majority of staff needing relocation. The appraisal says that the proposal "reduces staff movement", but staff movement would increase because the Government are consulting on providing a bus service from Worcestershire to Gloucestershire for medal office staff. The document says that the proposal "reduces business risk", but that is frankly an ugly turn of phrase to use about the issuing

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of medals to veterans. The proposal will increase business risk because it will put the operation on one site rather than four, so there will be more risk of disruption, not less.

We find a clue in a separate side letter dated 18 March that was written by Peter Northen, "DCE/Agency Secretary" of the Armed Forces Personnel Administration Agency. Crucially, the letter says on estate drivers:

"It is a key part of the Defence Estates strategy that the accommodation and estate held by the MOD should be rationalised ... DE advise that the Droitwich site has potential for high quality residential use were it to be disposed of by the MOD. The Investment Appraisal undertaken to support the establishment of JPAC on three of the four existing AFPAA sites assumes the disposal of the Droitwich site and an income of £3.9M from that disposal."

I have some news for the Minister that he has not heard before: Droitwich has allocated all the housing land that it needs until 2011. The land in question is employment land, and special planning policy guidance is in force to protect such land—unless, of course, the Deputy Prime Minister hears about it. The land is not available for high-quality residential development and would not fetch £3.9 million. In fact, the Chancellor might want to buy it for continued use by Customs and Excise, which also occupies the site.

The Minister will make a serious error of judgment if he pursues the policy. I am delighted that he has made two visits to the national memorial arboretum, so will he please make one to Droitwich—he will do better than his officials if he does? He should not casually accept the bland assurances that he receives from his officials. Disruption would be inevitable and the proposed cost savings are illusory. The document that I cited regarding the value of the site makes the most pessimistic assumptions possible about the cost of remaining at the site and the most optimistic assumptions possible about the benefits of change. Pursuing the policy would not save costs; in fact, costs would increase due to additional redundancy and transport costs. Additional equipment would have to be bought and money would have to be spent on redecorating, re-equipping and so on, so the process would be a costly nightmare. Honouring our veterans and ensuring that they receive their medals on time is more important than blind loyalty to a superficial tri-service agenda and a study that would disgrace most management consultants.

There is often the problem that Ministers have ideas that they want to pursue and officials think that they must ensure that they are delivered. It is like when Henry II said:

"Will no one rid me of this turbulent priest"

and the knights rode off and killed Thomas à Becket—the turbulent priest syndrome. The situation in government is often like that: Ministers have ideas, but their civil servants are too scared to challenge them, so they rush off to kill the archbishop instead of challenging Ministers' views or the prevailing wisdom in their Departments. I suspect that the Secretary of State, rather than the Minister for veterans, has said, "Will no one deliver me a proper and effective tri-service agenda?" The officials have said, "Oh yes, we'll deliver it, and hang the consequences." However, the consequences are serious. Although the Minister for veterans will probably not have that responsibility when the scheme is implemented—he might have moved on or even be out of government—I forecast that it will lead to serious delays in the issuing of medals.

I make that forecast with absolute conviction.

I end by citing one of the greatest parliamentarians. He was not always a great hero of mine because I come from the faithful city of Worcester, but in a letter to the General Assembly of the Kirk of Scotland in 1650, Cromwell wrote:

"I beseech you, in the bowels of Christ, think it possible you may be mistaken."

6.39 pm

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): I have seldom heard an hon. Friend likened to Henry II. My hon. Friend the Under-Secretary of State for Defence assures me that he has no intention of killing any archbishops, although we looked at each other quizzically when the matter was raised because the thought occasionally crosses our minds about one or two.

I am grateful to my hon. Friend for his introduction to our wide-ranging debate. He clearly set out the issues that are important to veterans, those who currently serve in the United Kingdom armed forces and their families. Praise was lavished on him not only by the hon. Member for Mid-Worcestershire (Mr. Luff) but by several other hon. Members, including the hon. Members for Hereford (Mr. Keetch) and for Chipping Barnet (Sir Sydney Chapman). My hon. Friend the Member for Wolverhampton, South-East (Mr. Turner) appeared to want to organise a party in his honour, such is the quality of his work. Even the hon. Member for New Forest, East (Dr. Lewis) praised him. My hon. Friend is doing a marvellous job as the veterans Minister.

The celebrations that my hon. Friend played such a big part in organising at the weekend were extremely successful. Praise was therefore well deserved. However, I noted that he celebrated the D-day landings by visiting not only Normandy but Monte Cassino, whereas I celebrated at Margate. I wonder why I got Margate and he got foreign travel; nevertheless, the weekend was incredibly successful.

I am grateful to my hon. Friend for allowing me to wind up, because it is important to take the opportunity of the first debate of this type to spell out how the health and social care system is trying to meet veterans' needs. I was also parliamentary private secretary to the Minister for the armed forces for two years and I have therefore attended many defence debates, but this is the first time that I have been allowed to speak in one.

Like my hon. Friend the Under-Secretary and others who have spoken, I must start by acknowledging the huge debt that we owe those veterans who served in the second world war and did so much to secure the freedoms that we enjoy today. If they had not done what they did, would we be here today, debating in a free Parliament or casting our votes tomorrow in free elections? I doubt it.

Like my hon. Friend and the hon. Member for New Forest, East, I was moved by the accounts in the media over the weekend of the personal experiences of those

who took part in the campaigns at Monte Cassino and the D-day landings in Normandy. I was especially struck by the accounts of the children and grandchildren of veterans, including those from the United States of America. Although my trip was not perhaps as exotic as those that my hon. Friend went on, I was proud to stand with veterans at the D-day celebrations in Margate on Sunday and to hear at first hand their accounts of that miraculous day. I asked one elderly gentleman in a wheelchair, whose breathing was assisted by oxygen and who had been there on the day, "Can you remember what it was like?" He replied, "Like it was yesterday." The events are as fresh as yesterday in many veterans' minds, so amazing and momentous was the day.

I was struck by how much has changed for those concerned with health issues in the 60 years since D-day. I delighted to say that there has been unprecedented growth in health and social care services. Back then, health and care services focused largely on veterans' physical needs but at least we are now prepared to acknowledge the psychological impact of conflict on mental health and social functioning. We all need to apply better understanding of the wider impact of conflict and of the difficulties that people face simply in making the transition from service life to civilian life to ensure that we do better for veterans in the future than we have done in the past.

Happily, we are now much better prepared to support those who live with the mental and physical consequences of the trauma that conflict brings and, although we still have much further to go, I believe that individuals themselves are now more prepared to come forward and seek help. We have made progress, but we are still a long way from perfection, and I suspect that I am not unusual as a Member of Parliament in having on my books several veterans who have found themselves in my MP's surgery because of health problems or difficulties with adjustment. Some saw action, and some did not, but all have found transition difficult and need multi-agency support. To a greater or lesser extent, all have encountered difficulty in getting that support, and we must learn from their experiences and do better in future.

We must do better for the veterans whom we celebrated at the weekend and all the veterans of the last century's world wars, better for the veterans of Korea and Suez, and better for the veterans of Northern Ireland and all the other conflicts of our generation. We must also do better for the young men and women serving today in Sierra Leone, Afghanistan, Iraq and elsewhere. I am therefore especially pleased to be able to draw to the House's attention the work that we are doing in partnership with colleagues in the Ministry of Defence to support people with a history of service in the armed forces.

I know from conversations that I have had with my constituents how difficult it can be to re-engage with ordinary life after leaving the armed forces, and how much more difficult that must be if a person is vulnerable, stressed or suffering from a mental illness, however short term. That is why our Departments will be working together to build on the support that the Ministry of Defence already provides. We will ensure that those leaving the services have information especially configured to their needs, and we shall look to the veterans' associations to help us with this and to provide us with advice. Above all, we shall look to the veterans and members of the services themselves to tell us what they need and how we can improve.

I do not want to second-guess what this guidance should contain, but I do know that it should be practical, relevant and focused on the basics as well as on some of those issues that we know are the most difficult to handle. It should cover subjects such as how to register with a general practitioner, what questions a person should ask if they need counselling or a psychological therapy, where they can get further information or a specialised assessment, and what to do if the services they need are not being provided.

Of course, health services for veterans do not stand alone. In this country, we have a national health service—in my view, a truly great concept and a great organisation—that provides quality care to all, free at the point of need. Its existence is the reason that we do not need a separate veterans service, as some countries do. I think that the hon. Member for Salisbury (Mr. Key) also came to that conclusion when he was serving in the previous Conservative Government. So when we drive up standards in the national health service, as we are, and when we take on more doctors and nurses, cut waiting times and improve services, as we have been doing, we improve services for everyone as well as for veterans. It is in that context that we must view the work that we are doing to improve, reform and modernise mental health services, and to reduce the stigma associated with mental illness.

Mental ill health goes hand in hand with social exclusion, and it features at every level of our society. It blights the workplace, with about one in five workers—around 5 million people—reporting symptoms of stress. It is also the leading cause of sickness absence, and restricts people in their capacity to live productive lives. It should therefore come as no surprise to us that members of the armed forces suffer from mental ill health just like the rest of us, in service and after service. We need to accept that and to help.

Much is said about the macho culture in the armed forces, but we know that young men, whatever their backgrounds, find it difficult to ask for help for social and emotional difficulties. That is a particularly worrying observation, given that young men are one of the leading risk groups for death by suicide. We must therefore tackle mental ill health with as much vigour as we tackle physical ill health, and we must drive up standards not only in health care but in social care. As well as driving up standards generally, we need to keep a special focus on the particular challenges that face veterans.

I should like to turn to some of the points raised by hon. Members today, and I shall begin with the hon. Member for New Forest, East, who correctly stated that tributes are important. I entirely agree with him on that.

He also rightly pointed out that they are important not just to those who remember these events, but to young people, our children and our grandchildren in establishing the respect that we ought to have for the freedoms that we have in this country. They will become fragile if we ever take our eye off the ball and forget to protect them.

Tributes are important, but I say to the hon. Gentleman, who seems to have made up his mind that celebrations of D-day need to continue almost annually,

[Dr. Stephen Ladyman]

that some veterans I was talking to on Sunday said that this should be the last, as they do not want the celebrations to peter out and fade away.

Dr. Julian Lewis: I thank the Minister for giving way and I am sorry if I was not sufficiently clear. I was commending what General Jackson said, which is that so long as there are groups that wish to continue the celebrations, the Army and the other services should continue to support them.

Dr. Ladyman: I think that is right, and it is why my hon. Friend the Member for South Ribble (Mr. Borrow) said that we must keep an open mind and engage in discussions with veterans. That is very much the position of my hon. Friend the veterans Minister. We should make the decisions with veterans, not for them. That is important.

I want to chide the hon. Member for New Forest, East a little, however. He mentioned several times the need to get the balance right on a number of issues. He spoke for 56 minutes, and very good his speech was too. I very much enjoyed it and it was very eloquent, but he was 39 minutes in before he got to the nitty-gritty of how to improve services for veterans or mentioned any of the issues that affect their lives today, other than the issue of medals and the Chinook issue, which I accept are important. Indeed, he spent longer on his paean of praise for President Reagan than on pensions for veterans.

I criticise the hon. Gentleman gently, but no more than that. Where I will not be gentle in my criticism, though, is in respect of the hon. Member for Portsmouth, South (Mr. Hancock), who alone today gave what I have to say was a rather mealy-mouthed speech. I understand that it is easy for the third party in British politics to climb on every bandwagon and to support every campaign that comes along, but simplistic answers to complicated problems get us nowhere. At least he could have recognised the fact that some issues that he raised are complicated matters of judgment. People do not find it easy to make these decisions, so for him simply to say that he supports every campaign that comes along did him and his cause no justice at all.

The hon. Gentleman mentioned the Arctic convoys, as did my hon. Friend the Member for Blaydon (Mr. McWilliam), who has campaigned on the Arctic convoy medal for a long time; the hon. Member for New Forest, East; my hon. Friend the Member for Liverpool, West Derby (Mr. Wareing); and the hon. Member for Chipping Barnet. I shall not add to what my hon. Friend the Minister for veterans said, as this is not an issue on which the House particularly wants to hear the views of a Health Minister, but let me say here and now that no Labour Member doubts the bravery of or the contribution made by those men.

I say to my hon. Friend the Member for Liverpool, West Derby that I was brought up in Liverpool as well, although I was not born until 1952. Even I, as a child, was told about the change that happened when the red army started to advance and the benefits that that delivered for Merseyside, so nobody needs to tell me what contribution those brave people made.

The hon. Member for Portsmouth, South raised a number of housing issues. I shall return to some of those, but he said that surplus housing was available that was not committed to the Annington Homes scheme. That is not the case. I understand that any surplus housing identified by the MOD has to be released to Annington Homes.

Mr. Hancock: Will the Minister give way?

Dr. Ladyman: I would rather not as, unfortunately, I have only six minutes in which to speak. My hon. Friend the Minister for veterans is dealing with that issue and I know he will have listened to the hon. Gentleman's comments.

The hon. Member for New Forest, East also raised the possibility of pre-screening recruits for predisposition to mental health problems. That has been considered, primarily in other countries, and has never been found to be particularly satisfactory. The insensitivity of the screening processes is the issue, although, obviously, those with a severe or current mental illness or learning disability would be excluded. It is right, however, for training and preparation of those going into combat to include coverage of the psycho-social aspects of health as well as physical issues.

On limiting traumatic stress-related disorders on deployments, measures are in place to help to reduce the risk of such disorders occurring among service personnel. Those preventive arrangements for the armed forces have been developed over a number of years, and will continue to be reviewed in the light of developments in the field of stress management and medical treatment.

The hon. Member for Portsmouth, South raised the issue of Alexander Izett and Gulf war syndrome. I am sure that he will know that I am not in a position to comment on the treatment that Mr. Izett is receiving. That is a matter between him and his doctor. I strongly encourage him to give up his hunger strike, however, as I am sure that the hon. Gentleman has done, as it will not benefit anybody. He is currently resident in Germany. Were he living in the UK, however, as a war pensioner, he would be entitled to priority national health service assessment and treatment for any condition to which his pension was related. Nothing that he or any other veteran of the Gulf war has presented with is beyond the capability of the national health service.

It is important that we gather robust evidence concerning the health needs of our veterans. The MOD is spending £8.5 million on research on Gulf war syndrome and the issues concerned. That research is being directed by independent medical experts. The hon. Member for Chipping Barnet raised a number of possible factors: vaccines, pesticides and oil fires. That points to the need to do proper research rather than to jump to conclusions.

The hon. Member for Chipping Barnet also raised a number of other issues. He welcomed lapel badges for veterans, and said how positive they would be. I share that view. He was the first Member to mention today's service people in the debate. One or two of us have forgotten today's service people. That point was also picked up by my hon. Friend the Member for South Ribble, who joined in the call for services for tomorrow's veterans also to be improved.

The hon. Member for Canterbury (Mr. Brazier) raised his concerns about the Armed Forces (Pensions and Compensation) Bill. My hon. Friend the Under-Secretary of State for Defence has engaged in argument with him on the matter, and it will now go to the House of Lords. There is nothing that I can add that will satisfy him, and I am sure that we will return to the debate in the future.

Other Members made moving speeches, particularly my hon. Friend the Member for Leigh (Andy Burnham). The hon. Member for Salisbury also made a careful and considered speech.

My hon. Friend the Member for Hayes and Harlington (John McDonnell) raised the issue of privatisation of the records office in his constituency. That is a matter on which I am unsighted, so I cannot satisfy him on it today. My hon. Friend the Under-Secretary of State for Defence has agreed to read his comments, however, and to respond to him.

The hon. Member for Mid-Worcestershire (Mr. Luff) raised the issue of the Droitwich Army medal office. My hon. Friend the Under-Secretary assured the House that the backlog for Suez medals will be cleared in two years. I know, however, as I am the Minister who deals with health service issues for Mid-Worcestershire, that when the hon. Gentleman gets a bone in his teeth, he will not let it go. I therefore suspect that my hon. Friend will be hearing more from him in the weeks to come.

The issue of homelessness shows how dealing with services for veterans needs a multi-agency approach. It is therefore important that we build the needs of veterans into the new vision for adult social care, which we are developing. My hon. Friend and I will work together to ensure that the views of veterans are built into that new vision, and that services for future veterans reflect the contribution—

It being Seven o'clock, the motion for the Adjournment of the House lapsed, without Question put.

PETITIONS

Post Offices

7 pm

Tom Cox (Tooting) (Lab): I wish to present a petition from constituents expressing deep concern about the Post Office's proposals to close four post offices in the Tooting area of the London borough of Wandsworth. I fully support their opposition. The concern exists because the closures follow closures that took place last year. As we all know, such closures inevitably affect local communities—people of all ages who use and greatly value a key public service. They also have a real effect on businesses that regularly use the services provided by local post offices.

The petitioners therefore request that the House of Commons calls on her Majesty's government to halt any further closure of such Post Office branches until there is a full review of the effect such closures have on a community.

To lie upon the Table.

Teachers

7.2 pm

Mrs. Claire Curtis-Thomas (Crosby) (Lab): I present my petition on behalf of 30,000 teachers who are members of the National Association of Schoolmasters Union of Women Teachers.

The petition of members and supporters of the National Association of Schoolmasters Union of Women Teachers' campaign regarding false allegations against teachers.

Declares that teachers are vulnerable to allegations of physical, verbal and sexual abuse of pupils. Owing to the wide publicity given to these cases, pupils are aware that such allegations can cost teachers their jobs. Regrettably, some pupils have no compunction in seeking to falsely and maliciously accuse a teacher they dislike or to threaten such an allegation.

In recent years there have been 1,782 police investigations into allegations of criminal abuse made against NASUWT members. In a staggering 1,686 of these no grounds have been discovered for prosecution. The majority of the allegations are false, unfounded, exaggerated or malicious.

There appears to be a widely held public view that an allegation in itself is proof of guilt. Cases under investigation are often leaked to the press leading to local and sometimes national media coverage. Once publicity has occurred, even after the teacher has been cleared, dismissal or inability to return to work is frequently the outcome.

The publicity also adversely affects not only the teacher but also their families. They face unimaginable levels of stress and anxiety. Their children face problems in their own school and their partners in the workplace and community.

NASUWT members have committed or attempted suicide because of the allegations and/or press coverage.

The media frenzy which identifies a teacher rarely gives the same prominence to the teacher's exoneration.

The petitioners therefore request that the House of Commons should introduce legislation to secure the right of anonymity of teachers accused of sexual abuse up to the decision in a court. This would provide a measure of protection to a vulnerable profession and go some way to ensure that the lives and careers of innocent teachers are not ruined.

And the petitioners remain, etc.

To lie upon the Table.

Planning Services (Hillingdon)

Motion made, and Question proposed, That this House do now adjourn.—*[Vernon Coaker.]*

7.5 pm

John McDonnell (Hayes and Harlington) (Lab): In 2002, the Government introduced a planning delivery grant to improve the performance of local authority planning departments. The Office of the Deputy Prime Minister provided additional grant aid to reward improved planning performance by local councils. The idea was that that grant would serve as an incentive to local councils to deliver speedier and better-quality planning decisions, thus assisting regeneration, inward investment, economic growth and environmental protection.

My constituency is in the London borough of Hillingdon, so I was pleased that, in 2002, the Government awarded planning delivery grant to the council. So far, the borough has received from the Government over £0.5 million in planning grant on the ground of its improved performance. However, at the time, even I in my role as the local MP felt that the Government's decision to reward Hillingdon for its efficient planning performance did not match the anecdotal evidence reported to me by my constituents, or my experience with my constituency case load. Similar but more forthright scepticism about the performance standards was felt by several local councillors, who had a more intimate knowledge of the operation of the borough's planning department.

Local Labour councillors, who comprise the opposition to the current Conservative administration, properly sought to question the performance standards of the council's planning department. At the first meeting of the relevant scrutiny committee, Labour councillors asked for the operation of the planning department to be scrutinised by the committee according to the terms of reference and role of the committee. That was surprisingly refused by the Conservative and Liberal Democrat majority of councillors on the committee.

In December 2002, a comprehensive performance assessment report published by the Audit Commission classed the performance of the London borough of Hillingdon as fair overall, but the planning and environmental services scored the lowest possible performance rating of one out of four. Consequently, in January 2003, Labour Councillor Janet Duncan promoted a motion to full council calling for all-party support to address how to improve the performance of those services. That was met, surprisingly, by vituperative opposition by the lead cabinet member for planning, Councillor Mike Heywood, and the leader of the council.

In a heated personal attack on Councillor Duncan, Councillor Heywood argued that the statistics upon which the Audit Commission made its judgment were out of date—in fact, there had been a dramatic improvement in the turnaround of planning applications, from 49 per cent. to 69 per cent., in an extremely limited period. Councillor Duncan, who is a former deputy director of planning, knew from experience that that scale of improvement in so limited a period appeared unrealistic and was open to question.

For that reason, Councillor Duncan sought clarification by contacting the Government office for London. She expressed concern at the accuracy of the Hillingdon performance figures. As a result, the Government office for London contacted Hillingdon council's chief executive, Mr. Dorian Leatham. Despite the potential seriousness of the issue, the chief executive failed to launch any independent formal investigation. Councillor Duncan was excluded by the council from meetings between the council and the Government office for London.

Eventually, only a meeting with the director of planning, the head of service, Ms Jean Palmer, was afforded to Councillor Duncan. At that meeting, Ms Palmer assured Councillor Duncan and a fellow councillor that the council's planning department performance statistics upon which Government grant was awarded were accurate. In 2003, at Hillingdon cabinet meetings, questions were raised yet again on at least two separate occasions as to whether Hillingdon's figures were accurate, and on both occasions the leader of the council and the lead cabinet member confirmed that the figures were correct.

The significance of those statistics is that they are the basis upon which the returns to the Office of the Deputy Prime Minister were completed, and the Government's planning delivery grant was awarded. To verify those assertions of the accuracy of the council's planning performance statistics, Labour councillors examined the detail of a sample of planning applications. The council uses a system called Ocella, a computerised planning system that councillors and the general public can interrogate, as all planning records are in the public domain.

Examination of the individual planning applications produced startling results, raising some serious questions.

Let me explain. The bureaucratic processing of a planning application involves the logging of the date of receipt, with any relevant information; the allocation of the application to a case officer; the writing up of the report; and the passing of the report to a planning manager for approval. A decision is then taken by the planning manager under delegated authority, or the report is referred to the planning committee for decision.

The Government's performance target is to seek to ensure that councils consider and decide on an application, and dispatch the decision to the applicant, within an eight-week time frame. Performance is measured in the Office of the Deputy Prime Minister from the date the application is received to the date when the decision is dispatched. Examination of the planning documents revealed, first, that the improper date was used for the calculation of the necessary returns to the ODPM. That is, the date of the decision was used rather than the date of dispatch of the decision. This was a conscious decision taken by the senior management team in the planning department, as evidenced by a memorandum circulated within the team, including to the director, by the head of service. I pass that memorandum to my right hon. Friend the Minister to enable him to inspect the accuracy of my allegation.

Secondly, dates on reports on which the ODPM returns were based, in order to gain additional grant, had been changed on report records. They were altered or crudely scribbled over to improve performance against targets.

Thirdly, reports have been backdated for signing, although recorded considerably later on the Ocella computer system. Again, I pass to my right hon. Friend examples of crude alterations to the records of the progress of planning applications.

It is understood that staff raised their concerns about the backdating with managers but were concerned for their own careers. It has been reported that a climate of fear and bullying reigned in the planning department and indeed in the authority overall. It is believed that staff were treated aggressively by senior management to ensure that records reflected improved performance rates. Staff raising concerns were soon isolated, and many simply left. The planning department is now increasingly run with agency staff, to great cost.

The use of the improper date was not just a mistake or a failure by a junior member of staff. The management memo demonstrates that it was used with the clear understanding and agreement of senior management.

From all the evidence, it appears that a number of devices were used to fix the department's performance statistics in order to qualify for Government grant and to cover up the drastic failure of the London borough of Hillingdon's planning department to perform, to serve its community and to serve my constituents. Many were concerned that its actions, by any standards, were fraudulent. Although the evidence of the devices used is shocking, what is even more alarming are the lengths to which some in the authority went to prevent any proper and effective scrutiny of the questions raised about the accuracy of the Government's performance statistics.

Councillors were denied access to information. For example, my right hon. Friend the Minister wrote to the council back in July 2003, enclosing an independent consultant's report on Hillingdon's planning service commissioned by the Office of the Deputy Prime Minister. It showed serious concerns about the operation of the department, but it was withheld from Labour councillors for several months, contrary to the code of conduct on access to information. Eventually, Labour councillors received only part of the report on the evening of the sitting of the scrutiny committee due to examine it. Labour members were so concerned at the withholding of this important document that a motion of censure was submitted to a full council meeting—it was defeated by the Conservative and Liberal Democrat majority.

Councillor Duncan faced intimidation and threats from Conservative councillors that she would be reported to the standards committee. She was also barred from attending meetings between the council and the Government Office for London to discuss the department's planning performance. I pay tribute to her for having the guts and determination to pursue the search for truth in this matter. She is a true and very brave whistleblower.

The council's chief executive failed to undertake any serious investigation of the concerns expressed by councillors. Farcically, he appointed the director of planning, the head of service, herself to investigate the performance and probity of her own department.

There is no evidence that they called upon the services of the internal audit or interrogated the anti-fraud computer systems. Only when the Office of the Deputy Prime Minister launched its own investigations with the district auditor did the director, or head of service, admit that her performance statistics were based on the use of improper dates. That then revealed a massive drop in real performance standards, from 68 to 24 per cent.

In recent weeks, the lead cabinet member on planning and the chief executive have even sought legal advice from counsel to prevent present and former staff from being interviewed by the district auditor. It has been evidenced that a member of staff involved in the auditing of the performance statistics was offered a tax-free lump sum to leave the employment of the local authority immediately. Amazingly, the documentation provided to the district auditor was prepared by the director of planning, the head of service, herself; unremarkably, it is incomplete.

The information on the process of planning applications was placed on the UK planning website in 2003. However—I have to say, suspiciously—all such evidence that could have identified tampering has been removed from the website. When staff have left the planning department, the central information technology department of the council, which operates under the line management of the chief executive, has ensured that the computers have been wiped clean, removing records and e-mails. That may be standard practice in a local authority, but one would expect, at a time when an investigation is under way, that the chief executive would be meticulous in ensuring the preservation of all records and other potentially relevant materials. However, the practice that has been undertaken in this case is leading some to believe that evidence is apparently being systematically destroyed to cover up what is increasingly viewed as a potential major council scandal.

Let me make it clear that I believe that the leader of the council is basically an honest man. I have worked with him, and I am aware of his integrity. However, I do not believe that he or the council, or my constituents, have been well served by his colleagues and by the senior officers of the council, in particular the chief executive and the director of planning, the head of service. It is beyond belief that when serious concerns about the probity of the council's planning department were raised, not only did the relevant lead member and the chief executive fail to take appropriate action properly to investigate those concerns; they appear to have sought to use every mechanism possible to prevent access to information and to frustrate independent scrutiny and the maintenance of the high standards of openness, accountability and probity required of elected representatives and public servants.

I am grateful for the conscientious, diligent approach that my right hon. Friend the Minister has taken in giving his attention to this matter, but I now ask what action should be taken from here on. Certainly, the elected councillors of the London borough of Hillingdon need to act decisively to address these issues. I urge that a new cross-party coalition take control of the council, to work co-operatively to see it through this difficult period and to manage the reforms needed to bring about an effective administration. I call on local

[John McDonnell]

councillors of all political parties to form a coalition of the clean to take control of the council and to resolve these problems. I ask the Minister to consider whether it is time for the Government to send in independent administrators, at least to administer the planning department and to provide advice on the establishment of effective procedures and systems to ensure accountability and probity.

An additional question is now becoming inescapable: should a criminal investigation be launched? Although the district auditor is investigating the London borough of Hillingdon, I believe that the resources of the police, who have skills and powers of investigation that might be appropriate to this type of case, may be required.

I hold this matter to be extremely serious, not just for my local authority and community but for the standing of local government overall. Anything that diminishes the confidence and respect that people have for local democracy undermines democracy itself. Tomorrow, people will go out to vote. They will vote for elected councillors across the country to serve their local communities. They will expect those councillors to uphold the highest standards of honesty and probity. They will expect to be served by council officials who uphold the same standards. That is what local democracy is all about, and that is what needs to happen now in the London borough of Hillingdon. I gave more than 20 years of my life to serve in local government, and I will not stand by while others damage its reputation and standing, and in that way undermine democracy itself.

7.19 pm

The Minister for Housing and Planning (Keith Hill): I am very grateful to my hon. Friend the Member for Hayes and Harlington (John McDonnell) for providing the opportunity to discuss Hillingdon's planning performance. He has set out very clearly some of the problems facing Hillingdon, and I am delighted to have this chance to explain how the Government are tackling poor performance and supporting improvement by local planning authorities across the country, and in particular to explain where Hillingdon is in this process.

As part of the best value process, the development control performance of planning authorities is assessed using three measures: the percentage of major planning applications dealt with in 13 weeks; the percentage of minor applications dealt with in eight weeks; and the percentage of other applications dealt with in eight weeks. Hillingdon has shown a consistent underperformance according to all three best value planning indicators since 2000–01, and it is on that basis that it has been designated a "standards authority" in three consecutive years. It is one of six authorities nationally with which my Department has actively engaged because of poor performance.

As a result of Hillingdon's designation as a standards authority in 2003–04, my Department appointed consultants to examine its performance. Their remit was to review and assess the actions taken by Hillingdon since it was inspected during the previous year by consultants from the Office of the Deputy Prime Minister. We wanted to know what progress the authority was making in improving its performance, particularly in terms of working towards the ODPM's national targets for handling planning applications. The consultants were also asked to identify the barriers to further performance improvement and the priorities that Hillingdon needed to address.

The consultants will be reporting shortly on their inspection of the authority's planning service. The report is confidential between the ODPM and Hillingdon, but the borough has had the opportunity to comment on a draft. Hillingdon is responding to the consultants' work by reviewing its improvement plan to ensure that it properly addresses the problems that the consultants are identifying. We will be monitoring progress very carefully through the Government office for London.

Why is Hillingdon facing such problems in improving performance? There are a number of reasons, including the need to upgrade IT systems, to improve internal guidance on handling planning applications and to simplify process, along with a difficulty in recruiting and retaining permanent planning staff. Other authorities are facing similar problems, and they are managing to overcome them and to make progress through good management and a clear, strong focus on performance improvement. We will, as I have said, be monitoring Hillingdon's performance closely. If we do not see the improvements that are needed, we will consider what further action might be needed to intervene more directly.

My hon. Friend made a serious allegation about the way in which Hillingdon has been recording and submitting statistics on planning performance to the ODPM. May I say how seriously I, too, regard these allegations? He first came to see me before Christmas to draw these matters to my attention, and he left a number of papers relating to these allegations. My officials immediately passed those papers to the Audit Commission and asked it to investigate as a matter of urgency.

I understand that, as a result of these allegations coming to light and of the district auditor's inquiry, Hillingdon set up an internal inquiry to look at the specific allegations, and it appointed an external consultant to look more widely at its systems. These investigations revealed that the council had systematically been returning incorrect data on its development control performance to the ODPM. It had been recording the end-date for handling a planning application as the date on which the council made its decision, rather than as the date of dispatch of the decision to the applicant, which might be some time later. My hon. Friend has alluded to these practices. The correct procedure for recording these decisions is clearly set out in the forms through which local authorities have to make their returns. The result of these practices was to make Hillingdon's performance appear better than it actually was.

This audit and related concerns about the misreporting are being externally reviewed as part of the district auditor's investigation. In the course of these investigations, my hon. Friend passed me a copy of an internal Hillingdon communication that was highly relevant to the inquiries. My officials immediately passed it to the district auditor.

I understand that the district auditor has received the council's report of its own investigation into how it has reported its development control performance. He has undertaken his own testing of the council's development control records and is undertaking interviews with a number of officers and former officers.

I further understand that the district auditor aims to complete his inquiries this month and to report as soon as possible thereafter. We are pressing him to do so as a matter of urgency, but I do understand that, if he were to find fault with any individual, he would need to give the person concerned the opportunity to comment on his findings and that may have an effect on the exact timing of his report.

The district auditor is the appointed official who has responsibility for investigating allegations of this nature. He has the powers that he needs to carry out a thorough examination. The remedies open to him vary, depending on the seriousness of his findings. He can report his conclusions to the council, setting out the issues and what action is needed to secure improvements. If he considers the situation sufficiently serious, he can make a public interest report. Such a report would be in the public domain. The council would be required to consider and respond to it formally and it would have to advertise the meeting at which the report was considered and publish its response.

Obviously, misreported figures could affect the planning delivery grant, which is partly based on development control performance. Hillingdon received a planning delivery grant of £223,586 for 2004–05. Planning delivery grant was allocated mainly on the basis of the council's performance in development control—dealing with planning applications—and development plan making, along with an allocation for meeting demand to supply housing in the south-east growth area.

Hillingdon's grant was the lowest of the London boroughs. We received the corrections to Hillingdon's development control returns in time to enable the corrected versions to be taken fully into account in calculating the grant to be paid for 2004–05. Had that not been the case, we would have had to take action to seek repayment of grant paid in respect of incorrect figures.

In order to reduce the risk of similar problems in future, the ODPM has collaborated with the Audit Commission in preparing new and clearer guidance to auditors about the checks that they should be making and the things that they should be looking out for in auditing the arrangements for recording planning performance.

In conclusion, Madam Deputy Speaker, may I once again thank my hon. Friend for raising this important topic? I think that what I have said underlines the seriousness with which I personally and the Government take this matter. We are working constructively with many local planning authorities up and down the land to promote and drive improvements in performance. Hillingdon is one of a handful of authorities where we are closely engaged in monitoring performance.

These allegations of manipulation of the planning statistics, which the district auditor is investigating, render the situation more serious still. I cannot pre-empt the findings of his inquiry, but I can reassure the House that we will take any published findings into account in charting our future engagement with the local planning authority and deciding what steps need to be taken.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes past Seven o'clock.

House of Commons

Thursday 10 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TRADE AND INDUSTRY

The Secretary of State was asked—

Miners' Compensation

1. **Adam Price** (East Carmarthen and Dinefwr) (PC): What response her Department has received from the Union of Democratic Mineworkers to her Department's letter on solicitors' charges to coal health claimants. [177750]

The Parliamentary Under-Secretary of State for Trade and Industry (Nigel Griffiths): The Union of Democratic Mineworkers has stated that its members are not charged. Non-members pay a deferred membership fee. I understand that the National Association of Colliery Overmen, Deputies and Shotfirers in south Wales makes similar charges and has pocketed more than £13 million, though that does not apply to NACODS elsewhere in the UK. Perhaps the hon. Gentleman could explain that and ask the Plaid Cymru leader of NACODS to give that money back to the miners.

Adam Price: I am grateful to the Minister for his reply. Thousands of former miners and their families have been ripped off by the Union of Democratic Mineworkers through its subsidiary company, Vendside. Why have officials in his Department, in statements to the press, defended a practice within the UDM that amounts to little less than corruption? Why do the Government continue to honour their agreement with the union when it is clearly to the detriment of so many people?

Nigel Griffiths: The House will not take lessons from the hon. Member about corruption and creaming off money when the Plaid Cymru leader of NACODS in south Wales stands accused of creaming off more than £13 million for an organisation that has, I understand, about 40 members. What are they doing with the money? The agreement reached with other solicitors and representatives of miners has been longstanding and has generally delivered a considerable amount of compensation, amounting to the biggest public sector pay-out of compensation in history. It has generally been delivered fairly; if it were not fair, I would be the first to criticise. The hon. Gentleman should make sure that he joins my colleagues and me in criticising NACODS in south Wales, but he will not, because of Plaid Cymru's deep involvement with it.

Mr. Dennis Skinner (Bolsover) (Lab): Does the Minister agree that for the Welsh nationalist MP to raise this matter, it is a case of the kettle calling the pot black? Will he also take into account the fact that there were problems with Vendside? It is true that some involved were directors of the firm. While it seems that we have caught the Welsh nationalist, Bleddyn Hancock, red-handed, does the Minister agree that we need to ensure that all the other areas are clean as well?

Nigel Griffiths: I agree, of course, with my hon. Friend, who speaks with great authority on this issue. The Department of Trade and Industry looks into the propriety of the agreements and keeps them under review. I am grateful to my hon. Friend and other hon. Members for their work in ensuring that this matter is continually at the forefront of debate. I know that hon. Members share a common commitment to ensure that every penny of compensation goes to sick miners, their widows and their families.

Mr. Kevan Jones (North Durham) (Lab): I congratulate the Minister on his tough action against solicitors, including those associated with the Union of Democratic Mineworkers. However, is he aware that in many cases solicitors are paying money back to claimants only when claimants have made a complaint? I urge the Minister to have an urgent meeting with the Law Society to press the organisation to ensure that all those solicitors who have taken money return it to claimants, irrespective of whether the individuals—some very elderly and frail—actually complain.

Nigel Griffiths: I certainly join my hon. Friend in pressing the Law Society to ensure that those solicitors—a minority, I understand—who may have double charged, go through their list of clients and pay back any double payment. The Department of Trade and Industry has already paid several hundred millions of pounds in solicitors' fees. We covered their costs and we do not want to see a penny of compensation for miners and their widows coming out of the fund.

Renewable Energy

2. **Mr. David Heathcoat-Amory** (Wells) (Con): If she will estimate the cost of the additional transmission network necessary to meet her target for renewable electricity generation. [177751]

The Minister for Energy, E-Commerce and Postal Services (Mr. Stephen Timms): The transmission issues working group reported in June last year that the overall cost of connecting the additional 12 GW of renewable energy generation for the GB network will be about £2.1 billion. If shared just among domestic consumers, it would add around £10 per year to each customer's bill. A recent study by Mott MacDonald for the Carbon Trust and the DTI suggested that the cost would be in

a range from £1.4 billion up to an upper bound of £2.1 billion, some of that being required in any event for asset replacement.

Mr. Heathcoat-Amory: That is a huge extra subsidy to be paid for by the general electricity customer. When will the Government realise that the policy of vastly increasing wind-generated electricity is technically inefficient and will not solve an environmental problem? Indeed, it will create one by industrialising our rural upland and coastal areas. As we just heard, it will greatly increase electricity costs, which will create fuel poverty for individuals and add to business costs. Does that not show that the waffle that we get from the DTI about the need for businesses to remain competitive in international markets by keeping down their costs is completely hollow?

Mr. Timms: The right hon. Gentleman is wrong on every point. There is a need for investment in the transmission network, to facilitate much more distributed generation and to replace equipment that is now worn out. That investment will have to be paid for, of course, but the price is entirely affordable, especially given the environmental benefits of generation from wind and other renewables, and the advantages for security of supply.

The right hon. Gentleman is also wrong about industrialisation, as he calls it. There will be a proper planning process for every wind farm planning application, to ensure that projects that go forward are not environmentally damaging in the way that he fears. However, I accept that we need to address urgently the challenge of climate change. We cannot simply go on burning oil, gas and coke as we have in the past. We need to develop new ways of generating electricity, and wind generation is the most cost effective of the renewable technologies available today. I hope that the right hon. Gentleman will support it.

Miss Anne Begg (Aberdeen, South) (Lab): The right hon. Member for Wells (Mr. Heathcoat-Amory) has a very narrow view of what constitutes renewable energy. As well as onshore wind generation, there is also offshore wind power and tidal power. In addition, people at the Robert Gordons university in Aberdeen are working on tidal race technology. However, regardless of what type of renewable energy is developed, the grid must be upgraded. I go to many conferences and meetings on this matter, and one of the biggest problems is the lack of grid in areas where it has traditionally been lacking. If a tidal race were to be placed in the Pentland firth, for example, the existing grid from Dounreay would still have to be upgraded. I therefore encourage the Minister to do all he can to ensure that that barrier to the development of renewable energy is removed, so that we can fulfil the renewables obligation.

Mr. Timms: My hon. Friend is absolutely right. We are supporting a range of renewable technologies beyond wind, although wind is the most cost effective at present. I welcome the progress being made in upgrading the network. The first project likely to come forward will be the 220 km upgraded line from Beauly to Denny in Scotland. That is expected to cost £200 million and to be submitted for consent this autumn. With Ofgem, we have set up an industry-wide distributed generation co-ordinating group to ensure that the issues involved are addressed in a timely way.

As my hon. Friend the Member for Aberdeen, South (Miss Begg) says, it is essential that we address all these matters and enable the grid upgrade to go ahead so as to allow the much more distributed profile of electricity generation that renewable and other developments will make possible in the future. No longer will we have the small number of huge power stations that have characterised the grid in the past. The profile is going to change.

Mr. Stephen O'Brien (Eddisbury) (Con): Will the Minister join me in congratulating his comrade, the hon. Member for Brighton, Kemptown (Dr. Turner), whose amendment No. 189 to the Energy Bill was accepted in Standing Committee? That success was due to the fact that the amendment won the support of all the Conservative members of the Committee, and of the two members from the minor parties. The amendment will make the Government's renewables targets less unachievable by making it more affordable for energy produced from renewable resources to connect to the grid. Why did the Government and the Minister oppose the amendment?

Mr. Timms: Unfortunately, the hon. Gentleman is mistaken. The arrangements that have applied since the Utilities Act 2000 came into force mean that the primary duty of the regulator is to protect the interests of consumers, through competition where appropriate. The Government believe that that is the right approach. We will return to the subject when the House looks at it again in a few weeks' time.

Mr. O'Brien: Despite the Minister's somewhat pedestrian answer—and given his failure to dragoon Labour Back Benchers to support the Government in Committee—will he give an undertaking to the House that he will not seek to remove the amendment on Report? He has said that he wishes to revisit the matter. Will he seek to put something in its place that delivers the same outcome?

Mr. Timms: I answered the hon. Gentleman's question before he posed it for a second time.

Manufacturing Industry

3. **Mr. John MacDougall** (Central Fife) (Lab): What measures her Department is taking to increase the UK's manufacturing industry productivity; and if she will make a statement. [177753]

The Secretary of State for Trade and Industry (Ms Patricia Hewitt): We are working with manufacturing industry, the trade unions and others in all the areas identified in the Government's manufacturing strategy, which is, of course, the first UK industrial strategy for more than 30 years, to help UK manufacturing industry to increase productivity. For example, the

manufacturing advisory service has already proved a real success, particularly with smaller manufacturers, generating a total value added of more than £53 million.

Mr. MacDougall: Does the Secretary of State agree that prospects for UK manufacturing industry are improving?

Ms Hewitt: I certainly do, and I warmly welcome the fact that all recent business surveys of manufacturing have been positive. The report by the Engineering Employers Federation on Tuesday showed the fastest rise in orders and output in British industry for seven years. That encouragement from the manufacturers themselves is confirmed by figures released yesterday by National Statistics, which show a much bigger than expected increase in output between March and April. That does not mean there are not challenges for manufacturing industry, but the industry is much more confident about the future.

Mr. John Wilkinson (Ruislip-Northwood) (Con): If the prospects of British industry are so good, can the right hon. Lady explain why the United Kingdom's position in the international league of competitiveness has dropped dramatically? Why was the United Kingdom's rate of increase in productivity during the first five years of her Government half of what it had been during the last five years of Tory government? Is the answer not something to do with the huge extra tax and regulatory burden and the fact that British industry is paying an extra £7 billion a year in taxation?

Ms Hewitt: I simply do not accept the hon. Gentleman's criticisms. In spite of his personal commitment to manufacturing, his comments come ill from a member of the party whose Government wrecked a large part of British manufacturing, particularly in the recession of the early 1980s, but throughout nearly 20 years of neglecting, ignoring, talking down and doing their best to undermine it. Over the past seven years, we have seen a significant improvement in Britain's productivity position compared with those of Germany, in particular, and France and the United States. We will go on working with manufacturing to improve productivity, particularly through our investment in science and innovation, which the Conservative party completely neglected and underfunded during its years in government.

Tony Cunningham (Workington) (Lab): New Balance, a company in my constituency that makes running shoes, has hugely increased its productivity through investment in training and, in particular, in multi-skilling. So successful has it become that it has been granted the Queen's Award for Industry. Should we not learn from best practice?

Ms Hewitt: My hon. Friend makes an extremely important point, and I am delighted, through him, to add my congratulations to New Balance on its excellent achievement of the Queen's Award for Industry. That is a superb example of how wrong people are to say that there is no future for British manufacturing and that everything will go off to low-wage countries. The truth is, even in a country with high wages and proud of it, if management and employees work closely together and invest in skills and in the right technology, Britain can continue to have some of the best manufacturers in the world.

Rural Post Offices

4. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): If she will make a statement on Government support for rural post offices after April 2006. [177754]

The Minister for Energy, E-Commerce and Postal Services (Mr. Stephen Timms): The Cabinet Office performance and innovation unit report on the future of the post office network recommended that Postcomm should advise the Government on the main policy options beyond 2006. We are considering that advice and will reach conclusions on the shape of the rural network after 2006 in time to allow a smooth transition from the current support arrangements.

Mr. Carmichael: Can the Minister confirm that the advice given by Postcomm in a report last year included the possible closure of up to 1,600 rural post offices and a reduction in the support money currently available to them? Will he publish that advice in full so that Members and people in rural areas throughout the country can be made aware of the nature of the debate going on within government rather than being consulted in a few years' time on a decision that has already been taken?

Mr. Timms: I can say only that we are looking at the range of options available. The advice was submitted in confidence, although a summary may well be published in due course. The hon. Gentleman will appreciate that it contains commercially sensitive data, so I cannot commit to full publication. He will recognise that we have provided strong support for the rural post office network, which has led to a significant fall in the number of rural closures. We want to build on the lessons learned as a result of that strong Government support.

Mr. Harry Barnes (North-East Derbyshire) (Lab): When a post office is closed down, the Post Office usually explains where the alternative is and may suggest transport, such as bus routes or boat and helicopter routes for the Orkney and Shetland islands. However, problems can arise with the buses themselves. It is not just post offices that close; bus routes get closed down, too. Is the Department of Trade and Industry involved in assessing transport arrangements in rural areas and how they may develop in future, because that has a knock-on consequence in terms of whether people can handle the change?

Mr. Timms: My hon. Friend raises an important point. We have imposed an obligation on the Post Office that there should be no avoidable rural post office closures. There is a different arrangement for urban post offices. Where urban closures are proposed there is a requirement to look at the public transport and other arrangements that would allow people to access alternative branches. For rural areas, we said that

wherever possible there should be no closures of branches. The support that we are providing to allow that obligation to be delivered will last at least until 2006.

Malcolm Bruce (Gordon) (LD): Will the Minister acknowledge that because business is collapsing underneath rural post offices, many of them see no future beyond 2006? Therefore, it is important that the Government publish an early indication of whether they wish to continue with the subsidy or what alternative business rural post offices can look forward to after that date. What are the Government doing about Tesco's plans, having taken over convenience stores, to close post offices in rural communities? Will he undertake that the Government will ensure that those communities continue to have access to a post office on their criteria, not Tesco's?

Mr. Timms: The hon. Gentleman is absolutely wrong to speak about post office business collapsing. We are making sure, through investment and rationalisation, that the Post Office can serve today's needs. We have invested £500 million in technology, which is unprecedented, to allow banking at every single post office branch in the country. Basic bank accounts are available from every high street bank and 20 million ordinary current accounts can now be accessed from every post office branch in the country. The Post Office is developing new products to build new markets. We are putting in place a business with a strong commercial future in both urban and rural areas, thus giving the prospect of a successful future for the thousands of people who work in post office branches.

Where Tesco proposes a closure, the company has agreed to talk to the Post Office to ensure that if it is needed—it is not part of an urban reinvention arrangement—alternative arrangements can be made. I hope that will satisfactorily resolve the small number of instances in which that problem has arisen.

Mr. Henry Bellingham (North-West Norfolk) (Con): Does the Minister recall that I contacted him about North Wootton post office in my constituency? It was categorised as an urban post office, yet it is opposite a village green, there are cows out the back and perhaps the odd pig or sheep, children ride by on their ponies and farmers go by on their tractors. Despite that, some sharp-suited bureaucrat from the Post Office characterised it as an urban post office. What is a rural post office? Will he tell the House whether the social network payment scheme will continue after 2006?

Mr. Timms: The definition that the Post Office uses depends on the contiguous population in the area served: whether it is more or less than 10,000. That definition has been rigorously applied and I have no doubt that it was applied in the case of the hon. Gentleman's constituency, but I will check that a consistent definition has been used. We are looking at a range of options for the form of support that will be provided to the rural network beyond 2006. The current arrangements, strongly supported by the Government, will last for almost a further two years, so we have plenty of time to make sure that once we have made the decision there is a smooth transition from the current arrangements to those that will apply after 2006.

Mr. Andrew Robathan (Blaby) (Con): Has the Minister noticed the many campaigns against the closure of individual post offices, including petitions backed by Members of Parliament? Does he agree that if a Member of Parliament voted for Government policy on 15 October 2002 to close one in three urban post offices, it would be the utmost hypocrisy for that Member to present a petition or campaign to keep open a post office?

Mr. Timms: I do not agree, because—as Members on both sides recognise—the urban post office network is getting less business, so rationalisation is necessary. The Post Office has made proposals for closures area by area, but it is essential that a careful process of consultation take place on each proposal. Some of the closures initially proposed were not appropriate and should not—indeed, will not—go ahead. Members of Parliament can play a part in drawing attention to such inappropriate proposals and I would encourage them to do so.

Small Businesses

6. **Ann Winterton** (Congleton) (Con): If she will introduce legislation regulating the activities of shadow directors in small businesses. [177756]

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Gerry Sutcliffe): The answer to the question is no: the activities of shadow directors are already regulated, as the hon. Lady knows. We would not want any unnecessary red tape.

Ann Winterton: I welcome the fact that the Department of Trade and Industry has recognised the problem of shadow directors. They are not illegal, but surely the public have the right to know who directs or runs a company. Fewer cases of abuse now exist, but is the Minister aware that some still persist in manipulating the system, virtually defrauding individuals and companies—more often than not smaller companies that can least bear the loss—that have provided goods and services? I have one such example in Congleton. Will the Minister undertake to look into the matter on behalf of my constituents to see what further action could be taken?

Mr. Sutcliffe: I am grateful to the hon. Lady for raising the issue of how directors operate in certain conditions, which causes concern to many people. She will know about the disqualification hotline, which has produced much information about people who act as directors inappropriately. For the information of hon. Members, its number is 0845 601 3546. If the hon. Lady gives me details of the individual case that she mentioned, I shall look into the matter as soon as possible.

European Commission Cohesion Report

7. **Mr. Michael Moore** (Tweeddale, Ettrick and Lauderdale) (LD): What assessment she has made of the European Commission's third cohesion report. [177757]

The Minister for Industry and the Regions (Jacqui Smith): The Government welcome proposals in the report to ensure a greater strategic focus for EU regional policy and the commitment to simplify the delivery mechanisms for structural funds projects. However, we have serious concerns about the proposals for the future size and focus of the structural funds, which fail to meet the objectives that we laid out in our consultation document of last year and our statements to Parliament following that consultation.

Mr. Moore: The south of Scotland has an allocation of £50 million for the current European structural funds programme, which is vital for the restructuring of the fragile local economy, especially in the Scottish borders. How will the Minister reconcile the Commission's proposals in the document with the Government's plans and ensure that we continue to receive support after 2007?

Jacqui Smith: The important point about the Commission's proposals in that plan is that no money is currently on the table, because there has not yet been agreement on the overall budget. There are now many member states, and the majority of net contributors have made clear their wish to ensure that the EU budget as a whole remains within 1 per cent. of EU gross income. No agreement has been reached about the total amount of money, nor are the data available that would be necessary to determine how any future funds would be distributed. There is no money on the table, but the Government have made it clear—in the guarantee in our document and in subsequent parliamentary statements—that we remain committed to regional policy. If our recommendations are accepted, we will ensure that we increase the resources necessary in the regions and the devolved Administrations to continue the focus on productivity and skills and make the necessary investment to ensure that they are successful.

National Grid

8. **John Thurso** (Caithness, Sutherland and Easter Ross) (LD): What plans she has to facilitate the connection to the national electricity grid at affordable prices of potential consumers living in remote areas. [177759]

The Minister for Energy, E-Commerce and Postal Services (Mr. Stephen Timms): I have no new plans to announce on this. There are no firm data on homes without mains electricity, although the proportion is thought to be less than 1 per cent. Certainly the vast majority of properties for which mains connection is cost-effective have already been connected. Properties without a grid connection tend to be in very remote locations without neighbours with whom connection costs could be shared, so there is a substantial cost barrier.

John Thurso: I am grateful to the Minister for that answer. I draw his attention to one of my constituents who lives relatively near the village of Lairg, but who is two miles away from the grid and would have to pay about £50,000 to be connected. Does the Minister recall that when the Hydro Board was set up, a statutory duty was laid on it to enable people in remote areas to be connected to the grid? In many rural areas in the United Kingdom, there are still homes for which connection to the grid is prohibitively expensive. As wind generation is being put in place in many such areas, will the Minister consider a scheme to lay a statutory obligation on wind generators to help the people who host the generating facilities to be connected?

Mr. Timms: I am not familiar with the case of the hon. Gentleman's constituent. I draw to his attention the fact that there is a safeguard in the system: once a formal request for connection has been made, the person can seek a determination on the terms that are being offered from Ofgem. Ofgem is empowered to make a determination on the appropriateness of the charges and the terms. Whether that will be helpful in this particular case, I do not know.

The hon. Gentleman raises the previous arrangements that applied in the north of Scotland, and he will welcome the steps that we are taking in the interests of electricity customers there. For example, in the Energy Bill, we are introducing a replacement for the hydro benefits scheme, which may well be of similar age to the one to which he referred, to protect customers from the impact of high distribution costs in that region. We are also replacing the common tariff obligation to ensure that rural customers in the north of Scotland are not discriminated against in favour of urban customers. That will be in the interests of quite a number of the hon. Gentleman's constituents.

I am afraid that I cannot offer the hon. Gentleman the prospect of additional legislation to place obligations on parties in the way that he proposes, because in some instances the cost of connecting a remote location could be very high indeed. It would be unfair to expect other customers to subsidise what might be a costly arrangement.

Lawrie Quinn (Scarborough and Whitby) (Lab): I know that my hon. Friend has visited my constituency on a personal basis, but he has generally been there in the summer. During the winter period, my constituents who live in remote locations in the North York Moors national park and along the coast in Scarborough and Whitby are vulnerable to loss of supply, often for many days, if not weeks, when power supply cables are blown down. Does he have any proposals to hold discussions, or does he keep under review with the electricity supply companies the quality and nature of the infrastructure that links such customers? The fact that supply cables are blown down and people are disconnected in winter often comes down to the need to reinforce the infrastructure; we need better security of supply.

Mr. Timms: I am a great admirer of my hon. Friend's constituency and I always enjoy visiting it. He raises important issues, which were highlighted by the storms

of October 2002, when we saw serious disruption to the electricity supply in many parts of the country. A great deal of work has been done since then. The Select Committee on Trade and Industry carried out a valuable investigation that highlighted many of the issues. We have seen significant improvements in the procedures followed by the electricity distribution companies, and I hope that my hon. Friend's constituents will benefit from that. I hope that my hon. Friend will see improvements, but if he feels that insufficient progress is being made, I will be happy to have a look at the issues in his constituency.

World Trade Organisation

9. **Tony Baldry** (Banbury) (Con): What progress is being made on the World Trade Organisation negotiations. [177761]

The Secretary of State for Trade and Industry (Ms Patricia Hewitt): WTO Ministers are working towards securing the framework agreements on the major elements of the Doha development agenda by the end of July. That will enable negotiations to resume and to progress at a faster rate.

Tony Baldry: I thank the Secretary of State for that answer. If that happens, it will be very good news. There is a sense that the momentum has gone out of the process, although that may simply be because we have not heard much about it publicly. However, there is a suspicion that everything is being adjourned until after the American presidential elections, so it would help the House if the Secretary of State indicated where she thinks things are in relation to the discussions on agriculture, because there has been a lot of low-level snarling between the EU and the United States. Have the Singapore issues finally been dropped? Given all the promises made at Cancun, it would be helpful if she could assure the House that there is still the same momentum and that the same importance is accorded to the issues as at that time.

Ms Hewitt: I am extremely grateful to the hon. Gentleman for being in the House to give me precisely that opportunity. Earlier this year, I shared his concern that the negotiations had run into the ground and that nothing would happen until after the end of this year, with the transition to a new United States Administration and a new European Commission. I am glad to say that those fears proved unfounded; both Commissioner Pascal Lamy and Ambassador Zoellick have made it very clear that they want to get the framework agreement in place before the end of July and that, because of those other factors, it must be in place before the end of July.

The joint letter that Commissioners Lamy and Fischler sent on 9 May to all WTO members represented a significant step forward. It reassured, in particular, developing countries about the willingness of the European Union to negotiate an end date to all agricultural export subsidies, provided of course there is parallelism in the approach of other developed countries on equivalent support for agricultural exports. The letter also made it clear that although we, and indeed most others, would like to proceed with negotiations on trade facilitation, the other Singapore issues can be dealt with differently and need not form part of the single undertaking or the round as a whole. Although the framework is not yet in place, the work being done in Geneva and the discussions between Ministers and negotiators around the world is leading all of us who are utterly committed to the Doha round to be more optimistic about the prospect of that interim agreement by the end of July.

Mr. John Grogan (Selby) (Lab): What measures is my right hon. Friend taking to encourage capacity-building among developing nations, so that when the talks resume they will be more equal partners in the negotiations?

Ms Hewitt: My hon. Friend raises an important point. The British Government, especially the Department for International Development, have been at the forefront of supporting, and indeed putting money into, capacity-building efforts, both directly with developing countries and through the WTO. That is one of the reasons—not the only one—why the voice of developing countries was so much stronger at the Cancun meeting last September, despite all the other difficulties we experienced there, than it had been before. We shall continue that very important work.

Mr. James Arbuthnot (North-East Hampshire) (Con): We know that trade is more important than aid in helping developing countries to develop, but has the Secretary of State considered why it is that under the Government British trade has run into such difficulties? Why did yesterday's trade figures show another decline—£3.7 billion? The trade deficit under the Labour Government is the worst since records began 300 years ago. Why is that?

Ms Hewitt: The right hon. Gentleman does not seem to have noticed that the downturn in economic growth in almost all our trading partners over some years has inevitably had an impact on UK exporters, nor that the British economy has been growing steadily every quarter for the last seven years and indeed is enjoying its longest period of uninterrupted growth for more than 200 years—I think that is what the Chancellor said most recently; the *Financial Times* suggested this week that it may be the longest in all human history—and because of that it is inevitable that at the moment we are importing significantly more than we are exporting. But with resumed growth, especially in the United States, and with very strong growth in China, India and other Asian countries, British companies exporting to those markets are doing extremely well. As and when growth resumes in our major continental trading partners, I have no doubt at all that that deficit will shrink again.

Commission for Racial Equality

11. **Keith Vaz** (Leicester, East) (Lab): What representations she has received on her proposals to abolish the Commission for Racial Equality. [177763]

The Minister for Industry and the Regions (Jacqui Smith): We have already received a number of responses to the White Paper "Fairness For All", which was published on 12 May and sets out our proposals for the creation of a commission for equality and human rights. The CEHR will draw together the work of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission to promote an inclusive vision of equality and human rights and to bring a coherent approach to supporting discrimination legislation, including that for the new strands of sexual orientation, religion, belief and age. We welcome debate on those proposals, which are open for consultation until 6 August.

Keith Vaz: Nobody doubts the Government's commitment to racial equality, bearing in mind the fact that the Secretary of State herself represents with distinction the great multiracial city of Leicester. However, my right hon. Friend the Minister for Industry and the Regions must be aware of widespread concerns in the community about the proposal to abolish the Commission for Racial Equality and incorporate it into a body in which other organisations will be involved. Will she reassert and reaffirm the Government's commitment to the race agenda in its entirety? Will she ask the Secretary of State whether she will be prepared to meet a delegation of Members of this House so that we can express the concerns that have been raised and so that there is a proper and appropriate dialogue with the ethnic minority community on such an important issue?

Jacqui Smith: The proposal certainly does not represent the abolition of the Commission for Racial Equality. It will build the commission's work into that of a commission that will provide a stronger and more coherent voice on race equality and equality more generally. The organisation will better recognise the needs of employers and service providers and also recognise the full breadth of how we see ourselves. Importantly, with respect to race equality, it will enable a fuller range of powers to be used to tackle discrimination; up to this point, the Commission for Racial Equality has not been able to use such powers, unlike other equality commissions. Those powers include the ability to use conciliation services, a broader scope for named investigations and the ability to use binding agreements.

Following consultations on the White Paper in various regions, I have agreed to meet the all-party groups on sex equality and on equalities. I understand that my right hon. Friend the Secretary of State would be pleased to meet hon. Members to discuss how we may ensure that the new commission builds on existing commissions and creates something better both for people who are worried about race equality and all of us who want to develop an economy and society that are built on the talents of everyone and the inclusion of all in our communities.

Doha Development Agenda

12. **Mr. David Borrow** (South Ribble) (Lab): What discussions she has had with the new Indian Government on the Doha development agenda. [177764]

The Minister for Trade and Investment (Mr. Mike O'Brien): I look forward to my first meeting with the new Indian Commerce Minister, Mr. Kamal Nath, next week in Sao Paulo, where the United Nations Conference on Trade and Development meets. We hope to have the opportunity to discuss making progress on the Doha development agenda.

Mr. Borrow: I thank my hon. Friend for his reply. Will he join me in welcoming the statement at the G8 summit yesterday that was aimed at breaking the deadlock on the Doha agenda? During his discussions with the Indian Government as one of the key players in the Doha round, will he try to get greater movement from them? Does he agree that without a successful completion of the Doha agenda, the economies of the world's poorer countries will not prosper and that agreement is essential if those countries are to achieve their long-term economic goals?

Mr. O'Brien: As has been said already, if the Doha agenda can be completed and we can achieve trade growth, it will lift more people out of poverty than all the aid budgets of all the western countries combined and multiplied by three. So that is the real ball game—the serious effort that we can make to alleviate world poverty. I believe that India will see yesterday's G8 statement as giving political momentum to the efforts to unblock the Doha round. It is clear that the United States and the EU are willing to put in the extra effort to make progress to secure the framework agreements by the end of July, after when no doubt, the US will focus on its presidential elections and the EU on its new commissioners. But it is very positive that the G8 members agreed to discuss all forms of agricultural protection and agreed on the importance of special and differential treatment for developing countries to allow them to liberalise at their own pace. India will, no doubt, be very pleased with that.

On the Singapore issues, the statement makes it clear that the G8 supports trade facilitation and implies that the remaining issues—investment, competition and transparency in Government procurement—should be dropped. I hope that that will be accepted by the G20 group of developing countries, which includes India in a very important role. I hope that we will get the movement that is sought.

Mr. Peter Luff (Mid-Worcestershire) (Con): India does indeed now enjoy a leadership role in the developing world, so I hope that the Minister will join me in welcoming the fact that the newly elected Indian Government appear to be as committed to privatisation, reform and liberal, open markets as their predecessor. In that context, does he agree that it would be wrong to demonise India for any problem in relation to the Doha round? Is not the real problem still the appalling record

on agricultural trade of the developed world, particularly America and the EU? Is that the real key to unlocking the Doha round?

Mr. O'Brien: Getting a deal on agriculture is the key to unlocking the Doha round. We need to consider a wider agenda, but agriculture matters to India, for example, more than anything else. Certainly, that is what the Trade Minister in the previous Indian Administration told me when we met. If we can get that issue unblocked and make progress on non-agricultural access, we can, if everything goes well, get the broad frameworks for discussion agreed in about July. That will give us a period for the technocrats—the technicians—to consider the detail, so that after the various elections and the appointment of a new EU commissioner, we can hope to reach a political agreement early next year.

Call Centres

13. **Roger Casale** (Wimbledon) (Lab): If she will make a statement on changes in employment levels in the UK call centre sector in the last three years. [177765]

The Minister for Trade and Investment (Mr. Mike O'Brien): The call centre industry is enormously important, and the recently published DTI study on the UK contact centre industry found that employment in the industry grew by nearly 15 per cent. from 2001 to 2003. It forecasts that the industry will continue to grow and could directly employ more than 1 million people by 2007.

Roger Casale: I thank my hon. Friend for that reply. Of course, call centres are a very competitive part of the British economy, but there are fears that jobs could be lost overseas. In that context, surely the best thing that the Government can do to help people in the call centre industry, as in other parts of the economy, is to continue to ensure that individuals working in those industries have the opportunity to get the skills that they need to adapt to change; that firms enjoy the most competitive fiscal environment in Europe, which we have under this Government; and, above all, that Britain continues to enjoy the growth in jobs and prosperity on which all our futures depend.

Mr. O'Brien: I agree with my hon. Friend; he is exactly right. The flight of jobs overseas is not inevitable. The UK has an absolute advantage in a range of things, certainly including call centres, given its cultural fit with its customers and an enormous pool of contact centre expertise and knowledge. However, the industry must move up the value chain, competing on service quality and the value added, not on price. We are in the business not of trying to pay people low wages but of getting the quality up and making sure that we provide a better product. That will enable us to be competitive.

My hon. Friend is entirely right. The Government's record of getting the basis of our economy right and of providing the best period of growth and prosperity that this country appears to have ever known is the basis on which we can look forward with some optimism to the future not only of the call centre and contact centre industry, but the whole of our industry.

MINISTER FOR WOMEN

The Minister was asked—

Equality and Human Rights Commission

18. **Vera Baird** (Redcar) (Lab): If she will make a statement on progress towards a commission for equality and human rights. [177772]

The Deputy Minister for Women and Equality (Jacqui Smith): We believe that a single commission for equality and human rights is the best way to contribute to our vision of a fair, prosperous and cohesive society. We published the White Paper "Fairness for All: A New Commission for Equality and Human Rights" on 12 May, setting out details of the new commission. We will be consulting on it until 6 August.

Vera Baird: I am very grateful for that reply. The White Paper is extremely welcome—in particular, for its expressed intention to take concrete steps towards implementing the Government's long-standing commitment on a gender duty. Does my right hon. Friend expect that, in due course, that gender duty will be included in the statute that will set up the commission?

Jacqui Smith: My hon. and learned Friend raises a very important point about public duties. Earlier, in response to my hon. Friend the Member for Leicester, East (Keith Vaz), I outlined some of the new powers that the commission will have. It will have the important role of monitoring and ensuring that the public duties already existing for race are applied in respect of disability and gender. Frankly, the point at which we legislate for the gender duty depends on the progress that we can make in designing the duty to ensure that it makes a difference in developing better, more accessible and more responsive public services without a heavy bureaucratic burden.

I assure my hon. and learned Friend that we have now significantly stepped up activity. The Equal Opportunities Commission is engaged in that design work, and officials from across government have met. I am very confident that we will make good progress.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Whatever the pros and cons of an overall equality commission involving disability, race and gender, the fact is that such a commission is off the ground and developing in Northern Ireland, because that was part of the Belfast agreement. What has been learned from developments in Northern Ireland?

Jacqui Smith: My hon. Friend is right. We need to learn not only from Northern Ireland but more broadly, not least because there were particular circumstances in Northern Ireland that necessitated the development of the approach taken there. Part of the reason for the consultation process and for the process that we engaged in up to the publication of the White Paper, which brought together a taskforce of stakeholders from business and the different equality groups to consider how best to set up the commission, was to

ensure that we learned the best lessons, that we took the best from the existing arrangements and that we came out at the end with something more effective than we have at the moment for embedding equality and diversity and for tackling discrimination where it exists.

Miss Anne Begg (Aberdeen, South) (Lab): I am sure that the Minister will be aware that when a single equality commission was first proposed, many disabled people were concerned that disability would lose some of its impact, especially because the Disability Rights Commission is still a relatively new commission. Many of these fears have been addressed with the guaranteed place for a disabled person on the board of the proposed commission for equality and human rights and the provision for a separate committee that would have policy-making powers. However, the concern remains that there will be less focus on disability, so can the Minister assure people in the disabled community that that will not happen and that work will go on to introduce a single equality Act? That is also important in underpinning the work of any single equality commission.

Jacqui Smith: As I have spelt out in response to other questions, disability stakeholders have much to gain from an organisation that is able to provide a much better service to employers and to service providers. Because of the way in which we have set up a disability commission, which my hon. Friend mentioned, with specific expertise on some of the areas of disability legislation such as, in particular, the idea of reasonable adjustment, we shall ensure that that expertise is also fed into the commission. The benefits for disabled people of having a commission that will enable them to see also the different elements of their identity and the different challenges faced by, for example, a black disabled person or an older disabled person will ensure that we end up with something that is both more effective for disabled people across the piece as well as for all the other stakeholders for whom the commission will play a very important role.

Women's Entrepreneurship

19. **Ms Meg Munn** (Sheffield, Heeley) (Lab): What progress has been made on the strategic framework for women's entrepreneurship launched in May 2003; and if she will make a statement. [177773]

The Minister for Women and Equality (Ms Patricia Hewitt): I am glad to say that all nine English regions and all 45 business link operators have set targets to increase the number of women starting their own businesses, and to ensure that they give them proper support to do so. In the past year, according to the labour force survey, the number of self-employed women in the UK has risen. The total number of businesses started and run by women now amounts to almost 1 million.

Ms Munn: I thank my right hon. Friend for that answer. The other evening I attended the launch of the British Chambers of Commerce report entitled "Achieving the Vision: Female Entrepreneurship" with my right hon. Friend the Deputy Minister for Women and Equality. I met many truly inspirational women who were being very successful in their businesses.

How do we get that enthusiasm and obvious real experience of running businesses across to other women who might want to start up a business? Secondly, what more can my right hon. Friend do—

Mr. Speaker: Order. It is only firstly.

Ms Hewitt: My hon. Friend raises an extremely interesting point. Like her and my right hon. Friend, I welcome the report that the British Chambers of Commerce, in association with the Global Entrepreneurship Monitor, published a couple of days ago. It shows that although the United Kingdom still has a lower level of business start-up among women than many other developed economies, things are improving. In 2003, women were more than twice as likely to see good opportunities for themselves to start a business compared with 2001. One of the best things that we can do is to continue supporting organisations such as Prowess—the women's entrepreneurship network—that are helping to bring together women who have already successfully started a business with other women who might have an interest in doing so. That is one of the most successful ways of inspiring other women and giving them confidence, as a result of practical support, to move into self-employment and entrepreneurship.

Mrs. Eleanor Laing (Epping Forest) (Con): I welcome what the Secretary of State has said and I share her praise of the British Chambers of Commerce, but does she not realise that women entrepreneurs, like all other entrepreneurs, are completely fed up with the red tape of Labour's nanny state? What they really want and need is choice, freedom and flexibility in their businesses and in their working lives, which is, of course, what a Conservative Government will give them.

Ms Hewitt: The hon. Lady knows that this Government made pioneering steps to give women in employment much greater choice and control over their working hours and introduced far better rights for both paid and unpaid maternity and parental leave—things that I recall the Conservative party opposed.

I remind the hon. Lady that according to the most recent surveys undertaken by Barclays bank, in 2003 no fewer than 465,000 new businesses were set up in Britain. That is an increase of 19 per cent. over the previous year. The Government have presided over the most successful record of economic growth, with nearly 2 million more people in employment. I am delighted to say that we are also supporting and encouraging far more people to enter into self-employment and to set up the new businesses that will generate more new jobs in future.

Mr. Peter Pike (Burnley) (Lab): Does my right hon. Friend agree that in the north-west women entrepreneurs can play a vital role in improving the economy? In call centres, it has been shown that they have done extremely well in that role.

Ms Hewitt: I warmly welcome my hon. Friend's contribution to Questions to the Minister for Women.

He is absolutely right—together with the regional development agency, employers and unions in the north-west, we are funding a further project to ensure that our call centres remain competitive in the north-west and continue to create good jobs for my hon. Friend's constituents and other people in the region.

Sandra Gidley (Romsey) (LD): I welcome that improvement, but the Minister is probably aware that *New Business* recently pointed out that there are still significant barriers to overcome and stressed the important link with vocational training. The Equal Opportunities Commission recently highlighted the skills gap or divide and suggested that encouraging women to take up modern apprenticeships was a way forward. Has the Minister seen the Learn Direct website? The first picture one sees is a young man saying "Do you want to work with cars", followed by a chunky male chef and a hunky male fitness instructor. The unwritten question is clearly "Do you want to be a man?" Will she take a look at such sites and work with organisations to devise suitable strategies so that women are not immediately put off when they first access a website to try to find out more about the scheme?

Malcolm Bruce (Gordon) (LD): My hon. Friend obviously enjoyed that website.

Ms Hewitt: With that encouragement, I shall go straight back to my internet connection and take a close look at the Learn Direct website. I assure the hon. Lady that we are working closely with the Equal Opportunities Commission, Learn Direct, the Learning and Skills Council and so on to encourage far more women to come into a well-paid and interesting range of jobs, including plumbing and engineering, which are not only highly paid but, unfortunately, male-dominated. By doing so not only can we make it much easier for women to take up well-paid jobs and set up extremely successful businesses but we can help to close the skills gap. I shall certainly make sure that Learn Direct is properly on board for that project, and shows women the full range of careers and business opportunities available to them.

Business of the House

12.31 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): Will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Mr. Peter Hain): The business for next week will be as follows:

MONDAY 14 JUNE—Second Reading of the Domestic Violence, Crime and Victims Bill [*Lords*].

TUESDAY 15—Opposition half-day [10th Allotted Day] (Part Two). There will be a half-day debate entitled "The Failure of the Government's Transport Policy" on an Opposition motion, followed by motion to approve European documents relating to the financial perspective and to the structural and cohesion funds.

WEDNESDAY 16 JUNE—A debate on European affairs on a motion for the Adjournment of the House.

THURSDAY 17 JUNE—Second Reading of the Public Audit (Wales) Bill [*Lords*].

FRIDAY 18 JUNE—Private Members Bills.

The provisional business for the following week will be:

MONDAY 21 JUNE—Second Reading of the Health Protection Agency Bill [*Lords*].

TUESDAY 22 JUNE—Opposition day [13th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

WEDNESDAY 23 JUNE—Consideration of Lords amendments, followed by a debate on a motion for the Adjournment of the House.

THURSDAY 24 JUNE—Estimates [3rd Allotted Day]. Subject to be confirmed by the Liaison Committee

FRIDAY 25 JUNE —The House will not be sitting.

Mr. Heald: I thank the Leader of the House for the business. Can he give us any news about when the debates promised by the Foreign Secretary on Zimbabwe and Iraq will take place?

I pay tribute to the electoral registration officers who are working hard today, and in difficult circumstances this year, to ensure that the elections take place. The Leader of the House will know of the widespread concern in the House and the country about the fraud, intimidation and sheer incompetence that has marred the postal ballot for the European elections. Police are apparently investigating a raft of complaints, which range from heads of families filling in ballot papers for the whole family; ballot papers being collected door-to-door by Labour party officials in breach of guidelines from the Electoral Commission; a candidate alleged to have collected ballot papers for an entire family and claiming that he had done nothing wrong; one in seven people not receiving a ballot paper at all while others received more than one; and an employer threatening to sack staff unless they voted Labour. The Leader of the House was warned in advance that this was folly, particularly with so little time to prepare. We need an urgent statement setting out how the Government intend to address what is being called the fistful of ballots fiasco and how many legal challenges are likely to follow. Before he says that more people have voted, will he admit that the effect of electoral fraud is always that there are more votes in the ballot box? But we want them to be genuine.

May we have two statements about false figures put out by the Government? First, can we expect an oral statement of apology and correction from the Minister with responsibility for the armed forces? He told us he had not received reports from international bodies about abuse in Iraq, but then he was forced to change his tune. He told us that there were only 33 cases of brutality being investigated, but it now turns out that there were 75. Is it not wrong to correct such information in a written statement? Should he not come to the House and face the music?

Secondly, a senior Home Office official told Swansea Crown court yesterday that immigration could be six times higher than official figures and that there were no serious removal arrangements for illegal immigrants. May we have an urgent statement on the true position and an explanation of why Ministers have not been frank with the House? Like the country, we have been let down by Labour.

Mr. Hain: On the question of the debates on Zimbabwe and Iraq, it is intended to have a debate on Zimbabwe within the next few weeks. As soon as I am able to give a date to the hon. Gentleman and to the House, I will do so. We have made it clear that that is the Government's intention. On Iraq, when the time is right, yes, there will be a debate. As the hon. Gentleman knows, and I am sure he and the whole House will welcome it, the United Nations Security Council resolution was unanimously adopted, providing for the transfer of sovereignty to a new Iraqi Administration. They will take office at the end of the month and there will thereafter be an opportunity to assess the success of the Government's policy on Iraq, which has been to ensure that Iraq was liberated from Saddam Hussein and that the Iraqis can take control of their own destiny, which Saddam's murderous and dictatorial rule had prevented them from doing.

On postal voting, I join the hon. Gentleman in paying tribute to electoral registration officers. Yes, a series of allegations has been made and that is being investigated, in some cases by the police. If any fraud is discovered, it will be dealt with in the appropriate way. As a politician, the hon. Gentleman knows that it is not the case that elections under the previous system were perfectly in order in every respect. He knows from Northern Ireland, for example, that there was a regular slogan, "Vote early, vote often". He knows that there were other instances of postal vote fraud and electoral fraud. Indeed—*[Interruption.]*

Mr. Speaker: Order. Let the Leader of the House reply.

Mr. Hain: Where there are instances of malpractice or possibly fraud, they should be dealt with harshly. There is no question about that. However, the idea that all elections in the past have been run perfectly and that unscrupulous individuals or politicians did not seek to exploit them is an illusion. I remember more than 30 years ago a Liberal by-election organiser saying proudly that he had voted in every Liberal by-election. I remember many cases of people alleging various kinds

[Mr. Hain]

of fraud in postal votes. In some ways, it is easier to go into a polling station and impersonate someone when one does not have to sign and have that signature witnessed than it could be under a postal votes procedure.

Fourteen million people have been given the opportunity to vote from the comfort of their homes in the biggest exercise in spreading democratic opportunity anywhere in Britain—and probably anywhere in the world—in a series of pilots that we need to assess. We also need to find out whether any mistakes or procedures need to be rectified. I should have thought that every good democrat would welcome the possibility that turnout will be significantly up on the 1999 European elections. What are the Conservatives and the Liberal Democrats afraid of? Are they afraid of a high turnout? That is the issue: they are afraid of a high turnout. Although we must put right any malpractice, the increase in democratic participation is welcome. The Electoral Commission says that there is no reason to believe that the pilot schemes have

"resulted in an increase in the incidence of electoral offences."

On the armed forces, the hon. Member for North-East Hertfordshire (Mr. Heald) knows that the Minister of State, Ministry of Defence has set out the facts, corrected the record and explained what happened. Amnesty International welcomes that statement and the increased investigations as a result of the verification exercise conducted by the Royal Military Police and the Ministry of Defence. The record of investigations has been corrected and no attempt has been made to hide that correction. The synthetic anger of the hon. Member for North-East Hertfordshire is just that—synthetic.

An immigration official has made an allegation. The truth is that asylum applications have halved in recent months under this Government's policy of cracking down on illegal human trafficking. The number of returnees—removal—has doubled, which shows that the Government's successful policies are enabling us to take control of that worldwide phenonmenon. When we introduced those policies, the Conservatives often opposed them in this House and, in particular, in the House of Lords.

Malcolm Bruce (Gordon) (LD): In the light of the changeover, does the Leader of the House think that the time for a debate on Iraq rapidly approaches? We must understand both the future deployment of British troops and the engagement of British agencies.

The Leader of the House's reply on postal votes suggests that a debate is required. He was anxious to debate the matter himself, so he should accept that a debate is required.

The Government should consider calling a full-day debate on the environment. Such debates have mostly been left to Liberal Democrats and Back Benchers. The Government claim that the environment is a major feature of their policy, so they should call a debate to explain how they intend to meet their own targets.

In advance of next week's formation of the all-party group on deafness, will the Leader of the House ask the Department for Work and Pensions to make a statement to the House on Government action to promote the recognition of sign language? The Council of Europe has apparently asked the Government to organise such work—the Under-Secretary of State for Work and Pensions, the hon. Member for Liverpool, Garston (Maria Eagle) is on the Front Bench, and I appreciate her involvement. I understand that the Government will hold a conference on the matter in conjunction with the Council of Europe and it would be helpful if a statement were made to the House and further information were given about what I hope is a positive Government initiative.

Finally, I ask the Leader of the House whether the Government will indicate their policy on the Organisation for Economic Co-operation and Development review of corruption in British business worldwide, because French inspectors will carry out the peer review in this country during the next few weeks. The Government have indicated that they favour legislation to implement the UN charter on corruption, but they have not said when that will happen and have not introduced any draft proposals. Will the Government come to the House soon and explain the exact policy to be implemented to deal with our obligations to stamp out corruption?

Mr. Hain: On deafness and sign language, I pay tribute to the work of the hon. Gentleman, who pays close attention to and raises that matter in the House. I will certainly draw his point to the attention of the Secretary of State and examine the extent to which we can meet his wishes.

On the OECD review of corruption in business, the hon. Gentleman knows and probably applauds the fact that British business is renowned internationally for being relatively, if not entirely, free of corruption compared with other businesses worldwide. Nevertheless, the issue must be dealt with and the Secretary of State is examining it closely.

The environment is regularly debated in both Department for Environment, Food and Rural Affairs questions and other debates. The Secretary of State will obviously want to consider the opportunities to hold a wider debate, but the hon. Gentleman can apply for one in the normal way.

I have indicated that a time will come when it will be proper for the House to debate Iraq and the Government are considering that point. However, the United Nations Security Council has just agreed a resolution and the transfer of power is only weeks away. The House will have an opportunity to take stock of the policy and we are bearing that point in mind.

Let me return to the subject of postal votes. The Government will assess the whole experiment and the results will be reported to the House. It was an experiment—legislation was introduced to allow pilots in four English regions. What is exciting is that 14 million voters have been given an opportunity to vote from the comfort of their own homes, and more and more are doing so. It appears that 2 million more are voting in this way than voted under the old system in 1999.

I must emphasise that the number of complaints and instances of malpractice is tiny compared with that figure of 14 million—the number of people voting from the safety and comfort of their own homes, or having the opportunity to do so. According to the Electoral Commission, there have been few cases of fraud or malpractice; and, incidentally, allegations have been made about every party in that regard.

I stress that there will be a proper assessment. That was the whole point of introducing pilots rather than setting new legislation in concrete. We wanted to see what lessons could be learned. I find it interesting that it is the Conservatives and Liberal Democrats who want to deny people that opportunity to vote from the comfort of their own homes, when it could result in a higher turnout and therefore a better quality of democracy.

Mr. Dennis Skinner (Bolsover) (Lab): Is my right hon. Friend aware that among a few complaints received by some Labour Members is one about the requirement for a witness to signatures in the postal ballot pilot scheme? Is it true that that requirement was included because the Tories and the Liberals ganged up to force people signing to obtain a witness?

The Leader of the House has given us the agenda for the next 10 days. That takes us almost to July. Will he confirm that at some point in July he will announce the introduction of a fox hunting ban? Time is running out.

Mr. Hain: My hon. Friend is absolutely right about postal voting. There was a Tory-Liberal Democrat coalition. [HON. MEMBERS: "Good."] Ah! There we have the platform for the next general election: a Tory-Liberal Democrat coalition, with the Liberal Democrats moving to the right as they have done consistently over recent months. Those two parties united in insisting on a witness to the signatures, which has caused some complications.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Why?

Mr. Hain: Anyone who has filled in the forms knows that to be the case. We will obviously want to review the exact circumstances, and any lessons to be learned.

As I have already made clear to my hon. Friend, who has played an honourable role in regard to the fox hunting issue for many years, the Government intend to resolve the matter. I have nothing to add to that and I have no timing announcements to make at this stage.

Sir Nicholas Winterton (Macclesfield) (Con): On Monday evening the Deputy Leader of the House gave me, and the House as a whole, a firm assurance that two Procedure Committee reports would be debated on the Floor of the House before the summer recess. They are the report on Sessional Orders and resolutions—which is widely supported not only by Members but, if I may say so, by you, Mr. Speaker, and the House authorities—and the report on procedures for debate, private Members' Bills and the role of the Speaker. Will the Leader of the House confirm that they will both be debated here before the recess?

May I also support my hon. Friend the Member for North-East Hertfordshire (Mr. Heald), the shadow Leader of the House, in requesting a debate on Zimbabwe—again, before the summer recess? The situation in that country continues to deteriorate. The dictator, Mr. Mugabe, has apparently announced that all land in Zimbabwe will be nationalised and we are deeply worried about those developments. May we please have a debate at an early date?

Mr. Hain: On the question of Zimbabwe—the hon. Gentleman has consistently raised it and properly so, given the dreadful state of that country under Robert Mugabe's regime—we intend to have a debate within the next few weeks. As soon as I am able to announce the date, I will do so. I hope that that gives the hon. Gentleman encouragement. The Deputy Leader of the House has made the situation clear regarding the two reports to which the hon. Gentleman refers. There is no question but that they will have to be debated because they involve issues that are very important to the House.

Mr. Eric Joyce (Falkirk, West) (Lab): My right hon. Friend might be aware that the majority of Scots—broad-minded lot that we are—will be supporting England during the European championships. We are more broad-minded than the Scottish premier league, which, it seems, is about to deny Inverness Caledonian Thistle access to the premier league, even though it won the Scottish first division. Indeed, it did the same to Falkirk FC last year. Will he find time for a debate on this important subject, given that this looks suspiciously like uncompetitive practices by the Scottish premier league?

Mr. Hain: I am very concerned to hear about that. The Scottish Parliament is commissioning an inquiry into Scottish football, and I am sure that close notice will be taken of my hon. Friend's points. As a Welsh MP, may I join him and other Scots Members of Parliament in wishing England all the best for the European championships? I hope that the England team will be putting crosses into the box on Sunday, just as voters will be putting crosses into the box for Labour in the European elections.

Mr. Michael Jack (Fylde) (Con): My postbag tells me that aerospace workers in my constituency continue to be worried at the lack of an agreement to tranche 2 of the Eurofighter programme. May I ask the Leader of the House for an urgent statement by the Secretary of State for Defence on exactly what is going on and why no decision has been reached? A year ago, an agreement was signed that enabled the RAF to take into service the first aircraft in tranche 1. We have now had a year for this matter to be resolved and there is considerable anxiety among the aerospace workers. I hope that an early statement will put their minds at rest.

Mr. Hain: I know that the Secretary of State for Defence is very mindful of the right hon. Gentleman's constituency interests in this respect, which he raises properly and with persuasion. As he knows, Defence questions will take place on Monday week—21 June—so he will be able to question the Secretary of State then.

Mr. Tony McWalter (Hemel Hempstead) (Lab/Co-op): One cannot help thinking that the rather thin programme that the Leader of the House has announced gives the Government scope to be imaginative. Perhaps he might think about having a debate on the 40,000 civil servants who form part of the slimming down operation. One rumour going around is that a slimmed-down Department commissioning Government contracts will, as a result, have less scope to place contracts with small businesses. I am sure that my right hon. Friend will agree that that would be a most lamentable consequence of such a decision.

Mr. Hain: I am deeply pained by my hon. Friend's suggestion that it is a thin business programme; it is full of meat and important business—apart from the Opposition debates, of course. On civil servant numbers, he will doubtless want to endorse the Government's strategy of focusing public money on front-line services and of using the advantages of new technology and modern efficiency measures, many of which operate in the private sector, to reduce back-room staff and to allow individuals to transfer their skills and to take up other job opportunities, or to take early retirement if they so wish. I am sure that there is no intention that small businesses should lose out, and I would be very disturbed to discover that that was the consequence. Indeed, contracts to businesses large, medium or small should be applied on a uniform basis, according to whether or not they are competitive.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Given the recently expressed worries about obesity, is the Leader of the House concerned that he is effectively preventing 14 million people even from walking to their local polling stations? He did say a moment ago that a full assessment is going to be made of the postal voting fiasco, and he mentioned a report back to the House. Will he give us an absolute undertaking that there will be a proper debate in this House on postal voting, and that such voting will not be extended—or, indeed, continued—until both Houses of Parliament express their full satisfaction with every detail of the postal voting regime? We cannot have this going ahead with people being unable to trust the process, and we cannot regard an increase in turnout, if it is based on fraud, as acceptable.

Mr. Hain: I strongly dispute the idea that an increase in turnout would be based on fraud. The instances of malpractice are tiny in comparison with giving 14 million people the chance to vote from the comfort of their homes. I would have thought that the right hon. Gentleman, as a parliamentary champion, would be the first in line to say that he is very worried about the consistent decrease in election turnouts since the second world war. If, as previous pilots have shown, turnout has been increased—I am sure that, by the end of today, we will know that it has increased—more people will have participated in democracy, and more people participating makes our democratic system much more legitimate. That should be seen in perspective and set against the small number of instances of malpractice that have been uncovered, and which involved officials and members of all parties.

On the right hon. Gentleman's substantive point, he knows that this legislation applies to today alone and expires after that. It is pilot legislation, and there will of course be an opportunity to debate it fully in the House after the Government, the Electoral Commission and others have made a proper assessment. There is no intention to bounce anybody into this. The intention was to improve the quality of our democracy and its legitimacy by increasing turnout. If the Conservatives and the Liberal Democrats are content with the remorseless decline in turnout, that says something about their view of democracy.

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): May I add my voice to the demand for a debate on the real benefits of all-postal ballots? Not only were they welcomed by many of my constituents on the doorstep, many of whom would otherwise have been unable to vote, the 41 per cent. turnout reported in Sheffield on Wednesday constituted a significant increase that demonstrates that the Opposition's claims are completely false.

Mr. Hain: I could not agree more with my hon. Friend. Indeed, I was in Sheffield last Thursday campaigning in the elections, and the turnout is very encouraging. It is only the Conservatives and the Liberal Democrats who are frightened of democracy and the ballot box. Labour is proud to be a party that wants more and more people to vote, regardless of which party they vote for, although we would of course prefer that they voted Labour. Many will have the opportunity to do so as a result of the extra postal votes.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Could time be made available for a Minister from the Foreign and Commonwealth Office to explain to the House what it is doing actively to support the case of Kenny Richey, the Scotsman on death row in Ohio, and in particular why it has yet to get around to lodging an amicus brief? There is a new urgency in Mr. Richey's case, as the campaign suffered a severe setback yesterday when the Ohio supreme court refused to rule on a point of law referred to it by the sixth circuit court of appeal.

We no longer have an automatic right to lodge an amicus brief, but of course application can be made to the court to do so. If the FCO were to take that opportunity, it would send the clear signal that people in this country are not prepared to sit back and see the execution of one of our citizens, whose case has been described by Amnesty International as one of the most compelling cases of innocence that it has come across.

Mr. Hain: The hon. Gentleman has made the point very eloquently and with passion, and I know that the Foreign Secretary will want to take close note of it. Because of the urgency of the situation, I shall ensure that the Foreign Secretary's office is notified as soon as possible.

Keith Vaz (Leicester, East) (Lab): May we have a debate on the use of school facilities after school hours? A constituent of mine, Mr. Rahman, wants to teach the Koran to Muslim children within the mainstream setting of a primary school after school hours, but he has not been allowed access to Northfield House primary school. He is asking not for a separate school but to be able to use such facilities to give something to the local community that our mainstream education system does

not provide. May we have a debate on this issue, which affects not just the Muslim community but other communities that might want to teach their religion in such settings?

Mr. Hain: I know that it is very important, both for the Muslim community itself and for the wider community, to ensure that young people have the opportunity to learn about the Koran and the Muslim faith in a proper environment. I know that many imams have also strongly taken that view, so it is a matter that I am sure the Secretary of State for Education and Skills and the Home Secretary will want to examine closely, bearing in mind the important point that my hon. Friend has raised.

Mr. John Wilkinson (Ruislip-Northwood) (Con): Will the Leader of the House grant a debate on the way in which the Government are mortgaging the country's future through the abuse of the private finance initiative? Would the Chancellor of the Exchequer wind up such a debate by explaining how in this financial year he is going to sign off 75 PFIs at a cost of £7.7 billion, which did not appear in the Budget statement or the documents attached thereto? Could the Chancellor also explain at the end of such a debate how the £40 billion worth of PFIs already approved since 1997 will be financed without increases in taxation?

Mr. Hain: The point of the private finance initiative is to ensure that the private sector, including private sector capital and expertise, is brought in to enable us to construct many more new hospitals, schools and other public sector projects than were ever contemplated under the Conservatives or would have been possible had we relied entirely on the public purse to generate that finance. That is the point. We keep the procedures under constant review, but I should have thought that the hon. Gentleman would welcome the fact that there are more new hospitals being built, more new schools opened, and more new construction projects going ahead as a result of this extra facility.

Mr. Gordon Prentice (Pendle) (Lab): May I return to the allegations of cheating and stealing votes? If the Electoral Commission finds that the election has been seriously contaminated, will there be an opportunity for a rethink on the decision already taken to have all-postal voting in the regional referendums to set up assemblies, which are coming up in October?

Mr. Hain: I make the same point to my hon. Friend as I did to Conservative and Liberal Democrat Members. I am sure that my hon. Friend, as a good democrat, would want more people in his constituency to have the opportunity to vote today and in the forthcoming regional assembly elections. We need as high a turnout as possible in all our elections, particularly in referendums. That is self-evidently desirable.

Dr. Julian Lewis (New Forest, East) (Con): I assure the Leader of the House that Conservative Members want all their constituents to have the opportunity to vote, but we want each to have the opportunity to cast his or her own vote, not other people's votes en masse on their behalf. Does he accept that, when he accuses us of being insufficiently democratic, the sort of democracy that he may be talking about is the democracy of the former German Democratic Republic, which used to have turnouts of 98 per cent. in elections? Will the Leader of the House deal with the fact that a journalist reported last Sunday that he was able individually to obtain 36 postal votes? Of course the turnout will go up if he chooses to use those 36 votes, and if he had not disclosed them, he could have used them.

Mr. Hain: The hon. Gentleman's comparison with the German situation is, frankly, insulting drivel. On the question of postal votes, he is making a case against such votes under the old system. He is making a case against postal votes of any kind at all, ever. That is what he is saying. We know that there were instances of fraud under the previous system. We know that that is the case. That is why extra procedures were put in place. The concerted attempt by the Conservatives—the hon. Gentleman, I am sorry to say, included—to derail the opportunity for at least 2 million more people than before to vote from the comfort of their own homes means that the Conservatives are scared of democracy. They are scared of a high turnout, and the question is why.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): May I add to the calls for a full debate on all-postal ballots after today's elections so that we can have the opportunity to comment on the efficient and effective way in which the ballots have been distributed in places such as Sheffield? In many parts of the country, again including Sheffield, there have not been widespread allegations of fraud or malpractice. As my hon. Friend the Member for Bolsover (Mr. Skinner) has already pointed out, the one point of confusion causing concern on the doorstep is the requirement for a witness statement. That was brought in at the last minute on the insistence of the Tories and the Lib Dems and against the advice of the Electoral Commission, which said that it would add nothing to ballot security. It could lead to thousands of ballot papers being disqualified, which shows that Government Members should be congratulated on enhancing democracy and that Opposition Members should accept the responsibility for the adverse consequences for democracy of their actions.

Mr. Hain: I fully agree with my hon. Friend. Arguably, if there were any opportunities for malpractice, they would be increased by the need to have the witness statement. That is precisely what we argued, supported by the Electoral Commission, against the wrecking tactics of the Tory-Lib Dem coalition on this matter.

Mr. Graham Brady (Altrincham and Sale, West) (Con): As late as yesterday, the borough of Trafford reissued 483 ballot papers. For most of the people concerned, postal voting is simply out of the question. Will the Government assess how many tens of thousands of people in the northern regions and the east midlands will be deprived of the right to vote by the Government's postal vote shambles? I also ask the Government to reflect on the real evidence about turnout in postal voting. My borough has had previous

[Mr. Graham Brady]

pilots for postal voting. A couple of years ago, the turnout in the borough of Trafford went up from 35 per cent. to 52 per cent. The indications are that, this year, it has come down again to closer to 40 per cent. Could it be that people vote when the system is new, but when it settles down, the turnout decreases, or is it that combining the ballot with the European elections has depressed interest in the local elections?

Mr. Hain: There is a whole series of questions there. It is possible that after the novelty of postal voting has worn off, the turnout may decline. Who knows? That is exactly why we want to assess how the scheme has gone and what lessons can be learned. It is also why the legislation was time limited to a series of pilots. I am advised that in Trafford, the hon. Gentleman's area, where a pilot was conducted a year or so ago, the Conservatives actually benefited from it. That shows just how broad-minded the Labour Government are in favouring democracy over party interest and in wanting a high turnout rather than a low turnout, disengagement, apathy and alienation, from which the right wing has always benefited in politics across the world. Fundamentally, Labour is on the side of democracy and the Conservatives have always, historically, been opposed to the extension of democracy.

Mr. Harry Barnes (North-East Derbyshire) (Lab): And now for something completely different. Has my right hon. Friend seen early-day motion 1259 on the treatment of victims of crime?

[That this House recognises that the Police and the Crown Prosecution Service are expected to act under the provisions of the Victims Charter in providing explanations to those claiming to be victims of crimes whenever it is decided that these bodies will not instigate criminal charges or will drop or reduce such charges; is deeply concerned that Government departments and agencies invariably avoid giving such explanations by claiming legal professional privilege under the Code of Practice on Access to Government Information in similar cases where they are legislatively responsible for exercising the prosecuting role; believes that such blanket exemptions from acting on the provisions of the Victims Charter should be ended forthwith and that all of those who have been denied explanations for non-prosecutions by Government departments and agencies since the update of the Victims Charter in 1996 should retrospectively be supplied with these; and further believes that relevant Government amendments to the Data Protection Act 1998 and the Freedom of Information Act 2000 should urgently be placed before this House to ensure that this matter can be rectified in law.]

If the police or the Crown Prosecution Service do not follow up a prosecution on behalf of the victim, they are obliged by the victim's charter, as amended in 1996, to provide an explanation as to why not. If a Government Department with the responsibility for prosecution refuses to do so, it uses legal and professional privilege in order to escape that responsibility. If the code of practice on access to Government information was adjusted, it would end that anomaly. It would also save the House's time if that were done quickly; otherwise, my alternative avenue is to table an amendment to the Domestic Violence, Crime and Victims Bill on Monday.

Mr. Hain: I am not sure about that being something completely different. If someone's ballot paper has been stolen by a Liberal Democrat, he is a victim of crime. The issue that my hon. Friend has raised is a complicated one. We do not believe that there is a need to amend the legislation. Balancing public rights of access to information with the need to preserve confidentiality in certain circumstances requires careful judgment, and we are confident that the public interest in those areas is protected under existing law. My hon. Friend will have the opportunity to make his case when the moment comes.

Mr. Peter Luff (Mid-Worcestershire) (Con): I think that I ought to be asking for a debate on the Leader of the House's grasp of history and logic. In respect of his answer to my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady), he first ignored the fact that it was Benjamin Disraeli who piloted through one of the biggest expansions of the franchise in this country. Secondly, he said at one stage that postal voting had benefited the Conservatives and then that it always benefited the left. He simply could not make up his mind. Never mind, that is not what I want to ask for. What I want to ask for is an urgent debate on postal voting, which we need to inform the consideration of the pilot schemes by the Government and the Electoral Commission. The debate should come before the Government produce a report, not after. We are all in favour of increasing election turnouts. Declining turnouts are a terrifying wake-up call to politicians that we are failing to engage the people. Raising turnouts does not depend on gimmicks such as all-postal voting, text voting or e-voting. The secret is to re-engage with the public.

Mr. Hain: I can applaud the hon. Gentleman's sentiment. At least, a Conservative Member is saying for the first time that a higher turnout is desirable. That is a good thing, but in the modern age, people's lifestyles, aspirations and behaviour are very different from what they were the past. There has been a long decline in election turnouts, under Governments of all parties. It is right to look at all sorts of different ways to encourage turnout. In the future, that may involve the use of information technology or greater postal voting. All such possibilities should be considered, but the hon. Gentleman should know that the legislation specifically provides for an assessment of the pilots, so that the lessons can be learned for the future. That assessment will be carried out.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): My question is more of the same, I am afraid, Mr. Speaker. The Leader of the House has powerfully advocated the case for postal voting. We all want higher turnouts, so will he say when he intends to schedule a debate on the subject? We want the postal voting system to work properly, and with integrity. We also want it to be evaluated properly. My information is that in this election, for the first time ever, spoiled ballots will be counted as part of the turnout. There may be a case for

that but, if we are to evaluate properly increased turnouts as a result of postal voting, we need to be fully informed of the facts. I should be grateful if the right hon. Gentleman will say when a proper debate on this matter is likely to be forthcoming.

Mr. Hain: I am intrigued by the way in which Conservative Members are seeking to rubbish the results of these elections in advance, as though they have something to fear. That is very interesting indeed. As I have made clear all along, all the aspects of the new procedure, including the one mentioned by the hon. Gentleman, will be evaluated properly, by the Electoral Commission and other bodies. There is no intention to string that evaluation out, as we want to draw lessons for the future.

However, I want to return to the historical point made earlier. It was the labour movement that joined the Chartists in pressing for universal suffrage, and it was the labour and trade union movement that pressed for women's right to vote—against the consistent opposition of the Conservatives and right-wing forces. That is our history: the Opposition's history is very different.

Paul Holmes (Chesterfield) (LD): Will the Leader of the House clarify his earlier comments about the reintroduction of the Hunting Bill? The Government have made various apparent commitments in that regard, but they chose their words very carefully—as the right hon. Gentleman did—by talking about "resolving" the issue. The House has repeatedly voted, by large majorities, to ban that cruel sport, and all legitimate opinion polls show that about 70 per cent. of the public agree that the sport is cruel and should be abolished. Will the right hon. Gentleman confirm that the Hunting Bill will be reintroduced in the six weeks left before the summer recess? Will he confirm that the rules and procedures of the House, and the Parliament Act 1911, mean that the Bill could pass through the House in one day, if it is reintroduced before the summer recess? If the other place rejected it, could not the Bill still be law by the autumn of this year? Alternatively, when the Government talk about resolving the issue, does that mean letting it drift into the long grass until after the next general election?

Mr. Hain: The House of Lords sought to long-grass the matter, as the hon. Gentleman knows, by using the Tory-dominated hereditary vote. We are determined to resolve the matter, and we intend to do so.

Disability

Motion made, and Question proposed, That this House do now adjourn.— *[Maria Eagle.]*

1.14 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Maria Eagle): When he stood up in this House on 31 January 1992 to move the Second Reading of his Civil Rights (Disabled Persons) Bill, Lord Morris of Manchester—then the MP for Manchester, Wythenshawe, and previously the first ever Minister for Disabled People—posed two questions to the House. As he said, one was moral and the other practical. What sort of society did we want to create? What must we do to create that society?

As the current occupant of the ministerial office that Lord Morris pioneered, I still remind myself of those questions, because I believe that it is important not to lose sight of the main reason for the intensive continuing action in respect of disability civil rights on which this Government embarked from their early days in office.

The main reason for that action is that disabled people in Britain are still not equal. They still have to deal with social exclusion, discrimination and poorer life chances purely because they are disabled.

This is not a minor issue. After all, we are talking about the life chances of almost 10 million of our adult fellow citizens, and of at least 360,000 children. The Government believe that continued inequality and discrimination blight our society as much as the lives of disabled people. Creating a society that values disabled people, enables them to fulfil their potential in life and gives them the right to do so is still a challenge that we, as a society, have not fully met. However, it is one that we, as a Labour Government, are determined to make massive and irreversible progress towards meeting.

Let there be no doubt that that is our aim. The establishment of full civil rights for disabled people is one of the last great causes in the emancipation of people in our time. It is on a par with securing rights for women and ending discrimination on the grounds of race. The emancipation of disabled people is our aim and our vision, and I welcome very much the chance to debate disability civil rights for a full day, on a Government motion, here on the Floor of the House.

I am not the only one who welcomes this opportunity. The Disability Rights Commission, an excellent and effective advocate and champion for the rights of disabled people even though it is only four years old, in its briefing for today's debate said:

> "The DRC is pleased that the Government have tabled time for a disability debate."

So the DRC is pleased, but the official Opposition have not welcomed this opportunity. Instead, they have written to me and to my right hon. Friend the Leader of the House to complain. That is typical. In his letter, the hon. Member for Wycombe (Mr. Goodman) called the timing of the debate a decision of astounding insensitivity to those whom he calls in his letter "people with disabilities". He suggested that Ministers were effectively telling disabled people that they are at the bottom of the Government's list of priorities.

[Maria Eagle]

That is not the case. This debate shows that the Government are interested in the rights of disabled people, and highlights the priority that we attach to establishing and furthering those rights.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Is not today an appropriate day for this debate, given the elections that are taking place? In the past, disabled people have encountered considerable problems with access to polling stations. The postal ballot arrangement has the advantage that it means that there is no distinction between disabled people and other people. However, polling stations are still used in many areas, so the problem of securing proper and full access for disabled people remains. Does my hon. Friend agree that the right to proper access should be established in legislation?

Maria Eagle: I am glad to see my hon. Friend in his place, as he has a fine record of work in ensuring that disabled people can vote, despite the inaccessibility of polling stations and the difficulties encountered in getting to them. Also, he has a fine record as a Back Bencher who has pushed for disability civil rights more widely. Moreover, he was one of the hon. Members in charge of the Civil Rights (Disabled Persons) Bill, and he fought a very hard and tough battle to get that on to the statute book, at a time in the mid-1990s when the climate was rather colder. I shall say a little more about that later in my speech.

I believe that today is a good day to have this debate, but I acknowledge my hon. Friend's point: many disabled people undoubtedly find postal ballots easier to access, although there are still issues in respect of those who have sensory impairment and who may need further assistance, which is available, in completing ballot forms. Postal balloting and higher awareness among politicians and others in society about the needs of disabled voters mean that we have an opportunity to make voting even easier for those who were excluded in the past.

Paul Holmes (Chesterfield) (LD): Further to the remarks of the hon. Member for North-East Derbyshire (Mr. Barnes), will the Minister comment on the number of people who are blind and partially sighted who have complained that the reliance on all-postal ballots makes things more difficult for them? At a polling station, Braille templates are available but are not available at home.

Maria Eagle: There is an issue about accessibility to polling and proper arrangements for disabled people. In the end, the answer is not about whether we have all-postal ballots, but about making arrangements and adjustments to the process that maximise opportunities for disabled people to take part in our democratic process, whatever their impairment. I believe that some of the arrangements made for the elections being held around the country today will assist many disabled people, including those with sensory impairment, because people can get help in their homes, in one-stop shops or in places where people can deliver ballot papers. There are better arrangements now than there have ever been for taking into account the needs of disabled people with all types of impairment when it comes to exercising their democratic rights. The disability discrimination Act will place obligations on people and organisations not to discriminate and it will extend further into public life and the political process.

Mr. Tim Boswell (Daventry) (Con): The House will want to move on from consideration of elections only, but before we do, will the Minister reflect on the fact that of the mere dozen or so Members in the Chamber for this extremely important debate, no fewer than six, including me, are from the east midlands, which may be related to the fact that we have no proper election campaign and polling day and can therefore be here to debate the matter? Is that not an example of the effective discrimination that the postal arrangements have brought about?

Maria Eagle: Unusually, I cannot accept what the hon. Gentleman says. I often agree with much of what he says when he is in one of his reasonable modes, but I do not agree that the only determinant of whether a Member of the House can be here today is the type of balloting arrangements made for the elections, or even the fact of there being elections.

Tom Levitt (High Peak) (Lab): Further to the point made by the hon. Member for Daventry (Mr. Boswell), may I point out that the House will not have failed to notice that no fewer than five of the six east midlands Members present come from Derbyshire? That is because Derbyshire MPs, Derbyshire county council and the Derbyshire community rate disabled issues very highly and have campaigned on those issues for many years.

Maria Eagle: I am happy to pay tribute to my hon. Friend's record as a campaigner on issues affecting disabled people, but I do not think I should be drawn any further into precisely why anybody is here today. I know why I am here; others can speak for themselves.

I am sorry that the hon. Member for Wycombe, the Opposition spokesman, chose to write in the terms that he did. That was the latest in a long line of misjudgments and pieces of churlish opportunism, not by the hon. Gentleman personally, but by a Conservative party that seems to be making a habit of opportunism these days. Choosing this subject for debate in fact shows the high priority we attach to it, and we are determined to make yet more progress, in marked contrast to the Conservatives as shown by their record in office.

Mr. Paul Goodman (Wycombe) (Con): On the point of making progress, can the Minister guarantee that the draft Disability Discrimination Bill, which has just been considered by the Joint Committee, will be introduced by the Government as a full Bill in this Session?

Maria Eagle: I can guarantee that the Government are considering with the utmost seriousness the 75 recommendations made by the Joint Committee and that we will reply and set out our intentions, arising from those recommendations, as soon as possible, and certainly within the time scale set out by the Committee. Further than that I cannot go: the hon. Gentleman

tempts me to turn myself into a Government business manager or the author of the next Queen's Speech, knowing very well that I am not so elevated as to do either of those things. I assure the House that the Government made a manifesto commitment to introduce the measures set out in the draft Bill during this Parliament, and we consider ourselves fully on course to meet it.

Lord Morris's second question was what we would have to do to create the society set out in his vision. To free disabled people to fulfil their potential in life, we need a framework of comprehensive legal rights, outlawing discrimination and promoting equality. We have to couple that with a comprehensive package of practical assistance to enable disabled people to overcome the barriers that they face in all areas of life and society, and we have to take the rest of society with us, for only by changing attitudes to disabled people in our society among the non-disabled community will we truly meet in full our vision of achieving equality. Civil rights legislation provides an indispensable framework—a first step—to the transformation of the life chances of disabled people, but though necessary, it is not sufficient.

Vera Baird (Redcar) (Lab): My hon. Friend has spoken of the Disability Rights Commission and its excellent work, and I fully agree with her. When she turns to the question of driving the culture forward and of public opinion understanding disability and dealing with it properly, does she have high hopes, as I do, of the commission for equality and human rights announced in a recent White Paper, which will have a special configuration for disabled people's representation, which should give them a great deal of optimism? Does she share my view that that will be a huge help in driving the culture forward?

Maria Eagle: Yes, I do, and so does the Disability Rights Commission, which has welcomed the plans in the White Paper for a commission on equality and human rights. Indeed, the DRC has made it clear that that will be an exciting opportunity to put human rights at the centre of Government activity, which we would all welcome. There is much to be gained from having the commission as a single body, but as yet we have only a White Paper, and we will see what reaction it brings from the rest of the country in due course.

We need practical assistance to remove barriers for disabled people and to transform attitudes in the rest of society if we truly wish to meet our objectives. In employment, for example, there are now more disabled people in employment than ever before—three quarters of a million more than in 1998, some 150,000 of whom were helped by the mainstream new deals and others who were helped by various specialist disability employment programmes.

For the first time, there has been a narrowing of the gap between the employment levels of disabled people and non-disabled people of more than 5 per cent., although it must be admitted that the gap is still too wide. We are implementing the first ever widespread, tailor-made programmes to help people on sickness and incapacity benefits back into work, and we have specialist programmes such as the new deal for disabled people. We have trebled the number of people helped by such programmes as access to work and workstep, which provide specific assistance to particular disabled people in work.

We should compare that with the record of the Conservative party, which, during its time in office, trebled the number of people on incapacity benefits and did nothing whatever to help those who were on those benefits, instead simply leaving them to rot, condemning them to a life on benefit. What is the Conservatives' policy now? They would abolish the new deals that have enabled us to cut unemployment to its lowest in 30 years and led to almost 2 million more people being in work. They would slash public spending to 35 per cent. of gross domestic product, or by £35 billion according to the shadow Chancellor—a policy that would undoubtedly hit vulnerable disabled people harder than anyone else. How characteristic all that is of the Conservatives: they wrote disabled people off in the past, and they are set to do it again if they are given the chance.

Recently, the hon. Member for Havant (Mr. Willetts) referred to training as investing in what he called the "empty vessels of these unemployed people" as a waste of public money. That was reported in *The Independent on Sunday* on 30 May. If that is what he thinks, we can guess where he will be looking for cuts in public spending—disabled people will be the first to feel the effects.

Mr. Goodman: On sensitive language about people with disabilities, did the Minister read the recent article by John Pring in *disabilitynow* entitled "Anger at Blair bungle"? The Prime Minister was apparently heckled in Downing street by Rachel Hurst, director of Disability Awareness in Action, for repeatedly using the phrase "the disabled." *Disabilitynow* reports:

"that Disabled People's Minister Maria Eagle was visibly 'squirming' at the PM's repeated blunder."

Maria Eagle: From somebody who is still referring to disabled people as people with disabilities, that is the pot calling the kettle black. Language is undoubtedly important, but the most important issue is the intention behind it. Those who do not deal daily—the hon. Gentleman does—with disabled people should not be condemned out of hand for misuse of language. It should be pointed out to them and then we should hope that the use of language will improve. In the spirit of that stricture, perhaps he would like to reread the letter that he wrote to me and remember that the current correct term according to the disability lobby and disabled people's organisations is disabled people rather than people with disabilities.

Mr. Goodman: On that point, is the Minister aware that there are differences of view among groups that represent disabled people? Some prefer one term, some prefer another. Some argue that the term "disabled people" implies that disabled people, to use the Minister's preferred phrase, are in some sense incapable of functioning fully and properly.

Maria Eagle: The hon. Gentleman is making the point that I was trying to make: we should not get too hung up about language. Our intentions and how we deal with people should be looked at carefully. That is undoubtedly the case.

[Maria Eagle]

I began my remarks with a reference to Lord Morris of Manchester not by accident, but as a way of acknowledging his remarkable record, characteristic as it is of the great championing of disability civil rights by Labour parliamentarians. When the history of the legal, social, political and practical emancipation of disabled people is written, he will surely merit an honourable mention in it along with disabled campaigners themselves, not only because he was the first Minister for Disabled People—a post to which he was appointed by Harold Wilson and in which he served with distinction until 1979—but because of his unrelenting pressure for and advocacy of disability civil rights over an extended period and long before he was a Minister. He was responsible for the Chronically Sick and Disabled Persons Act 1970, which was passed as a private Member's Bill. Long after he ceased being a Minister, as chief Opposition spokesman for disabled people from 1979 to 1992 and even thereafter as a Back Bencher, he tried repeatedly to get civil rights legislation on to the statute book. I pay tribute today to his parliamentary efforts, which continue in the other place. Along with my noble Friend Lord Ashley, whose efforts have also been of long-standing persistence and ferocity, he represents the true spirit of the Labour party carrying out its historic mission of making our society better for those who live in it and more equal for those who have been marginalised and oppressed.

Other colleagues on the Labour Benches also merit honourable mention in respect of disability civil rights, in particular, my hon. Friend the Member for North-East Derbyshire (Mr. Barnes), who is in his place, my hon. Friends the Members for Liverpool, West Derby (Mr. Wareing) and for Kingswood (Mr. Berry), my right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke), and my hon. Friends the Members for Tooting (Tom Cox) and for Bolsover (Mr. Skinner), who have fine records on fighting hard for disability civil rights in what was a cold climate.

Anybody looking back at the parliamentary battle for disability civil rights can only be struck by the fact that it has been led and won by Labour Members with the assistance of Back Benchers of all parties who were enlightened on the issue, but against the opposition—at times, outrageous opposition—of the Conservative party in government. That is not to say that there have not been perfectly decent Conservative Back-Bench Members who have fought alongside Labour Members. Nor is it to say that there have not been decent Ministers for Disabled People from the Opposition Benches. I single out in particular the right hon. Member for Richmond, Yorks (Mr. Hague). Tory Governments did not want disability civil rights. They spent 16 of their 18 years in office fighting against them, whatever the private views of individual Ministers, until the political damage being done to them was so severe that to stave off further embarrassment they were dragged kicking and screaming to put partial and inadequate legislation on the statute book. That was the Disability Discrimination Act 1995. In doing so, they killed off for the third year in succession the Civil Rights (Disabled Persons) Bill, which some of my hon. Friends had fought for year after year.

It has taken a Labour Government to make the Disability Discrimination Act work. It had gaping holes and omissions. Although the right hon. Member for Richmond, Yorks improved it a little during its passage, he was clearly operating in a climate of disapproval within Government. His room for manoeuvre was limited. The resulting legislation was certainly inferior to the Civil Rights (Disabled Persons) Bill being promoted by my hon. Friends, with the support of disabled people and their organisations.

Mr. Goodman: Will the Minister confirm that a Conservative Government at least introduced the Bill which became an Act, and that many people in the world of disability believe that if an anti-discrimination Bill is not brought in this Session there will be no Bill from this Government before the election and they will not have succeeded in bringing in an Act?

Maria Eagle: The hon. Gentleman forgets the Disability Rights Commission Act 1999, the Special Educational Needs and Disabilities Act 2001 and the regulations that become operative on 1 October and massively extend the DDA.

Mr. Goodman: They are part of the 1995 Act.

Maria Eagle: A section of it is, but much of it implements the European directive on anti-discrimination, so it is much wider than just regulation making.

The regulations that implement the anti-discrimination directive on employment go much wider than the provisions of the DDA. The only reason why that could be done by regulation and did not require an Act of Parliament, although the changes are extensive, including bringing 1 million new employers and 7 million new jobs within the scope of the legislation and extending it to excluded occupations, was because the regulation derived from a European directive, and regulation-making powers under the accession treaties are wider. The extent of the measures being implemented by those regulations would normally require an Act of Parliament. The hon. Gentleman should not assume that our 2001 manifesto commitment is not going to be fulfilled. We are on course to fulfil it and I have every intention of ensuring that we do.

Miss Anne Begg (Aberdeen, South) (Lab): I am aware that my hon. Friend was not in Parliament during the 18 long, cold years of the Tory reign, and it is true that one Act went on to the statute book during that time, but has she done any research to find out whether the Tory Government of the day gave any debating time—a whole day debate or an Adjournment debate—to the issue of disability?

Maria Eagle: My hon. Friend makes an interesting point. I tried to find that out, but discovered that the way in which *Hansard* can be searched online does not allow it. I looked at many copies of *Hansard* when researching the previous attempts to legislate on civil rights and I did not find any debate held in Government time in those years. I cannot say for certain that no such debate occurred, but many hon. Friends were here

during those 18 long, cold years and took a particular interest in this subject. They might be able to remember any debates on the issue.

Mr. Dennis Skinner (Bolsover) (Lab): I shall try to help. Those years were very cold, but Labour Members—including my hon. Friend the Member for North-East Derbyshire (Mr. Barnes)—tried to keep everybody warm on a Friday by introducing Bills on civil rights, year after year. We used to have a difficult time getting them through. Perhaps the most vivid illustration of how the Tories operated was one Friday when we managed to get the Bill on disability on the agenda, but the then Minister was not present. The Tories filibustered on the other matters to kill the Bill. The Minister arrived and a Tory Back Bencher moved amendments that had been given to her by the Minister. She was brought into disrepute for doing so, but the result was that they talked out the Bill again. We saw the first inklings of a change of heart in my right hon. Friend the Member for Newport, East (Alan Howarth), who was then a Tory Back Bencher. He joined forces with us on that occasion and later became a Labour Member of Parliament. Those were the cold days indeed, and they continued year after year. Let us not have any Tory romantic mythology about their wonderful association with the disabled. They kicked them into the gutter.

Maria Eagle: My hon. Friend makes some interesting points.

Tom Levitt: My hon. Friend the Minister lists the comparisons between the two parties. I understand that the 1995 Act introduced the right to access to goods and services, which was intended to take effect from 2007. It was this Government who brought that date forward to October this year. Why the Tories chose 2007, nobody knows. Nobody asked for it to be delayed that long and even the Federation of Small Businesses has welcomed the new introduction date.

Maria Eagle: I am about to contribute my theory on why the 1995 Act was largely uncommenced when we took office, if my hon. Friend will bear with me. It happened because the Conservative Government had no intention of making the Act effective, but simply wanted to stave off the criticism of their hostility to effective disability civil rights legislation, at a time when their majority was crumbling and the demand for action was growing.

The 1995 Act sat on the statute book doing little. In 1997, when we took office, disabled people only had two effective civil rights after 18 years of Tory government and at least 14 attempts to bring forward legislation. One of those attempts was described by my hon. Friend the Member for Bolsover. Those two rights were the right not to be directly discriminated against in employment if working for a firm that employed 20 or more people and the right to not be directly discriminated against in the provision of services. The first right excluded 94 per cent. of employers from the obligation not to discriminate, and both rights outlawed only the most direct and blatant acts of outrageous abuse and discrimination.

Mr. Boswell: The Minister has taken a more political tone than I had anticipated. Can she tell the House how many cases have gone before employment tribunals as a result of the 1995 Act in each year since it was implemented?

Maria Eagle: I am afraid that I do not have the figures in my head, but the number of cases has built up year on year, and the resulting case law is tremendously helpful.

Miss Begg: I may be able to help my hon. Friend. One reason why the 1995 Act was so ineffectual was that the Conservative Government refused point blank to set up a disability rights commission, so no body existed to take cases to tribunal. This Government set up the DRC and that is why cases have started to go before the tribunal. If it were not for the DRC, disabled people would still not have the representation that they deserve.

Maria Eagle: My hon. Friend is right, and I hope that it is not too political for the hon. Member for Daventry (Mr. Boswell) to say so.

The Tories' record was a meagre return on 18 years of effort by disabled people and their supporters in this place fighting for the rights that the rest of us take for granted. However, it was fully in line with the ideological view of the Tory government. I exempt some of their Back Benchers from that charge, but the Tories in government consistently opposed legislating for civil rights.

It need not have been that way, because in 1979, as Minister with responsibility for disabled people, Lord Morris established the Committee on Restrictions Against Disabled People, chaired by Peter Large. It reported in 1982 and concluded that civil rights legislation was a necessary part of tackling the discrimination faced by disabled people. The report presented a massive opportunity for the Tory Government, early in their time in office, to lead the world in emancipating disabled people. Unfortunately, they failed. The report was shelved and nothing was done.

In 1982, Lord Ashley, then MP for Stoke-on-Trent, South introduced a ten-minute Bill, the Disablement (Prohibition of Unjustified Discrimination) Bill. It was not supported by the Government. In 1983, my hon. Friend the Member for Liverpool, West Derby introduced a similar Bill. The Government killed it, as they repeatedly did every effort to legislate for civil rights for disabled people. They failed to act because of their ideological opposition to such legislation.

By 1990, the rest of the world had forged ahead of us. As President George Bush senior signed the Americans With Disabilities Act into law, he said the following to the US business community:

> "You have in your hands the key to the success of this Act, for you can unlock a splendid resource of untapped human potential that, when freed, will enrich us all. Let the shameful wall of exclusion finally come tumbling down."

Those are fine sentiments, but what were the Tory Government here saying at the time? I shall remind the House. Their view was expressed in a consultation document published in June 1990, "Employment and

[Maria Eagle]

Training for People with Disabilities". It was a comprehensive statement of the Tories' position at the time, and it states:

"An anti-discrimination law would be too complex to draft and uncertain in its application. There is a danger that faced with a law uncertain in its application, employers would become more reluctant to hire people with disabilities. The relationship of people with disabilities with employers may be damaged and the task of persuasion made harder. Some kind of enforcement agency (perhaps like the Commission for Racial Equality) would probably be needed, involving substantial cost. Anti-discrimination legislation, therefore, is unlikely to be effective in achieving policy objectives and might be counter productive by making a constructive approach by employers less likely."

In other words, civil rights were seen as inconvenient and costly burdens on business. Who was the author? It was the then Secretary of State for Employment and now Leader of the Conservative Party, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). I doubt that his views have changed. Indeed, only yesterday he emphasised the importance of tax cuts above all other Tory priorities.

The ideologically driven dismissal of the value of civil rights legislation was not merely characteristic of the Thatcher Governments and illustrative of the current Leader of the Opposition's antipathy to legislation, but it was unfortunately the view of the Major Government. There began in 1991–92 what can only be described as a four-year battle for civil rights that redoubled the ferocity of previous fights and during which hand-to-hand fighting on private Member's Bill Fridays—mentioned earlier by my hon. Friend the Member for Bolsover—led to heavy Tory casualties. Some hon. Members—two in particular who are in their places—will recall precisely what happened. I watched it fascinated, as an interested member of the public, because it was before I was elected. It was both dramatic and illustrative of the length to which the Conservative party was prepared to go to stop disabled people having civil rights.

The sequence of events was, characteristically, set in motion by Lord Morris who had the good fortune to come high in the ballot in that Session. He introduced the Civil Rights (Disabled Persons) Bill. After widespread cross-party support, although not from the then Minister, Nick Scott, it was talked out on Second Reading by Robert Hayward, the then Tory Member for Kingswood, after he had give the House an undertaking not to talk it out. That sequence of events led to his making a personal statement to apologise for misleading the House about his intentions. At the subsequent general election, he was punished severely and, on a good night for the Tories, was defeated by my hon. Friend the Member for Kingswood, who has become a great champion for disability civil rights—not surprisingly.

Mr. Hayward was not the only Tory Member who had to apologise for misleading the House during those battles. In the 1993–94 session, both the Minister, Nick Scott, and Olga Maitland, then Tory MP for Sutton and Cheam, famously had to do so when caught misleading the House about the authorship of 80 or so beautifully written amendments to the Civil Rights (Disabled Persons) Bill that had been tabled at the last minute for Report. They had in fact been drafted by the Government to wreck the civil rights legislation, despite assurances on the Floor of the House that they were all the work of Olga Maitland. That fact was ferreted out after tenacious parliamentary detective work by some of my hon. Friends. Eventually, following a complaint to Madam Speaker, she was strongly rebuked for her conduct. The Minister himself had to make a personal statement and apologise for misleading the House.

That blatant Tory sabotage originating in the heart of Government, but not encompassing all Back Benchers, did not amount to the "benevolent neutrality" with which the Minister claimed in 1992 to view the Bill. In fact, it represented active, hostile Tory Government determination to scupper any progress towards disability civil rights.

A careful examination of the record makes revealing and fascinating reading and would be great source material for a good thriller or perhaps, more accurately, a whodunnit. But the point that I seek to illustrate is that Tory Governments consistently opposed civil rights legislation for ideological reasons and those who were prominent in doing so still run the Tory party today, not least the right hon. and learned Member for Folkestone and Hythe. In stark contrast, Labour parliamentarians, starting with Lord Morris have led the parliamentary part of this fight from the start, and in conjunction with disability campaigners and supportive Back Benchers from all parties, have made huge breakthroughs. But it could have been done years before it was if it had not been for the hostility of those Governments.

On coming to office, we decided to turn the Disability Discrimination Act 1995 into something more like the Civil Rights (Disabled Persons) Bill, and we have done so by strengthening, widening and deepening it and by setting about actually implementing its provisions instead of leaving them sitting uncommenced on the statute book. As a result, disability rights have been transformed from their parlous condition in 1997 and by the end of this Parliament will be comprehensive, fulfilling a major Labour manifesto commitment.

Indeed by 1 October, 70 per cent. of the measures recommended by the disability rights taskforce, which was established in 1997 to advise us on how best to establish civil rights will be fully implemented. The draft Disability Discrimination Bill secures the rest, going beyond our commitments in some spheres. That builds on the achievements of our first term, when we set about plugging the gaps in the DDA—turning it into a more comprehensive piece of legislation and fully commencing its operation in the large areas where that had not happened.

Mr. Barnes: I accept everything that my hon. Friend is saying, and I thank her for her comments about my involvement in some of the earlier developments. Is there not still an overlapping problem with the Disability Discrimination Act 1995, in that it is based on a medical definition, whereas the Civil Rights (Disabled Persons) Bill was based on a social definition and was directed towards the discriminator? Although we have gone along with it and are going further with the measures that she has described, a further breakthrough might be needed to bring fully to fruition the measures in the Civil Rights (Disabled Persons) Bills?

Maria Eagle: I accept my hon. Friend's point about the definition. For legislation throughout the world, definitions have been one of the most difficult things to get right. A distinction has often been made between a medical model, which defines disabled people in terms of their impairments, and a social model, which looks at what barriers society puts up, the removal of which would give disabled people their rights.

It is absolutely the case that the DDA relies on a more medical model. Aspects of it might be seen as taking a social approach, but it depends on a largely medical model. The Joint Committee report makes some suggestions about further improving the definitions, but nobody across the world has come up with a perfect definition that is workable in legislation. It is hard to do. That is not to say that we cannot make progress towards it, but at a time when we are extending the coverage of the legislation to more than 1 million new employers, for example, now perhaps is not the best time to set about making significant changes to the definition. It is important that those on whom obligations are placed have a pretty certain view of who might be covered by them.

Mr. Goodman: The phrase "civil rights", which the Minister has used several times in the course of her speech, is usually associated with the social model. Will she confirm that the Government's Bill is indeed based on the 1995 Act, which, as she says, is largely founded on the medical model?

Maria Eagle: It is not useful in this field to tear everything up and start from scratch.

Mr. Goodman: So it is not civil rights.

Maria Eagle: Well, it is civil rights. I do not know what kind of dictionary the hon. Gentleman has, but it is clearly not the same as mine. We are talking about making real differences to people's lives and the way to do that is not to get too hung up on precisely how one describes the differences between a social and a medical model but to get on with giving people real rights that they can enforce.

Thanks to this Government, we now have an admirably functioning Disability Rights Commission, which not only acts as a champion for disabled people and supports court cases to end discrimination, but is also trusted by business to provide good-quality advice about how they can improve as employers and service providers and meet the needs of their disabled customers and employees. Indeed, some 40 per cent. of the calls that it takes on its helpline are from business organisations, which underlines how important it is that those with obligations under the legislation see the sense of the legal requirement that it imposes and have confidence in the DRC to give advice about what they need to do to improve.

We have also extended the DDA to education, which was surely one of the most disgraceful omissions from the original Act. How can we hope to promote equality of opportunity for disabled people if we do not remove the barriers that they face in getting a good education? From the nursery to the university, the Special Educational Needs and Disability Act 2001 is creating more opportunities for disabled children and adults and I believe that in the long term its provisions will be among the most influential in transforming the life chances of our disabled fellow citizens. By next year, it too, will be fully operational.

The DDA is being extended in October to cover 7 million more jobs, with the final abolition of the small firms exemption from its employment provisions and its extension to previously excluded occupations. It will help 600,000 disabled people who already work in those jobs directly by giving them rights not to be discriminated against on the ground of their disability that they do not currently enjoy. It also brings 1 million smaller employers into full coverage—a fact that has been welcomed by employers' organisations such as the Confederation of British Industry, the Employers Forum on Disability and generally supported by small business organisations such as the Federation of Small Businesses.

The draft Disability Discrimination Bill published this year has been widely welcomed, not only by the DRC but by organisations of and for disabled people. The DRC calls it "an exciting Bill," and also says that

"current activity is vast in the field of Disability Rights".

What a contrast to the record of the Conservative party. The draft Bill will widen coverage of the DDA and its anti-discrimination obligations to include councillors, larger private clubs, including political parties, and more people with HIV, cancer and multiple sclerosis. It will deepen coverage by extending the anti-discrimination obligations to all the functions of public authorities that are currently excluded and it will also extend to some aspects of landlord and tenant law. It will restrict the transport exemption from part III obligations and specify end dates for full accessibility of existing public transport vehicles and thus effectively end the transport exemption.

It will strengthen coverage by introducing a duty on public bodies to promote equality of opportunity for disabled people, something particularly welcomed by the DRC, which calls it

"A major shift of emphasis"—

to

"tackling systematic barriers rather than relying on a post-hoc system of redress."

In future, that will provide excellent opportunities for removing some of the current problems before they can even arise—at least, I hope so. Once enacted, which I hope will be soon, the new measure will be a landmark piece of legislation, further consolidating the progress of disability civil rights as well as completing in full our manifesto commitment.

All that is a means to an end: more life chances for disabled people, equality in practice not just in theory. While we have been getting on with improving civil rights legislation, there has been steady progress across Government. There have been major improvements in part M of the building regulations, for example, and the incorporation of lifetime home standards to require an even better standard from registered social landlords under the guidance of the Housing Corporation. The next few years should see real improvements in the accessibility of homes.

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In transport, we have already done much, although it has to be admitted that, in some instances, our existing transport infrastructure presents significant challenges. We have improved accessibility to public transport vehicles. All new buses and trains have to be accessible and the draft Bill will make provisions to end transport exclusion and set dates by which existing vehicles will have to be accessible. The obligation to make reasonable adjustment to the physical features of the infrastructure, such as stations, will come in on 1 October. Again, we have to deal with a historical legacy of inaccessibility, but that is being tackled consistently across the sector. Awareness is much higher among operators and those responsible for running our public transport services.

Access to education is improving. The schools access initiative and programmes such as the disabled students allowance are giving money to disabled people to enable them to access education. As the legislation places obligations on education providers to meet the needs of disabled people, we shall see even more improvements over time. As well as the disabled students allowance, the learner support funds are helping in the further education sector. Disabled people are a priority group for support. We are seeing real improvements that matter to disabled people and their lives.

All those important initiatives are taking place across Government in all spheres and will have practical effects. As the DRC said in its briefing, current activity is vast in the field of disability rights. By the end of this Parliament, the Government will have brought about the biggest ever improvement in civil rights for disabled people in this country, as a foundation on which to build real improvements in life chances for more than 10 million of our fellow citizens who are disabled. It is a record that I am proud to commend to the House.

2.3 pm

Mr. Paul Goodman (Wycombe) (Con): It is a privilege to be speaking from the Dispatch Box for the first time in a debate on disability. I pay tribute to the many organisations in my constituency that do so much for and, more important, with people with disabilities, and to all the organisations that do similar work nationally. Their advice, experience and wisdom are invaluable to me.

According to the Library, the last opportunity we had to participate in a general debate on disability-related matters was on the Third Reading of the Disability Rights Commission Bill on 30 June 1999—almost five years ago. It is reasonable to assume, therefore, that a similar opportunity will not arise for some time—I will not say "for another five years", although of course I could—and perhaps not until after the next general election.

Talking of elections, I wonder whether anything strikes you, Madam Deputy Speaker, as significant about the timing of today's debate—it certainly struck the Minister, who was extraordinarily defensive. I suspect that she is somewhat embarrassed. I am sure that it will not have escaped your attention, Madam Deputy Speaker, that European elections, the London mayoral election and many local elections are being held today. If the Government's business managers had deliberately chosen the one day in this Parliament on which Members were most likely to have inescapable commitments that would necessitate their absence from Westminster, it would be today. So this is the day that the Government have set aside for what may be the only major debate on disability in Government time in this Parliament. The Minister knows that many Members on both sides of the House—including, doubtless, many Labour Members—wanted to be here today but cannot be.

Today is almost certainly the worst possible day of this Parliament on which to hold a debate on disabled people.

Tom Levitt: The hon. Gentleman paid tribute to organisations working for and with disabled people, but not of disabled people. I am sure that he would want to correct that omission, but it is an interesting omission none the less. The House would take a little more seriously his concerns about timing and the arrangements for the debate if he did not have one of the worst attendance records at meetings of the Joint Committee over recent months. As he was unable to attend those meetings, perhaps it would have been better for the Conservatives to be properly represented by someone who could have spared the time to attend.

Mr. Goodman: I do not accept what the hon. Gentleman says about the meetings of the Joint Committee and I am sorry that he felt he had to make that remark. Representations have been made to me from senior organisations in the world of disability expressing serious reservations about the timing of the debate. I believe that they have also written to the Minister.

There are elections today—the day the Government have set aside for what may be the only major debate on disability in Government time in this Parliament. Many Labour Members who wanted to be in the Chamber are absent. It would be easy for me to say that that represents the Department's view of where people with disabilities stand in the Government's list of priorities, but I will resist that temptation. I believe that the intentions of the Department are admirable, and I believe that, despite a speech of astonishing negativity and backward-lookingness, the Minister is dedicated. I suspect that the blame for the crass timing of this debate lies, fair and square, with the Government's business managers.

Maria Eagle: The hon. Gentleman says that he is not making the point that the Department's view is that disabled people are at the bottom of its list of priorities, but in his letter to me complaining about the timing of the debate he says:

"Ministers are effectively telling disabled people that they are bottom of the Government's list of priorities."

Mr. Goodman: Now the hon. Lady is claiming that she is the only Minister in the Government. It is perfectly clear that I was referring to the Government's business managers who are—in case she has missed the point—Ministers, unless she would care to correct me. I believe that the blame lies fair and square with them and judging from the fact that the Minister held up my letter

at the beginning of the debate—for which I am extremely grateful—I suspect that she is severely embarrassed by the timing.

Of course, ultimately it is not my judgment that matters, nor is it the Minister's; it is not even that of the hon. Member for High Peak (Tom Levitt). The view that ultimately matters is that of people with disabilities themselves, and they will make their own judgment.

I want to consider three policy pillars in relation to disability: first, the duties contained in part 3 of the Disability Discrimination Act 1995, which come into effect this autumn; secondly, the draft Disability Discrimination Bill, about which the Minister was remarkably unforthcoming—I shall come to that in a moment—and the recent report of the Joint Committee on that Bill; and, lastly, the possible impact of the Government's proposed commission for equality and human rights on disabled people.

First, however, as would surely be right in the kind of wide-ranging debate I had hoped we would have—it has not happened so far—I want to consider not only the dry legislative dimension, but to look more fully and, I hope, warmly at the human dimension: at people with disabilities themselves, and at their lives.

The challenges are daunting. If someone is born a member of an ethnic minority, they will always be a member of that ethnic minority, whatever other choices they make. If someone is born a man or a woman, they will usually remain, under law, a man or a woman. I will leave aside the debate about sexuality and orientation because it is complex. But what is certain is that disability is even more complex.

People can be born with a disability, such as cerebral palsy, that will remain a disability through life. People can be born with a disability, such as some forms of sight impairment, and lose it. People can be born without a disability and acquire one, such as blindness. People can be born without a disability, acquire one and lose it again. For example, I had cancer earlier in this Parliament, and the doctors tell me that I am now free of it. I have been fortunate—I had it in a mild form—and millions of people, and their families and friends, have endured far worse. I mention the experience only as an illustration of the complexity of the debate about disability.

Mr. Barnes: The hon. Gentleman is making an interesting point. Is not disability discrimination very odd? Other forms of discrimination should not take place, but we may perhaps understand how they may emerge: men may be biased against women, or racial discrimination may occur because people belong to different groups. However, given that people can move in and out of disability or acquire disabilities later in life, disability discrimination is like exercising a form of discrimination that is against oneself or the group to which one belongs. That is quite an odd form of discrimination. If those factors were spelt out, perhaps people would be much more sensitive to them and not discriminate against disabled people.

Mr. Goodman: I pay tribute to the hon. Gentleman, who is a great expert in these matters. He made a sound point earlier about civil rights that perhaps the Minister did not fully appreciate. What he says is right: disability discrimination is peculiarly complex, if only because it is so often invisible, which is one of the points that he has just made.

Mr. Boswell: Does my hon. Friend agree that the remediation or criticism of, for example, an employer's or service provider's attitude to disability is also a complex matter? It is a matter not simply of whether discrimination takes place, but of whether the adjustments made to meet that situation are reasonable or appropriate.

Mr. Goodman: My hon. Friend, who has a very fine track record in these matters, is of course right.

Bert Massie, the chairman of the DRC, recently made a point to the largely non-disabled members of the Joint Committee on the draft Disability Discrimination Bill. He told them, brutally but cheerfully—I roughly paraphrase—that it is a case of join us, or die young. That is a sobering thought. If there is a third way between those two choices, Bert certainly did not mention it. So at one end of the life cycle, more and more people are living longer and acquiring disabilities as they do so. Between 2005 and 2020, 13,000 more people each year are expected to require residential care than currently receive it—a 25 per cent. increase. At the other end of the life cycle, more and more children who would not have survived for long after birth 20 years ago, perhaps even 10 years ago, now survive and have, in consequence, special educational, health and employment needs. Between the very old and the very young, there is a more health-conscious and disability-conscious work force, and as the population ages that work force will age too.

All that has over-arching implications for the Government, families and the private and voluntary sectors—for society itself. Older people need specialist equipment and care. I have just received a letter from the Bucks Association for Blind and Partially Sighted People, urging me to urge the Government today to ensure that the keypads provided in post offices follow Royal National Institute of the Blind guidelines. Children need teachers who are trained to assess and deal with special needs. Workers need help with rehabilitation, transport and retraining.

Above all, perhaps, people with disabilities will no longer be content, if they ever were, to be the passive recipients of help: to be, in short, dependent on the state or other people. Increasingly, they want to be active shapers of their own destinies—to be independent and, as we say in these enlightened times, empowered. They often want to be viewed not just as people with disabilities, but as people with unique skills and talents. I suspect that that has always been true. The focus on rights that are to be claimed assertively, even aggressively, is more modern.

Rights are, of course, a good thing. Some of us, however, will have been struck when observing the recent D-day coverage by the contrast between, on the one hand, the reticent, modest, dutiful, responsibility-focused bearing of the now-old soldiers, sailors and airmen who risked their lives and were often gravely injured—and thus disabled—in the fight for freedom and, on the other, the more rights-focused modern generation. That comparison is not necessarily in all senses to our advantage.

[Mr. Goodman]

I was present, as I expect the Minister was also—I am slightly surprised that she did not mention this in her journey through times past—at the recent launch of Scope's thought-provoking "Time to Get Equal" campaign, which the leaders of all the main parties support. I was struck, as others will have been, by its assertive central message: "disablism"—as Tony Manwaring, Scope's chief executive and others put it—should be, and eventually will be, as unacceptable as racism or sexism. My first reaction on hearing that was to wonder, given the number of "isms" that are already in circulation, whether another is strictly necessary, but that response should surely be questioned.

It is true—indeed, it is a truism—that public opinion will not move any faster than it is prepared to move. This is why, for example, I am cautious about the over-enthusiastic promotion of the social model of disability. I gather from the Minister's remarks today that she is cautious about that, too.

Miss Begg: Does the hon. Gentleman agree that, although public opinion will not be changed only by legislation, by introducing civil rights legislation, the Government have been successful in changing public opinion for the better much faster than would have been the case if the legislation had not existed?

Mr. Goodman: I am not sure whether, as the hon. Member for North-East Derbyshire (Mr. Barnes) pointed out earlier, legislation that is partly based on the medical model is exactly the same as civil rights legislation. However, the hon. Lady—I thought she would intervene at some point and she has not disappointed me—is right in the sense that the 1995 Act and the draft Bill contain elements of the social model, as she would concede, given that they acknowledge the need to break down barriers.

I am wary—I believe that the DRC and Ministers are, too—of a possible backlash from business in particular and voters in general against definitions that might seem to fly in the face of common sense or of the casual assumption that all the 9.8 million people with disabilities in Britain believe that their identity is defined by their particular disability and will speak, lobby and vote accordingly. None the less, the argument that there is discrimination worldwide and in Britain against people with disabilities is incontestable.

I am grateful to Rachel Hurst of Disability Awareness in Action for sending me what that organisation accurately describes as a "catalogue of horror", largely based on incidents abroad. I quote one stark example from, as the report terms it, Palestine:

> "A disabled woman was raped by a gang of youths. She was subsequently murdered by her brother to alleviate the 'shame on her family'."

In general, of course, we do better in Britain. There has been some progress under Governments of all parties, and it would be churlish not to recognise the commitment of Ministers—I am determined not to follow the somewhat negative tone set by the Minister—or to dismiss the work of the Government, but the challenges identified by Rachel Hurst and others remain.

In 2003, 13 per cent. of non-disabled people aged between 16 and 24 had no qualifications; the figure for disabled people was 24 per cent. Some 81 per cent. of non-disabled people of working age are employed; the figure for disabled people is 49 per cent. Some 22 per cent. of non-disabled people are fearful of using public transport; the figure for disabled people is 40 per cent. "Mind the Gap", a Leonard Cheshire social exclusion report, explores the issue in some detail. A recent Health Committee report found that up to 500,000 elderly people have been abused, often by their relatives. The NSPCC's report, "It doesn't happen to disabled people" suggested that children with disabilities

> "are more vulnerable to abuse than non-disabled children".

I have a final figure. People with learning disabilities are 58 times more likely to die before the age of 50 than other citizens.

It is in the light of these stark contrasts that I turn to the first of the two anti-discrimination measures that I want to consider this afternoon, namely the duties contained in part III of the 1995 Act, which will come into effect this October. As the Minister reminded us, it was a Conservative Government and a Conservative Minister—my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), whom she at least credited by name—who introduced that Act, the first ever Government-backed anti-discrimination measure in Britain relating to disability. We naturally take pride in it.

Vera Baird: Will the hon. Gentleman give way?

Mr. Goodman: I will be very happy to give way, but perhaps the hon. and learned Lady will express her hope that the Bill that will succeed the Act that I have just mentioned will be introduced this Session.

Vera Baird: I shall make my own intervention if it is all the same to the hon. Gentleman.

The hon. Gentleman has made a great point of saying how complex and difficult it is to understand disability discrimination. It is not obviously blatant and straightforward. Can he therefore explain why the 1995 Act, which he has trumpeted so much, did not outlaw indirect discrimination at all?

Mr. Goodman: I will accept lectures from Government Members about the Act when they introduce their own Bill in such a way that it is likely to come into force in this Parliament. May I make it clear that I believe that the 1995 Act was right for the time? Events move on and one has to consider them in the light of time. However, I shall not say anything at the Dispatch Box today that indicates any shame at the 1995 Act. It is a great shame that the hon. and learned Lady has nothing to say in praise of it.

From 1 October, service providers will have to make changes to the physical features of their premises. Firms employing fewer than 15 people will no longer be exempt from the employment provisions of that Act, and disability in relation to occupational pension schemes will become unlawful. The Minister will be aware that, according to a survey carried out by her Department, only 3 per cent. of employers whose businesses are currently exempt from the provisions of the 1995 Act know that their exemption is due to be

lifted. Furthermore, very few of these employers were aware of legislation giving rights to employees or knew that they were currently exempt.

Less than half the service providers who were aware of the 1995 Act were also aware of the forthcoming change. Furthermore, a survey carried out late last year by the Federation of Small Businesses, which asked FSB members whether they had made reasonable adjustments to their premises to fulfil the legal requirement that all businesses make reasonable adjustments to their premises to enable disabled access, found that more than 50 per cent. of those polled at that time were non-compliant.

According to new research by Unum Provident, the important disability insurer:

"One million small businesses will have to make adjustments to their workplaces or else"

face

"possible law suits costing tens of thousands of pounds from customers or industrial tribunals from staff."

Joanna Hindle, the corporate services director from Unum Provident, has said:

"Overall, the lack of awareness by small business owners on the potential impact of changes to the DDA is a cause for concern."

Last month, I wrote to the Minister—she has evidently received many letters from me—asking what proportion of business and service providers the Department expected to be aware of and compliant with the part III provisions of the 1995 Act by 1 October, and asking what level of awareness and compliance the Department believed to be acceptable. The Minister duly replied, stating:

"There is a need further to raise awareness of DDA duties among businesses, especially small businesses".

Indeed there is, but—surprise, surprise—the Minister would not be drawn on what levels of awareness and compliance the Department believes to be acceptable, let alone expects. The reason for this, I suspect, is simple. The Department cannot decide what levels of awareness and compliance it should accept and does not have a clue what levels of awareness and compliance it should expect.

Tom Levitt: Has the hon. Gentleman seen the considerable amount of advertising from the Department for Work and Pensions on this subject that has appeared in local newspapers across the country? With 113 days to go, what efforts is he making to help the businesses in his constituency to ensure that they comply with the Act?

Mr. Goodman: I am telling everyone that I can about it. Although the hon. Gentleman is right to say that the Department is making efforts, the figures that I have just quoted show that it is being singularly unsuccessful. I wish him as much luck in his constituency when he tells businesses about the forthcoming provisions of the Act as I hope that I will have in mine.

Vera Baird: The hon. Gentleman is rather out of step with the main disability organisation on this point. The briefing for this debate from the Disability Rights Commission starts off loudly and in large letters, saying that it

"congratulates the Government on the publicity campaign that it has launched to raise awareness".

Although the Government have not yet been able to achieve 100 per cent. awareness, I would be very pleased to hear what the hon. Gentleman thinks is a measurable acceptable level of awareness and whether he thinks such a thing can conceivably exist. He is missing the boat; everybody is pleased with the effort that the Department for Work and Pensions has put in. It certainly trumps introducing legislation but not putting it into effect. That is all the Tories did.

Mr. Goodman: Everyone is not pleased. I have just expressed the serious concerns of one important organisation. I am puzzled that Labour Members still seem to be living in a world—perhaps they cannot escape from it—in which we are still in government. We are always being asked what we would do and what position we would be in now. The Labour party has been in power for seven years and it cannot happily continue this journey down memory lane without taking some responsibility for its own actions and responsibilities.

The present position is deeply worrying. I spoke earlier about some of the dangers of a backlash from business and voters against anti-discrimination legislation. Here is another example. There is a danger—I will put it no higher than that—that, come October, complaints, justified or, as I suspect, probably unjustified, from small businesses and service providers about unreasonable and sudden demands being made on them by the 1995 Act will start rolling in, and not to the Department but to the media. I have, for my sins, worked in the media, and I know that this is precisely the way in which backlashes begin. So if all this happens—which I devoutly hope it will not—do not let the Minister say that we did not warn her.

I now want to move from the 1995 Act to the present draft Disability Discrimination Bill and to the report issued by the Joint Committee. The official Opposition support the Bill in principle, and we believe that the Committee has issued an excellent report. It would indeed be hard for me to say anything else since I was, of course, a member of the Joint Committee, and I will be checking the claim made by the hon. Member for High Peak very carefully after the debate. I do not commend the report simply out of good manners; I strongly believe that the Committee was able to reach, under the chairmanship of Lord Carter, a consensus on several thorny and potentially divisive issues.

Perhaps the most eye-catching recommendations were in relation to the definition of disability, to mental health and to trains. On the definition, the Committee recommended that all progressive conditions currently covered by the 1995 Act, when they begin to have an effect, should be included from the point of diagnosis. On mental health, it recommended the removal of the requirement that mental illnesses must be clinically well recognised, and recommended that the requirement should instead be that medical evidence must establish the effect of the condition on that person. On transport, it recommended that 2017, with limited exemptions, should be the end date by which trains should be

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accessible. The report said:

"There is no justification for further delay".

The official Opposition support the Bill, they commend the report and they believe that the Bill should be introduced as soon as possible. This view is shared, as far as we know, by the Liberal Democrats, and the hon. Member for Chesterfield (Paul Holmes) is nodding. I believe that the view is shared by the other minor parties. It is also widely held outside the House by organisations that work with and for—for the convenience of the hon. Member for High Peak—people with disabilities, and of course disabled people themselves. So we know where nearly everyone stands, with one significant exception. We still do not know, despite the Minister's trip down memory lane today, where the Government stand.

Maria Eagle: I thought that I had made it clear—the hon. Gentleman may not have heard—that we have a manifesto commitment to introduce legislation that represents the remaining 30 per cent. of our manifesto commitments during this Parliament, and we are on course to do so.

Mr. Goodman: I heard that. The point is that many organisations that work with and for all disabled people believe that the next election is likely to be next summer. Any Bill that is introduced in the Queen's Speech this autumn, therefore, is likely to fall before it can pass through both Houses and gain Royal Assent. The Minister said last October, and she made the point again just now, that the final step towards meeting the Labour party's manifesto commitment will be when a disability Bill is passed in this Parliament. We assume that that is a pledge, and I think that the Minister has confirmed that it was. However, only if the Bill is introduced in this Session can the fulfilment of the pledge be guaranteed.

The Minister will know that disabled people and organisations that represent them want such a Bill to be introduced in this Session. I was going to ask the hon. Lady again if she would guarantee that a Bill would be brought before the House during the Session. It seems clear from what she has said, however, that it will not be. Bearing in mind the timing of the debate and the nature of part of it, perhaps I should not be surprised.

I move on to the last of my three pieces of legal architecture that especially affect disabled people, which is the Government's proposed commission for equality and human rights. People with disabilities have special needs and requirements. It can be argued that other groups such as ethnic minorities also have special needs and requirements. However, the barriers that prevent people with disabilities from participating on equal terms in modern Britain—this was the point bounced round the Chamber by the hon. Member for North-East Derbyshire and me—are formidable. We regard the proposed abolition of the Disability Rights Commission and its incorporation into the new commission with concern and believe that at the least any new commission must have a special place and role for disabled people.

Before touching on some principles for reform, I shall refer to poverty, prosperity, work and disabled people. Since 1997, the number of people claiming incapacity benefit and severe disablement allowance has risen by about 39,000. With incapacity benefit, we are more or less where we were in 1997. The number came down, which was good. It then increased, which was not so good. Since 1999, the number has risen by 133,000. Where has the increase come from?

In January, in answer to a written question that I tabled, the Minister said that

"in recent years, people with mental health disorders are the only broad category of diagnosis not to see a reduction in the numbers claiming."

I tabled further questions about mental health disorders, asking broadly what the trend is in claims for depression, stress and anxiety. The results were startling. The Minister's statement was that in such instances there had not been

"a reduction in the numbers claiming." —[*Official Report*, 27 January 2004; Vol. 417, c. 346W.]

That turned out to be somewhat economical with the truth. There has not been a reduction in the numbers claiming, but a whacking great increase in those numbers, with people claiming for longer. The total number of mental health claimants has risen by 718,000 since 1997. That is a 39 per cent. increase. That number represents a quarter of all claims.

The average length of claims for men has risen from four to five years for mood disorders, and from five and a half to six years for neurotic stress-related disorders. The number of women claimants has risen in every year, reminding us that with disability, as with pensions, women—particularly elderly women—are especially menaced by poverty.

The Government have recently introduced their incapacity benefit pilots, to which the Minister referred. We believe that they offer the prospect of the sort of tailor-made help for disabled people that we advanced in our incapacity fundholder proposal at the last election, although the pilots have not yet been evaluated. The Department described the results in February as encouraging, but more information about results would be welcome. I shall be happy to give way to the Minister if she is able to tell us whether more information is available or when that information will be available, or both.

Maria Eagle: Evaluation is not yet available because effectively the pilots started their work-focused interviews only during January. We are expecting some better information during the course of the pilots. The first available information should be coming through sometime in the summer or early autumn. We have undertaken to publish information when it becomes available.

Mr. Goodman: I am grateful to the Minister for that information. I think that we would all be a little happier if we could be guaranteed that the information will be available by the time that the House rises for the summer recess. We will not have full information or a full assessment until 2007.

We have been calling for some time for the Government to give extra help to people with disabilities who want to work. Five years ago, the Government launched the new deal for disabled people and began to means-test incapacity benefit. Four years ago, they

launched the ONE programme. Three years ago, they announced Jobcentre Plus. Two years ago, they promised a new welfare reform Bill to reduce the number of out-of-work disabled people. As we know, their numbers have risen, yet about 1.6 million people who currently draw incapacity benefit apparently say that they want to work. We all know that once someone has been on IB for a year, he or she is likely to be on it for eight years. This is a shaming waste of potential, talent and human capital.

Maria Eagle: I agree that people being unemployed when they can be in work with a bit of help is a waste of their talent and potential. Will the hon. Gentleman explain the record of the Conservative Government, who trebled the number of people on IB during their time in office from 700,000 to more than 2.6 million, and did nothing to help them?

Mr. Goodman: It is a travesty of what happened in our time in government to claim that we tried to do nothing to help people with disabilities. I am sorry that the Minister has chosen yet again to intervene on events that happened more than six years ago when she is responsible for the numbers of people on IB, which are rising. In relation to stress, anxiety and depression, they are completely out of control.

It is not only important to enable people with disabilities to find work and keep it. It is vital also to ensure that people without disabilities do not acquire disabilities that will make it impossible for them to find work or to keep work. More older workers are enduring problems with cognitive skills at work, for example, as they move towards retirement. Many younger workers are enduring problems with obesity, for example, as they move towards middle age. I shall set out some broad principles on a positive note that should, we believe, inform policy making in relation to disability in work.

First, it is clear that prevention is better than cure. A worker who changes his habits and becomes healthier as a result is less likely to acquire illness and disability. An employer who cares for his employees and offers them assessment, retraining and transport, especially as they grow older, is less likely to lose them to illness and disability. Needless to say, I am not an enthusiast for what is sometimes labelled the nanny state. However, the Government have a legitimate role in rewarding good employers and educating future workers.

Secondly, the tax, benefit and employment system must be made more simple and comprehensible. It could not possibly be less simple and comprehensible than it is now. It is curious that incapacity benefit works roughly as follows: the doctor and patient meet; the doctor confirms that the patient cannot do the work that he or she currently does; and the doctor does not have a dialogue with the patient in which both might seek to discover what work the patient might be able to do. That is partly because doctors are trained to diagnose patients, not to help them seek and find work, but consequences follow. The IB claimant may not find Jobcentre Plus advisers who can help him or her get back into work when they receive benefit. The claimant may be discouraged from leaving the benefit for fear of falling back into it at a lower rate, or he may not take up the 52-week rule option.

We acknowledge that bureaucracies in the assessment of eligibility for benefit want hard-and-fast rules. We recognise that public funds are not limitless and that short-term demand on the Treasury must be contained. None the less, there must be some way of transforming incapacity benefit, which is triggered by what people cannot do, into—I use a phrase that I think Joanna Hindle used in her evidence to the Work and Pensions Committee—a "capacity payment" that responds to what people can do and is less hedged about by difficulties involving eligibility, take-up, perverse incentives and complexity. That leads me to the third principle of a more active role for the voluntary and private sectors.

The concept of the incapacity fundholder, which we advanced at the last election and which the Government are now following in their own pilot model, was a way of seeking to create a capacity payment. It envisaged voluntary and private sector organisations working for people with disabilities to exercise a more active role in the administration and use of the benefit. I know from my constituency experience of the extra dimension that organisations like the Shaw Trust bring to helping people with disabilities to find and keep work. We want to draw on recommendations in the report by the Work and Pensions Committee on Jobcentre Plus on a more direct role for the voluntary and private sector and the marrying up of the administration and use of benefits to employment advice and help.

At the outset, I said that disabled people pose legislators and politicians with daunting challenges. While we are doubtless impressed by the scale of those challenges, we must not be deterred from facing up to them, including the main challenge of reforming a system that is increasingly hard to explore, prone to complexity and means-testing, and lacks joined-up thinking in its attempts to support and empower people with disabilities. The next Conservative Government will not be deterred from that task.

2.40 pm

Miss Anne Begg (Aberdeen, South) (Lab): I am delighted to be called to speak in our debate, although I am disappointed by the churlishness of the hon. Member for Wycombe (Mr. Goodman) and his disquiet at its timing. Perhaps because he was elected only in 2001—although that cannot really be the excuse—he has forgotten the number of debates held on disability since 1997, when I was elected.

When I was elected to Parliament as the first Member permanently to use a wheelchair I was determined not to be a spokesperson for disabled people. I was determined not to be the disabled MP to whom everyone turned as the fount of all knowledge on disability matters; I hoped to make my mark on the House, and would do so as an MP who happened to have a disability. I have tried hard to follow that path, but inevitably I have been sucked into debates on disability because I have personal expertise on the issue. The hon. Gentleman said that we should listen to disabled people, so I hope he will listen to me. I did not want to be the fount of all knowledge on issues affecting disabled people because they are not a homogenous mass—they have different views, aspirations and expectations, and no single voice can represent them all—but, despite that view, I have participated in rather a lot of debates on disability in

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Parliament. I served on the Committee considering the legislation that set up the Disability Rights Commission. I also served on the Committee that considered the Special Educational Needs and Disability Act 2001.

More recently, I served on the Committee considering the draft Disability Discrimination Bill. I hope that the Minister will accept our suggestion, originally made by me, that we change its title to the draft disability anti-discrimination Bill. I have participated in a range of debates on disability in the Work and Pensions Committee and in the Chamber itself, so I do not know where on earth the hon. Gentleman has been. He is a fellow member of the Work and Pensions Committee, which he applauded and, indeed, he praised its research on getting disabled people into work.

It is therefore not unusual to discuss disability in the House, and quite a lot has been achieved since the Government came to power. Had I been an MP in previous years, I suspect that I would have spoken about disability but, instead of praising the Government of the time and encouraging them to go a little further, most of my contributions would have criticised the Tories in their failure to act at all. Like the Minister and my hon. and learned Friend the Member for Redcar (Vera Baird), I was struck by the briefing from the Disability Rights Commission, which says:

"Current activity is vast in the field of disabled rights."

That could not have been said before 1997 of the Conservative party, of which the hon. Gentleman is a member.

The hon. Gentleman was not sure that the Government were advocating true civil rights. When I was elected, I had campaigned on two issues for about 20 years—the establishment of a Scottish Parliament and the need for full, enforceable civil rights for disabled people, the subject of my first speech to the national Labour party conference. The Government have delivered on the first issue, and are about to deliver on the second. The Scottish Parliament is up and running, and has been through two elections. Once the Disability Discrimination Bill is on the statute book, we can probably say that we have achieved full, enforceable civil rights for disabled people.

Thanks to the establishment of the DRC, we have enforceable civil rights. If it had not been set up, any power under the Disability Discrimination Act 1995 would have counted for nothing, because we needed a body to take disabled people's cases to tribunal and court. The DRC has done so, and has performed a valuable function by pushing the Government into legislating to fill the gaps in the 1995 Act, including bringing education and transport under the auspices of that measure and introducing regulations to ensure that silly restrictions such as the exemption for all small employers are removed. As my hon. Friend the Member for High Peak (Tom Levitt) said, the Government will also enforce obligations under part 3 of the Act in October this year, and will not postpone doing so for another three years.

Disabled people know when they have suffered discrimination, which is overt and happens daily. It is not an ethereal issue discussed by people in debating chambers—it is real, and happens to all disabled people, who feel it very deeply, which is why they often react angrily in such situations. Every time that someone talks not to me but to the person who is with me, I feel that discrimination. Every time that I turn up at a restaurant or meeting place at which there is no wheelchair access, I feel it. Every time I try to get into a place of public entertainment and am told—not recently, luckily—that I am a fire hazard, I face it. I can tell the hon. Gentleman, however, that while that discrimination still takes place, I can now do something about much of it.

In 1973, when I applied to Aberdeen college to take a three-year diploma course so that I could become a primary teacher, I was told that I could not, but I had no legal recourse. I was discriminated against because of my disability, but I could do nothing about it. Three years later, in 1976, having gained a university degree, I returned to the college wanting to take a course to become a secondary teacher. I was refused, but there was nothing that I could do and I had no recourse to the law. Thanks to the Government, that could not happen to a young person trying to get into college today. In fact, the difficulties that I experienced getting into teaching are no longer experienced, and disabled people now have the right to challenge unfair decisions by faceless bureaucrats or, in my case, a college doctor. Powers are now in place giving us the right to challenge such decisions. However, they do not stop discrimination happening. This morning, for example, a taxi was hailed for me, but took off again when asked to wait as I was in a wheelchair. If I had been quick enough to get his number, however, I could have done something about it. That is the difference. As more and more case law is built up, and more and more people realise that it is unacceptable as well as unfair and discriminatory to make such judgments or take such actions against disabled people, the less it will happen.

It is important not just that we get the legislative framework correct, but that we use legislation to change attitudes. In my intervention on the hon. Gentleman I asked whether the changes in attitude would have happened without the legislation. Unfortunately, he did not answer the point that I raised, but the answer is that the changes in attitude would not have come about. Years before I was elected, I remember having a discussion with someone who believed it was a matter of education. If we had left it to education, we would not be where we are today. Legislation sets the framework and the boundaries of what is acceptable and unacceptable behaviour. Because most people want to obey the law and not to fall foul of the law, it has acted as a driver to change attitudes and to make sure that incidents such as the one that I described that happened to me this morning become fewer and fewer.

Mr. Goodman: I am sorry to have upset the hon. Lady, which I try never to do. I make it clear that I believe legislation is essential, but it would be less churlish—to use the word that she has propelled into circulation—if she acknowledged that the 1995 Act introduced by a Conservative Government was one of the pieces of legislation that has made a difference.

Miss Begg: The 1995 Act was an opportunity missed. Much of what the Labour Government have put in place could have been put in place at the time of the 1995

Act. The fact that that did not happen was due to the actions of the Tory Government at the time. I remember meeting Lady Olga Maitland a few months before I was elected. I was on a programme called "The Midnight Hour" that used to go out very late—funnily enough, considering its title—on BBC 2. I was a candidate for the election at the time and I was invited down from Scotland. I found myself sitting next to Lady Olga, and I came out of the programme with steam coming out of my ears. She was unrepentant, she was unapologetic for what she had done, and I found her the most patronising person I have ever met in my life.

I know the hon. Members sitting on the Opposition Benches today, and I know the hon. Gentleman very well. I know that they are honourable men and would not have taken the same attitude as Lady Olga Maitland did at the time. I am sure they were just as embarrassed by her actions as others would be. However, she was representative of the tone of the Government at the time. My hon. Friend the Minister was right to say that the 1995 Act came about because the Government were drawn kicking and screaming into passing some kind of legislation to try to dampen down the negative publicity that they were getting from the disabled lobby.

The disabled lobby at the time was angry about the 1995 Act, but it acknowledged, sometimes a little reluctantly, that at least it was a step. It could have been so much better, and we could have been so much further ahead in the delivery of civil rights had the Act had some teeth to it. For instance, had it provided for a DRC it would have been a much better Act and we could have been much further on in introducing the civil rights that we all want.

Mr. Barnes: One of the things that a number of us argued for during the discussions on the Disability Discrimination Bill in 1995 was the establishment of a disability rights commission. We always said that that would be the most important amendment to the measure. Despite the imperfections of the measure, the commission would begin to take action and help to transform it, as it has been doing since its establishment. There were odd little gains here and there as the amending procedure went through, but the big gain that we were after, which would not have given us a civil rights (disabled persons) Bill, would have been a measure with its own dynamic if the commission had been established.

Miss Begg: I thank my hon. Friend for that. He was there at the time; I was not. I was outside, but it was always my impression that that one body would have been a major advance in advising the Government on how they could have improved the 1995 Act.

A debate such as this is so wide and varied that it is difficult to know which parts of the topic of disability one should select for discussion. I have mentioned the fact that education is now covered by the DDA. I do not have time to go into that in more detail. The health service has been reformed to allow access for people with disabilities. There have been great advances in genetics as regards people with disabilities. Many issues are addressed by the draft Disability Discrimination Bill, such as access to housing and duties on local authorities.

I do not have time to go into as much detail as I would like on all those matters, so I shall concentrate on two areas that are not mutually exclusive—in fact, one is predicated on the other. The first is physical access, and the second is the inclusion of disabled people in society. As I said, one is predicated on the other, because without physical access to goods and services, disabled people cannot exercise their civil rights by being involved in society.

I am pleased to see that in the draft Disability Discrimination Bill aspects of transport that were missing from the DDA 1995 are covered. I hope the Minister will give serious consideration to the recommendation by the Joint Committee that the end date, particularly for rail transport, should be 2017. Rail travel still poses enormous problems, particularly for people with mobility problems. I shall not give any more examples from my own experience—I have given them over the years and they are legion. There are still problems with regard to unmanned stations and inaccessible stations.

There are also difficulties if, for some reason, a rail operator cannot operate trains on a particular section of the track and so puts on replacement buses, possibly while essential repairs are taking place. Inevitably, those buses are not wheelchair-accessible. The Government are legislating to make sure that buses are wheelchair-accessible, and come 2017, hopefully, that problem will not arise and any bus provided to replace a train will be wheelchair-accessible. That is why we need a properly integrated transport policy.

Some operators still do not accept responsibility for getting disabled people on to trains. I was disappointed to hear on Thursday 6 May that in a case taken by the Disability Rights Commission on behalf of Keith Roads to Norwich county court, the judge found it unreasonable that Central Trains should be expected to pay the cost of an accessible taxi to enable Keith Roads to get to the platform to reach the train that he needed. I hope that such a judgment, which was a disappointment to the DRC a month ago, will be covered when the part of the legislation dealing with access to goods and services comes into force in October this year, and that it will be the responsibility of train operators to make sure that, if they offer a service, someone in a wheelchair is not prevented from accessing that service because the station is inaccessible or because of rail works around the station or on part of the rail line. From personal experience, I know how difficult it can be to negotiate payment for a taxi when an operator replaces its trains with an inaccessible replacement service.

On physical access, the obligations that will be implemented in October 2004 are the other issue and in this respect I agree with many of the comments of the hon. Member for Wycombe. Those obligations are a major step forward and disabled people believe that the rights that they will gain in October will make a huge difference. As he said, many employers and providers are still ignorant about their obligations, but it is unfair to criticise the DRC and the Government, because they have made the strongest possible efforts to let people know exactly what will happen.

Unfortunately, the issue has been marred by scare stories put out by employers and small businesses about their obligations. I say, "unfortunately", but those

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stories are some of the few occasions on which we have been able to obtain publicity. I have been able to comment on the issue in my local evening newspaper in Aberdeen only when I have been trundled out to reply to scare stories. If scare stories obtain the publicity that we need, they may perform a proper function. Unfortunately, misunderstanding exists about exactly what is involved and the costs. I am particularly concerned that the obligations will be used as an excuse for some shops either to close or to claim that they will close.

I pay tribute to the work of the Scottish Federation of Small Businesses, which could easily have taken a negative stance, by saying that its members were terrified of the implications of the legislation. Instead, it has gone out to try to educate its members about their responsibilities and obligations and to allay their fears by explaining that the obligations do not involve major structural changes, which some small businesses are worried about.

Physical access to goods and services is important if disabled people are to play their full part in society. There is no point in saying that disabled people should join political parties or become involved in civic society if they cannot get into buildings to access the meetings and, indeed, the demonstrations that are part and parcel of that work.

I have spoken a great deal in the House about the world of work, which is important if disabled people are to be truly included. Disabled people, and particularly those who are under retirement age, need access to employment. The Government have done sterling work in trying to ensure that those on incapacity benefit are given the chance to get into work. The new deal for disabled people has been implemented in some areas and the new pilots and the pathways to work have certainly turned around disabled people's attitudes on whether the opportunities are out there.

Younger disabled people expect to work. The difficult group is those who have been in work, and who have fallen out of it, perhaps through unemployment. On that issue, I blame the previous Government, under whom individuals were switched on to incapacity benefit after a couple of years or even a year of unemployment, not because they were any more disabled than they were when they left work, but because it was convenient and got them off the unemployment statistics. After 10 years of unemployment, people often suffer from mental illnesses such as stress or depression. It is harder to be without work when everyone else is in work. When employment is high and unemployment is low, those without work are subject to a personal and social cost. Those who were encouraged to go on to incapacity benefit in the years of high unemployment are not fiddling the system, because they are ill and genuinely believe that they cannot work.

It is hard to persuade the stock of people on incapacity benefit that opportunities and chances exist. Government initiatives such as the new deal for disabled people and the alterations to the rules on therapeutic earnings and permitted work have given people who believed that they would never work again the chance to try it out, which builds confidence in getting back into the work force. Mental health problems are the main reason for increased numbers on incapacity benefit, and I shall return to that challenge in a moment.

The Government have risen to the challenge. Allowing disabled people the chance to work gives people dignity and involves them in society, which is difficult to achieve by other means. People often base their social lives and develop their social awareness in the world of work. If the Government are serious when they discuss social inclusion, they must consider work.

In conclusion, I shall look to the future. The Minister described where we are today and how we got here, but the Government face future challenges on disability. We may need to legislate to end genetic discrimination, which will increase. Genetic discrimination is beginning to happen, and it is a difficult area but if we seek full civil rights for disabled people, that gap must be plugged. The Government must also examine unfair insurance premiums, because some insurance companies still feel it perfectly legitimate to bump up premiums for disabled people.

Mental health problems are a big challenge and a growth area for the future. We have been successful at getting people with physical disabilities into work. Young people with physical disabilities or even learning disabilities who leave school and go to college expect to work in supported or open employment.

I am not convinced that we have the answer on the increasing numbers who will drop out of work because of mental health problems. A great deal remains to be done on occupational health and rehabilitation to ensure that people do not drop out of the workplace when they are first diagnosed with stress or mental health problems, and more should be done either to redeploy those people within their companies or to find them other work. As the hon. Member for Wycombe says, when someone is on incapacity benefit for more than a year, it is much harder to get them back into work.

In the Joint Committee considering the draft Disability Discrimination Bill, we had quite a discussion about whether we should push the Government further on the social model. We agreed with what the Minister has said today—that the definition of discrimination in the model is not as robust or well defined as it needs to be if the rest of our legislation is to hook on to it. There is much more to be done, but I think the definition would be easier if we had a single equality Act. I hope that that will be on the Government's agenda in the next Parliament. I also hope that one of the first jobs for the human rights and equal opportunities commission will be considering how such an Act might be drafted. Under a single equality Act it would not matter whether people were discriminated against because they were black, because they were gay, because they were old, because they were disabled or because they were women; all that would need to be proved would be the fact of discrimination, and it would become much easier to prove that in court.

The Government have already done a great deal. The Minister listed the things that they have done. Nevertheless, there will always be more to do, and expectations will always rise. I am sorry to say—I say it to the Minister, but I would say it to any Government of any colour—that no matter how much is done in the

context of disability, we shall always be coming back for more. The more civil rights we secure, the more we realise that further rights could be obtained.

Disability will not come to an end. If anything, many more disabled people will become much more active because of advances in medical science. More people will survive with more profound disabilities and more chronic conditions than has ever been the case in the past. I think Beveridge believed that with a national health service disability and ill health would disappear, but in fact those medical advances mean that people can operate despite being seriously ill. We have seen that in the House. Members suffering from cancer have managed to retain ministerial positions throughout their treatment, holding down demanding jobs that impose a good deal of pressure. More people can now be kept alive, doing more jobs more vigorously, than ever before. We are a growing part of society, and that will not go away. We will not go away either and we will go on reminding the Government of their obligations to us.

The Government have given us a voice. They have given us civil rights, and a mechanism through which we can express our dissatisfaction and challenge what we believe to be wrong. Now that we have that voice, unfortunately—or perhaps fortunately—we are going to use it.

3.13 pm

Paul Holmes (Chesterfield) (LD): As others have said, this is an important debate on an important subject. The criteria introduced by the Disability Discrimination Act 1995 are used by 9.8 million disabled people, and one family in four has a member with a disability. Moreover, in an ageing population, disability visits more and more of us: it is not just something that happens to other people.

I do not say this often, but I agree with the opening remarks of the Conservative spokesman, the hon. Member for Wycombe (Mr. Goodman). It is a shame that the debate is taking place on the day of the largest electoral event since the last general election and before the next. Inevitably, many Members, including some who are assiduous in campaigning and attending debates on disability issues, cannot therefore be here today. I remember speaking in a debate on valuing people, which also took place at the end of the week, to an almost empty Chamber. It is unfortunate that such important debates are sometimes sidelined.

The attitude to disability has changed considerably in the past 30, 40 or 50 years. It used to be thought that disabled people should stay at home, out of sight out of mind, or—even worse—that they should be confined to institutions where they could not get in other people's way. The attitude has changed for the better because of the improving legal framework. All credit for that should go to this Government in particular. The framework has improved as a result of education and training, cash investment and the adoption of more open social attitudes in general. I am very glad that I was born and grew up in the second half of the 20th century, and that my children were born, grew up and will live as citizens in the 21st century.

The myriad disability groups deserve huge praise for the advances of the last 30 or 40 years. Before I became the Liberal Democrat spokesman on disability in 2001, I thought I knew quite a lot about disability. For some years, as a teacher in a very good comprehensive school in the constituency of my hon. Friend the Member for High Peak (Tom Levitt), I taught a range of disabled children in a mainstream 11-to-18 setting. I taught children with Down's syndrome, fragile X syndrome, hearing and sight impairment, cerebral palsy and spina bifida.

Having been a political campaigner in Chesterfield for many years and having lived in the town for a quarter of a century, I have encountered many examples of disability arising from industrial histories and legacies—in particular, those of a coalfield community. Much of my case load, since I have been an MP and when I was a councillor, has related to people suffering from vibration white finger, pneumoconiosis, asbestosis and numerous other industrial diseases. I have worked with quite a few disability groups in Chesterfield that deal with such conditions. For some years my mother-in-law, who lives two streets away from me in Chesterfield, has been a regular user of the excellent services provided by another voluntary group, Shopmobility, which enable her to visit the town centre.

I thought, therefore, that I was fairly knowledgeable about such groups, but since 2001 I have discovered a vast array of others—far more than I knew existed. They provide two superb services. They give support, care and help to specific groups of disabled people; but more important in the long run, I think, are their expert campaigning and lobbying of Ministers, Members of both Houses and the press on the changes that are needed in society to improve the overall lot of people with disabilities, and social and legal provision for them. They certainly deserve a great deal of credit, and I shall mention a number of them in due course.

The Government also deserve credit. I do not want to intrude on the private historical squabbling—we have heard quite a bit of that today—between the Labour and Conservative parties about the Disability Discrimination Act 1995, which has been covered in some detail. To be charitable, the DDA was an important step forward, as were the subsequent extensions of it. The establishment of the Disability Rights Commission was very important, and the draft Disability Discrimination Bill—when it eventually becomes law—will be a significant step in filling the gaps in the DDA. The recognition of British sign language, the "Valuing People: Moving Forward Together" report and its initial implementation, the mental capacity Bill and even this week's announcement on the framework for partnership action by the Secretary of State for Health and the DRC are examples of major improvements for which the Government should be praised.

I very much support what the Government are doing in this regard, but we would not be doing our job today if we simply indulged in mutual praise and back-slapping—not that the previous speakers have done so—and talked about the good progress that is being made. In the light of previous debates, I am sure that the Minister would be very disappointed if I did not say that although much has been achieved, a great deal more remains to be done.

As I have said, attitudes and awareness have improved enormously compared with just 20 years ago, and certainly compared with 30 or 40 years ago.

[Paul Holmes]

However, there are still huge black holes in terms of training and of the approach of various people. Reference was made earlier to small and medium-sized enterprises' lack of awareness of what will be required of them this autumn, when the next extension of the DDA takes place. There was some argument about whether the Government should be blamed for not publicising these imminent changes sufficiently. According to a UnumProvident survey, 90,000 SMEs—69 per cent. of the total—are more or less totally unaware of what will be expected of them in a relatively few weeks' time. As some Members have pointed out, there has been a great deal of publicity in the past year or so, but perhaps it should have begun considerably earlier. Many of the changes that small businesses will have to make to meet the DDA's requirements would be quite simple to incorporate if made over a number of years. I am thinking, for example, of the routine refitting of a shop or office, which happens every so often anyway. Had the changes not appeared to be last-minute changes, they would not seem such an obstacle to small businesses once they finally do learn what is expected of them; most still do not really know what is expected of them.

Tom Levitt: Is it not true that regardless of such legislation being due to take effect in October, some £50 billion of disabled people's spending power is not being tapped into? It would be very wise for shops and other small businesses to take such measures anyway; indeed, they should have taken them a long time ago in their own interests.

Paul Holmes: The hon. Gentleman is absolutely right, and that point applies to what I shall say later about what the Government need to do in certain areas. It is not "just" a question of the equal rights of disabled people; it is also a question of the self-interest of many shopkeepers, restaurant owners and other businesses. If they are not accessible, friendly and welcoming to disabled people, they are excluding themselves from a huge potential income. I imagine that Ryanair, for example, will not get too much custom from disabled people, following the recent case that showed it in quite a bad light.

There are lots of other examples that show that awareness and education are still lacking. A recent DRC report on website access showed that the vast majority of business and service industry websites are not accessible. There are historical problems in the railway industry, such as those associated with London's Victorian underground system. The industry has argued that making its rolling stock accessible to disabled people by 2035 is acceptable, but the Government have said that doing so by 2025 would be better. However, Leonard Cheshire, which is campaigning hard on this issue, has said that 2017 would be a far more reasonable date. Of course, even that is 13 years away.

We have heard about the progress that has been made with the introduction of accessible buses, but simply introducing them is not the end of the story. A constituent of mine—from his wheelchair, he is a very active campaigner—has contacted me several times about the problems that he has encountered. Stagecoach, which provides most of the local services, is rightly very proud of the "kneeling" buses that they have introduced on a number of routes. However, the buses often will not kneel to let my constituent on. On one occasion, the excuse was given that because the bus was running late, the driver had to make up time and did not want to spend time operating the hydraulics to let on someone in a wheelchair. On another occasion, the excuse offered was that the driver in question had not been trained in how to use a kneeling bus. On a further occasion, the excuse was that the optics were grimy and would not operate the equipment. On three separate occasions, this one constituent was unable to access these wonderful kneeling buses, for reasons connected with training, operational practice and awareness among staff of the company.

I recently spoke at the Royal College of Nursing conference at Harrogate and talked to a group of nurses who worked on improving the access of the learning disabled to the health service. One of the nurses from Scotland provided an example of what happened two or three years ago in the NHS in Scotland. His brother-in-law, who had learning disabilities, was rushed into hospital. The nurse drove some miles to get to the hospital, and when he went in he saw his brother-in-law sat there white faced, with clenched teeth, sweating and obviously in pain, but unable to express what was wrong with him on account of his learning disabilities. The brother-in-law took the nurse to one side and told her that he was really in pain. Apparently, the nurse patted him on the shoulder and said, "Don't worry, they do not feel pain like we do." That took place in the health service only two or three years ago.

I also spoke recently at a care conference in Leicester, where one of the delegates talked about his experience within the last year of working in a residential care home in the south-west. He got into trouble because, while he was working there, he took people with learning disabilities and people in wheelchairs down to the local pub in the evening for a couple of pints. That was viewed as unacceptable. We can congratulate ourselves on how much progress has been made, but there is an awful lot more to be done in respect of people's attitudes and awareness.

To conclude that subject, I should like to make a few comments about Ofcom. In respect of how access to telecommunications should be interpreted, Ofcom started out by saying that it would not insist on television companies subtitling live programmes because it could not technically be done. The Royal National Institute for Deaf People took me and other Members from here and the other place to visit a company in London that subtitles programmes. There we saw people sat at their computer screens subtitling live sports and news programmes and live debates with no problem at all. It is perfectly possible to do so, yet Ofcom had said that it was not prepared to press that requirement because it could not be done. Subsequently, Ofcom admitted that it could be done and that it had been wrong.

In that light, I would like the Minister to tell us whether she is aware of the basic technical errors that Ofcom made in its consultation on access to telecom services. Does she share the view of Lord McIntosh, who expressed his hope in the other place that Ofcom would accept the recommendations of the Advisory Committee on Older and Disabled People? Does she

accept that access to television is a basic right and that the growing choice of channels and programmes offered by digital television should be equally available to all? Answers will be needed quickly, because Ofcom will soon report its requirements for the telecommunications industry on subtitling, access and so on.

Then there is the question of Government delay. I have already said that I support and praise the vast majority of what they have done, but in certain respects they are delaying and not moving fast enough. We have already mentioned the draft Disability Discrimination Bill. It was promised in the 2001 manifesto and disability groups were very disappointed that it did not appear in the Queen's Speech that year, or the subsequent year. It finally appeared in the Queen's Speech in 2003. Responses from the draft scrutiny are now being considered. Will it be timetabled to get through Parliament before the next general election destroys it? Had the Government given more priority to this issue and introduced the draft Bill last year or the year before, as they promised in the manifesto, the Bill would already be on the statute book. Clearly, the Government could have moved faster in some areas.

In her closing comments, my hon. Friend the Member for Aberdeen, South (Miss Begg) referred to the need for a single equality Bill and asked the Government to look into how it could be drafted. The experiment has already been done. In the other place, Lord Lester, a leading civil rights lawyer, and others, produced a draft single equality Bill in order to clarify the complex mess of equality legislation across six different strands. At the moment, disabled people do not have the same equality rights as people in other discriminatory strands. That was taken through the other place and 247 Members of this House supported an early-day motion stating that a similar measure should be introduced here—but the Government ignored it completely. A draft Bill has been produced, debated and thoroughly gone through. About 40 per cent. of hon. Members supported it straight away, but there has been no sign of any action from the Government. Sarah Spencer, the chair of the equality and diversity forum, told the inaugural meeting of the all-party group on equalities on 20 April that there was a clear and urgent need for such a Bill.

I turn now to the possible establishment of a single commission. The DRC was originally critical of the proposal, although it has accepted some of the Government's reassurances. However, despite the Government's concessions, it remains concerned that a single commission could mean that disabled people will have no organisation to speak for them. It has said that, without a single equality Act, it will be difficult for disabled people to argue for the equal rights that they lack in the law as it stands.

A recent Age Concern campaign estimated that about 2 million people do not claim attendance allowance, even though they are entitled to it and need it. In answer to parliamentary questions, most recently last autumn, the Government said that the size of the problem was not known, and that it would be too difficult and expensive to determine it. They said that they would not mount a mass publicity campaign to encourage people to take up the allowance because it was better to work through local authorities and welfare rights organisations.

Maria Eagle: Does the hon. Gentleman accept that it is not at all obvious who is eligible for extra-cost benefits such as attendance allowance, for which certain criteria must be met? The only way to find out is if people claim. It is much more difficult to estimate what take-up of attendance allowance ought to be than is the case with other benefits.

Paul Holmes: I accept that it can be difficult to produce reliable estimates of take-up. Attempts were made in 1996–97, but such estimates can be open to all sorts of interpretations.

The Government have said that they do not want to mount a mass awareness campaign but prefer to go through specialist groups. I spent a day with a Chesterfield borough council staff member whose job is to respond to information from bodies such as neighbourhood watch that an elderly person needs a door chain or window locks, for example. He is trained to ask that elderly person whether he or she has claimed pension credit, attendance allowance or some other benefit. He secures benefits worth hundreds of pounds in allowances for those elderly people, or even gets central heating installed for them. That is all well and good, yet cash resources are needed to pay the staff required even though local authorities are told that they must keep council tax down. I hope that the Government will make available resources to make that option work.

A campaign to secure a winter fuel allowance for disabled people was running for a long time before I entered Parliament. The Government refuse even to consider making that allowance available for disabled people, saying that people who are not of retirement age do not need it. However, I received an e-mail this week from a person aged 41 who is suffering from cancer and is confined to the house. That person suffered enormously from the cold as a result, a fact that many disability groups have been aware of for a long time. I cannot understand why the winter fuel allowance is not extended to people with medium and higher levels of disability.

The Government deserve praise for recognising British Sign Language, but what happens next? Finland's population is one-tenth the size of ours, but the country has 600 sign language interpreters. The UK has 400. There are not enough such interpreters available to profit from the recognition of BSL. With the roll-out of the new disability discrimination legislation, employers should make available access to such interpreters, when that is appropriate or necessary. What do the Government plan to do to ensure that more interpreters are trained and made available? They displayed good intentions when they recognised BSL, but they must put those good intentions into practice over the next two or three years.

In business questions earlier, my hon. Friend the Member for Gordon (Malcolm Bruce) said that he had heard that the Government are to host an EU conference on how to support and introduce the use of sign language. Will the Minister give the House some details about that to clarify what is happening?

[Paul Holmes]

There are contradictions in Government policy. A Department may make a statement on a matter that is undermined by another Department. I used to be a teacher, and one example that comes to mind has to do with education. The Department for Education and Skills has said, on the one hand, that it is in favour of social inclusion, and that disabled children should have access to mainstream schools, and all types of school; but on the other hand there is the policy of testing. Our children are the most tested in the western world, from when they enter infant school to when they leave secondary school. League tables reflect their results, and schools live or die by the tables when it comes to the children they attract, the money they get and the performance-related pay of teachers, which depends on how successful teachers are in getting children through exams. I know all about that because in the first year of performance-related pay I filled in my own application to cross the professional threshold, and one of the main criteria is how the teacher's classes are doing in terms of academic performance.

All the statistics, including the Government figures every February and annual Ofsted reports, show that the schools that do best in the league tables of which the Government are so fond as they try to drive up standards are generally those with the lowest number of children with special educational needs. I could provide many anecdotal examples of schools in Derbyshire that are high in the league table but where the head will tell people their child would be better off at the school up the road because it is better suited to their needs.

On the one hand, then, the Government say they want social inclusion; on the other, they follow educational policies that work absolutely against it.

The Select Committee on Education and Skills, on which I serve, is nearing the end of its scrutiny of the draft School Transport Bill. Almost every witness before the Committee has said that most of it is pointless. Almost all the experiments in it to get children to walk to school or use buses and so on are already being done by various local authorities around the country, so there is no need for a Bill to set them out. The only thing that the Bill does that cannot be done now is that it would let local authorities ignore the ruling in the Education Act 1944 about free school transport, which is that children attending junior schools more than two miles from their home and children going to secondary schools more than three miles from home can get free transport. The largest part of local education authorities' transport budgets is that for SEN children.

I visited an excellent deaf unit at New Whittington primary school in my constituency three or four weeks ago, and one of the children comes from 15 to 20 miles away from somewhere in Derbyshire and gets in a taxi each morning to be taken there. A lot of people who have children with SEN who have to travel some distance to an appropriate setting are afraid that they will be charged under the experiments contained in the draft Bill. Again, on the one hand the Government have excellent policies on SEN children's inclusion in schools and the provision of specialist units like the deaf unit in Chesterfield, while on the other they are considering an experiment that people fear will lead to children and parents being charged for access to the special provision that they need.

Then there is overall Government policy and its intentions. I am thinking of the new deal for the disabled and associated programmes. One problem of the new deal, often aired in the Chamber, is its emphasis on the quick fix, partly so that targets are hit as people are got into work and off long-term unemployment by recycling them through the new deal, but partly because of the philosophy, which has some degree of truth to it, that the longer someone is unemployed, the less likely they are to get back to work. In terms of people with disabilities, many of whom have never worked but want to get into work, and many of whom have not worked for many years, none of that is as applicable. Is it best to deal with such people by calling them for compulsory interviews with the threat of sanctions if they do not do as they are told? Or will that frighten people with learning disabilities? I attended a recent meeting in Chesterfield involving Phoenix, a good not-for-profit company that delivers part of the Government's programme in this area, and community psychiatric nurses who were there to learn about the condition management programme being piloted in Derbyshire. The nurses were worried that the people they work with would receive demands out of the blue, telling them that they had to attend interviews and would lose their benefits if they did not. Is that really the best way to deal with people with mental health problems and learning disabilities?

There are many good examples of how those people should be dealt with, but they are being handicapped, to some degree, by the strictures of the new deal approach. For example, the empower project being run by Chesterfield chamber of commerce works with disabled people, though not exclusively, and has found that even to get some people to a level at which they could think about applying for a job might take some weeks or months of basic life skills training before they could consider being placed in a job or a workplace. It is difficult but not impossible to match up such projects to the demands of the new deal. Phoenix, a not-for-profit company, has done innovative work in this area in order to deliver some Government programmes. The Government must respect the Shaw Trust because it is now the largest job broker for disabled people for the Government across the United Kingdom. In the next year it will work with 30,000 of the 1 million disabled adults who say that they would love to get back to work if they could be helped to overcome the obstacles in their way.

All those bodies and Unum, a private insurance company that works in this area, say that whatever the disability, more resources, more quality input and more time is needed to achieve a positive outcome than the new deal, in its initial stages, allows. The Government need to rethink their approach there.

Let me give one specific example. Recently I was talking to some advisers at the Chesterfield Jobcentre Plus who find that the return-to-work benefit is useful in some cases. They cited the example of a lady who had had a pressurised job as a personnel manager and had a nervous breakdown, but who wanted to get back to work. She could return partially without worrying too much about the loss of money because for one year she

got the return-to-work benefit. At the end of the year she would probably regain enough confidence to return full-time—she had gained some confidence in two or three months—and would not need further benefits. That would be a win-win situation for everyone; no problem.

Many disabled people would not be in that category. Some will never be able to work full time. Some will have disabilities that come and go, such as multiple sclerosis and ME, and may be able to work all this week but not next week. They express the fear that having struggled hard to gain access to disability benefits, if they return to work they will lose the benefits and face the problem of getting back on them. Would it not be a good idea to introduce a partial disability benefit, whereby some disabled people can sign up to work, say, 20 hours a week, but will get the relevant percentage of benefit for the rest of the week because they will never be able to work full time? That would offer such reassurance to people in those categories that it would be worth the risk, as they see it at the moment, of trying to get back into work.

Finally, there is the question of financial resources. There are resource issues in everything that we have talked about this afternoon. There are many examples and there is much research evidence from the various disability groups to back this up. The John Grooms report said that 300,000 wheelchair-accessible homes are needed now. Who is building them? Where is the money? What is happening? The Joseph Rowntree report recently said that care homes are short of £1 billion. The Shaw Trust points out that if we spend five times more on employment programmes for disabled people, we will reach the European average for the first time. That is a 500 per cent. increase.

The National Autistic Society says that 90 per cent. of short-break schemes for carers have waiting lists. Carers cannot get the breaks they need. Yet, if they reach breaking point, as outlined in the earlier Mencap report on the same theme last June, the state, taxpayers and everyone lose out. If the disabled person who is being cared for has to go into residential care, it is far more expensive and far less satisfactory for everyone. Last year's Mencap report pointed out that six out of the 10 families that the authors talked to had never had a carer's assessment, let alone got on a waiting list for a weekend break or a weekday break for carers.

This May, the Down's Syndrome Association pointed out that the Government's stated policy for more inclusion in education is failing in practice because of local education authority reluctance to provide sufficient resources. That brings us to arguments about whether the Government are giving LEAs enough money but they are spending it elsewhere, or whether the Government are not giving them enough in the first place. Those arguments were raised last year in the education funding debate, for example.

Money can be spent more efficiently. A couple of years ago I went to Leicester and looked at the organisation run by the Red Cross there. On behalf of Leicester city, Leicester county council and Rutland council, it operates the distribution, collection, cleaning and redistribution of the whole range of mobility aids. Because it operates on that scale, with computerised inventories and so on, it has saved a lot of money. It gets the equipment back because it knows where the equipment has gone. Often hospitals and social services do not know that. Because of the scale on which it works, it can also return equipment to a state in which it is fit to issue to someone else, rather than having to buy brand new equipment and losing it to somebody's outhouse. Money can be handled in better ways and some efficiency savings can be made, but I am dubious about the idea that all the funding can be provided from such savings.

As the population ages, we will have more disability. The older people are, the more they suffer from disabilities of various kinds. The more that we talk, legislate and create a framework of equal rights for disabled people, the more money will be required to make the rhetoric a reality. I hope that the Minister will accept my more critical comments in the helpful spirit in which I intend them. I support much of what the Government have done in the past few years, but much more remains to be done.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. It might be helpful if I point out to the House that no speech has yet been made in less than 32 minutes. Six hon. Members seek to catch my eye and I hope that everyone will bear that in mind, given the time available.

3.46 pm

Liz Blackman (Erewash) (Lab): I feel sure that I will be able to comply with your request, Mr. Deputy Speaker. I am pleased to speak in this afternoon's debate on disability. It is such a broad subject that I have decided to focus my remarks on the disability of autism. I am chair of the all-party group on the issue.

Autism is a communication disability. It affects not only communication, but social interaction and the ability to imagine. People who have autism often find it difficult to pick up social cues. They can also behave in extremely rigid and obsessive ways. It is a spectrum disorder, which means that any of those characteristics can be displayed to a greater or lesser extent. At the high functioning end, including Asperger's syndrome, it is often, rightly, called the hidden disability. Therein lie many of the problems. It is estimated to affect some 500,000 people in the UK, and there is disagreement on whether the number is increasing or we have become better at diagnosis. The cause of autism is unknown, but it is a lifelong disability.

It is fair to say that in the past few years our understanding and awareness of autism has increased significantly. Policymakers in government and parliamentarians certainly have a greater understanding, and that is the result of much work by the National Autistic Society and many other groups that campaign to raise awareness and improve services for people with autism. The media have also played their role in highlighting the disability.

Recently, and laudably, Vodafone has put £6 million into a partnership with the NAS to raise awareness. Hon. Members may have seen some of the advertisements in the press over the past few weeks, which cleverly portray—in a visual and striking way—what autism means to the individuals who have it, their families and the wider community.

[Liz Blackman]

The all-party group was formed in 2000 by my hon. Friend the Member for South Thanet (Dr. Ladyman), who is now the Under-Secretary of State for Health. My hon. Friend knows much about autism, and I praise the Government for putting him in the Department of Health and giving him responsibility for autism, among his many other responsibilities. Under my hon. Friend's chairmanship of the group, a manifesto was launched last year. It has a 10-year time scale, although we will probably be able to move much more quickly than we had expected. This year, during autism awareness week, we celebrated the first anniversary of the manifesto. The week had a theme of planning for life. That was deliberate because, although it is fair to say that services and policy have moved forward, especially children's services, a whole raft of policy initiatives needs to be taken on adult services.

We still have a long way to go on children's services. As my hon. Friend the Member for Aberdeen, South (Miss Begg) said, the job is never finished, as our expectations become higher and higher. However, many recent policy initiatives have been taken. They are encouraging, and they will make a difference. Services for children with autism are being used as an example in the disabled children's module of the children's national service framework, which aims to set national standards for what children and their families can expect. Early support pilot programmes funded by the DFES aim to improve the delivery of services to disabled children under three and their families, including children with autism. The special educational needs strategy that has recently been announced singles out autism as an exemplar, and there will be pilot work.

Children's trusts will be enormously important when they come on stream. They will create a statutory framework whereby different agencies can pool their budgets. We will then get a real improvement in multi-agency work not just for children with autism but children with other disabilities and all children. Those are extremely positive steps forward. We will reap the rewards of laying those foundations as they come to fruition. There is no doubt about that.

The picture is not quite so rosy when it comes to the point of transition for children with autistic spectrum disorders. There is a lot of confusion not only around the law but in practice. The transition planning framework for England and Wales is set out in the Education Act 1996, as amended by the Special Educational Needs and Disability Act 2001. The SENDA code of practice makes it clear that there is a statutory obligation to prepare a multi-agency transition plan for year 9 pupils with a statement, but evidence collected from the National Autistic Society support programme for parents suggests that more than half of parents were not aware of the 14-plus transition review and what it should mean for their child. Too often, professionals have not turned up when the review has taken place.

Many children are not entitled to such a review because they do not have a statement, but there is a parallel transition process under the Disabled Persons (Services, Consultation and Representation) Act 1986. Education departments are required to notify social services of all 13 to 14-year-olds whom they consider disabled. Social services are then required to co-ordinate multi-agency assessments to be linked to the transition and care planning for adults under the National Health Service and Community Care Act 1990. Understandably, the experience is poor for many families who find, first, that the processes are not integrated and, secondly, that the organisational structures prevent transfer of information.

Certainly, the Children Act 1989 will help. However, there has been some progress. Connexions has accepted responsibility for preparing a needs and provision assessment under section 40 of the Learning and Skills Act 2000 for all children with special educational needs. That puts more pressure on training, and there is no legislative framework to insist that the different agencies—especially adult social services—co-operate.

The need for multi-agency co-ordination in transition planning is recognised in the Green Paper "Every Child Matters", the SEN strategy "Removing barriers to achievement" and the forthcoming NSF. They all have transition themes. The Department for Education and Skills is committed to producing national transition standards and to working more closely with Connexions and learning and skills councils.

I want to focus on services for adults, where there is such a long way to go. Fifty per cent. of people with ASD live at home and only 12 per cent. are in some kind of paid employment, so the picture is much bleaker. The statutory framework falls away. Many young people and older adults fall between mental health teams and social services learning disability teams, coming into contact with one or the other only when they are in crisis. Despite the fact that the valuing people strategy signals access to those services, that does not yet happen as it should.

The Department of Health has published guidance on eligibility criteria for social care services that instructs local authorities to base such criteria on individuals presenting needs rather than on diagnosis. The guidance states that some councils declare that

"they do not help particular groups of individuals, such as those with higher functioning autism/Asperger syndrome, and make no attempt to assess needs as they should. This is unacceptable."

At the reception we held for autism awareness week, the Under-Secretary of State for Health, my hon. Friend the Member for South Thanet announced a new vision for adult social care. That is an opportunity to improve not only the statutory framework but the operation of the various services involved. The integration of health and social care records under the national care records service is not due to occur until 2010, but I hope that it can be speeded up with the onset of children's trusts.

Points have already been made about access to benefits, which is problematic for people with autism and their families. However, I praise the DWP for widely publicising information about benefits in different ways, including the free-phone benefit inquiry line. However, although it is easy to provide information, people with a communication or understanding disorder find it hard to process the information, so access is a real issue. Can the Minister tell us whether operators on the free phone benefit inquiry line can pick up a communication disorder? Do they have relevant training?

Disability living allowance is a key benefit for access to other benefits, yet it is hard to describe autism within the bounds of the current application form. I know that pilot work is under way on the redesign of the form, so can the Minister tell us how that is progressing? There is also a commitment to update the disability handbook. Can she tell us how that exercise is getting on?

As I said earlier, 12 per cent. of people with autism are in paid employment, but only 6 per cent. work full time. There are 332,000 people with ASD of working age and 260,000 of them have an average or above-average IQ. The Government have a phenomenal record on employment, and my constituency bears testimony to that. However, there are specific groups of disabled people that are difficult to support and get into work. I am sure that the Minister will agree that more needs to be done to ensure that more than 6 per cent. of people with ASD are in full-time employment.

The National Autistic Society survey of adults with ASD found that the biggest barriers to work were worries about the social aspects of an employment environment and lack of support, and employers' negative perceptions, lack of understanding and unwillingness to make reasonable adjustments. However, there are brilliant examples of supported employment projects in the UK, not least of which is run by the NAS's employment service, Prospects, which the Department for Work and Pensions supported between 2000 and 2003 as an initial step toward gathering qualitative evidence on how best to support people with autism into employment. Several key features of the Prospects-supported employment programme are not surprising. Young people need help with job searching, interview preparation, finding out how to stay in a job and getting support in the job as and when that is necessary. The other key feature of a successful placement for people with ASD is the education and support of their employers. If we can get the two parts of the equation right, it will make a big difference.

I recently visited a fantastic scheme in Sheffield in which a charity has an arrangement with Meadowhall, which is a huge shopping outlet—anyone who lives anywhere near it will have visited or at least have driven past it. The same ingredients are present in the scheme. Some of the young people involved in the project gave a presentation because it was a year old, and both they and their employers spoke positively about their work experience. The employers made the point of saying how much progress they had made on understanding autism and the way in which they managed and got the best out of all their employees.

Where do we go from here to improve the figures and make the prospect of work for autistic people a reality? As I said, there are two sides to the equation. We must get both the support and supply sides right. I draw hon. Members' attention to a couple of innovative projects on which the NAS is currently embarking. In July, it will set up the Prospects provider training programme, which will be piloted in Glasgow. The service is aimed at disability employment services. Participants will make a payment for which they will gain Prospects' expertise. In time, the specialist service will become self-funding, so it will be possible to deliver it in more regions. When sufficient income has been generated, a co-ordinator for England and Wales will be recruited to roll out the scheme throughout the country.

On the employers' side, the employers with Prospects initiative will be set up. It will partner companies, with the aim of widening access. Companies that join the scheme will pay a contribution, actively try to find opportunities for paid employment and work experience, and encourage and support staff who wish to train as ASD supporters. However, the companies will get something back in return. They will benefit from access to an eager, reliable and accurate work force with a high level of availability, and many members of the work force will possess exceptional skills and abilities. The companies will receive good PR as socially responsible corporate organisations, and they will support a substantial yet ignored group, the needs of which are rapidly reaching public notice. Employees will have the opportunity to align with a cause of which many may have personal experience from their family and close friends. I hope that not only the DWP but the Department of Trade and Industry and other Departments will take a close interest as those two projects unfold and do what they can to support them. That is a way forward.

Finally, the 1995 definition does not adequately cover the difficulties faced by people with ASD. The draft Disability Discrimination Bill will not remedy that, but it is encouraging that the Joint Committee recommends that the definition in the Disability Discrimination Act 1995 should be updated to address the social and communication impairments experienced by those with ASD. That is absolutely crucial to ensure that people with a communication and social interaction disorder are not discriminated against, whether in work or elsewhere. With that, as other hon. Members wish to speak, I will complete my speech.

4.6 pm

Mr. Tim Boswell (Daventry) (Con): To put it neutrally, it may be a consequence of the timing of this debate on the day of major elections, but the Minister started with a rebarbative speech. I do not intend to follow her in that. Perhaps I can give an alternative take from my own experience as a Minister, although not in the Minister's Department, at the time of the Disability Discrimination Act 1995 and, subsequently, as someone who has had—I choose these words advisedly—the pleasure of shadowing her in her current responsibilities for a number of years.

My take on the House's attitude to disability is that is it not one of Ministers against the rest. I understand that the Minister is subject to constraints: first, the parliamentary timetable and the business managers, a point to which allusion has been made already; and, secondly, the wider issues of resources and the impact of costs falling on the economy, which are entirely proper for Ministers to consider.

My concern is not that there is a lack of will among individual Ministers or the Government, let alone my hon. Friend the Member for Wycombe (Mr. Goodman), who spoke with such eloquence from the Conservative Front Bench. We all understand that there is a job to be done and hon. Members on both sides of the Chamber have made fascinating contributions about how that should be discharged. No doubt, there will be further such contributions.

My biggest worry is that, even when it is not election day, the hon. Members who engage in disability issues are relatively small in number. Of course, every hon.

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Member has them in his or her constituency postbag, but it is difficult to achieve the national profile, and that, in turn, reflects itself in the way in which the Government treat the issue.

Over the years, we could make a perfectly plausible case for saying that, as in many areas of social advance, different Governments have made their own contributions at the appropriate time. In addition to those that have been mentioned, I am very pleased and, to some extent, proud to have been associated with the disability manifesto—the first of its kind—that the Conservative party produced for the last election, although we did not do as well as other parties in that election.

So the business moves on, and rightly so because, as has been said, if we round up the figures—certainly if we allow for more than one disability per person in many cases—more than 10 million of our citizens are directly involved as disabled people. We cannot touch on every issue of concern to them, so I shall endeavour to be selective.

I shall deal with the rights issue first. Although I did not agree with everything said by the hon. Member for Aberdeen, South (Miss Begg), I did agree with her that rights are important because they help not only to make safeguards for the individual, but to change attitudes and culture. I hope that, in turn, she acknowledges that those changes in attitude and culture now have to drive the agenda forward for very good reasons, as the hon. Member for High Peak (Tom Levitt) said.

I shall comment on the specific issues in an area in which initial concerns about a single commission for equality and human rights have been dispelled. We are getting there, but I wish to touch on one or two outstanding issues. The first is that I hope that the disability strand will continue to be adequately resourced. It is very complex—discrimination and remediation for discrimination are difficult issues. Expertise must not be lost.

Secondly, there are important interactions with the wider human rights agenda. For example, I understand that there is no proposal at the moment to enable the Disability Rights Commission or its successor to assist individuals in taking suits on human rights grounds. There is also a degree of uncertainty, and indeed anomaly, between the entitlements to avoid discrimination between the different strands, as the Minister will know.

One issue that I have mentioned in debates in the past has not been touched upon, but I feel strongly about it. It is what might be termed the functional unevenness in the enforcement of the agenda already mentioned. In the exchange in which I implied criticism of the Minister, I made the point that there was already a substantial employment tribunal load in relation to article 2 duties. That arose straight from the Conservative legislation. As matter of fact, that has not happened to anything like the same extent in relation to access to goods and services, because such cases would have to go through the courts rather than the tribunal system. There is also an anomaly in education. Tribunals cover the period up to the end of compulsory education, but access is through the courts in relation to discrimination post-16. Ministers must keep that issue under active review.

I agree with my hon. Friend the Member for Wycombe that there is still a problem with the implications of the enforcement in October 2004 of provisions of the DDA. Equally, there was a dilemma for the Disability Rights Commission, with which, as I shall say now but have not said in the past, I have had very constructive relations. I regard it is as doing a balanced job. As I understand it, up until last year, it very much put forward the new education agenda to which I did not object. However, that meant that it had comparatively little time to go into what will happen in October. We all know that, in the real world, we probably need legislation in place before people focus on it. It is a question of how sensibly it is handled in the initial stage. Above all, small and medium-sized enterprises should not be put off from trying to do anything when the reasonable adjustments that they may be required to make are entirely modest and appropriate to the turnover of their business.

Miss Begg: I think that the hon. Gentleman will accept that it will not be until October 2004 that some companies and businesses will take the legislation seriously. Once there is one prosecution under the new legislation, minds will be focused and we shall see quite a lot of action. Things will improve at that stage.

Mr. Boswell: I understand that point. Any regulatory body that has any sense is well advised to look to draw attention to one or two notorious cases "pour encourager les autres." At the same time, such a body will not want, in practice, to seek to intervene in every single case of technical infringement or a reputation for doing so. We have to lift the game of the whole sector and, as already has been made clear in the debate, many employers and service providers are involved.

I hope that I am being constructive when I say that the DRC, the Department and others working in conjunction with the Employers Forum on Disability should work closely with specialist trade associations to make sure that they push the new agenda forward.

Because of my new Front-Bench duties, I have been working with the Cinema Exhibitors Association recently. I have seen the third edition of the guidance on access to cinemas that it has circulated over a number of years to its members. Incidentally, the cinema is the No. 1 leisure activity of people with learning disabilities and a detailed, precise and thoroughly constructed code has been made available. It even prescribes things such as the optimal height of coat hooks for disabled people. Such practice is exemplary. I hope that other trade associations will follow suit.

I shall briefly consider the educational issues. I begin with the hon. Member for Erewash (Liz Blackman), with her interest in autism. She made her points clearly and revealed one of the areas that concerns me most—the transitional phases between the different sectors. It is one thing for us to legislate, as we have done through the Special Educational Needs and Disability Act 2001, the Disability Rights Commission and the law that will take effect in October, but things must happen in practice. There lies a real weakness.

We should start early in the process with diagnosis. We have the opportunity of doing that, with, for example, neonatal hearing impairments, but there are other conditions, such as the autistic spectrum, which has become much more apparent as an issue.

Apart from those specific areas of concern, we need to move the debate on from what, as a parent, one can understand is important for the family, which is the enshrinement of legal rights in a statement. That is important and the issue will not go away. We should begin to move more towards considering active and holistic ways of implementing the programme that is appropriate for the individual child.

Liz Blackman: We had an interesting presentation from a local education authority whose name is Welsh and which I find difficult to pronounce—Rhondda Cynon Taff. It has co-located services round autism to the degree that, as I think the presenter said, there was practically no child within the authority who had a statement. That was not necessary because the provision was there.

Mr. Boswell: I am saying that we need an integrated approach for the child. The deficiencies are not always necessarily educational ones. It can be some other component that is missing. For example, I have encouraged or supported the obtaining of a statement for a visually impaired child. Suddenly it has been found that the school to which the child has been referred is out of the immediate area and that transport is not available, or there is a practical problem with transport. Every Member will be familiar with the endemic national shortage of speech therapists, for example. We need to try to bring things together and we may need one financing package to do it. However, it is certain that we need a common approach between the different agencies as they work together.

I move on to mental capacity. We clearly need to draw a distinction between mental health problems and learning difficulties. Much of what I have said in relation to special educational needs is applicable in that context. It is fair to say that many people with learning difficulties and disabilities subsequently get into difficulties with mental health problems because of the frustration and the other difficulties that they experience, but the two are entirely distinct.

My hon. Friend the Member for Wycombe was right to point out the many cases of stress and breakdown that feed into the incapacity benefit figures. With both learning disabilities and mental health problems, there is a need for adequate support services. I strongly endorse the remark of the hon. Member for Chesterfield (Paul Holmes) about the importance of housing. The people concerned need a safe environment in which to live and recover, but they also need advocacy. It is important that people should make their own choices if they are in a position to do so. Certainly their opinions should be canvassed, but at the same time it is important that they are not left friendless and exposed to an unfriendly bureaucracy, particularly when the implicit agenda of the various parts of that bureaucracy is to try to shift the budgetary burdens, with the result that nothing is done.

I want to make two points on mental health. First, a characteristic of mental health is that it is intermittent. Somebody can try and fail to return to work, with all the concerns that have been expressed about possible disqualification from the benefits system. Secondly, it is obviously a sensitive and susceptible matter—for example, in relation to any harsh treatment in a personal capacity assessment, or even being called up for one. I am currently dealing with a constituency case in which that is under discussion.

Turning to the benefits system, the single biggest problem, to which the Prime Minister and others have referred, is the sheer number of people—2.7 million—on incapacity benefit. That is a high figure, but it is not unparalleled in other western countries. In the Netherlands, it is estimated that 10 per cent. of the adult population are on disability benefit. The benefits system still suffers from the remnants of the belief that someone is either on benefit or in work, making the position difficult for people who are recovering from an accident, mental illness or other condition. The Minister will tell me that the linking rules are much more relaxed, which I welcome, so I need only flag up the need to keep looking at other options, including the part-benefit, part-work solution mentioned by the hon. Member for Chesterfield, a tapered arrangement and an agreed contract on return to work including supporting benefit while it is being worked out.

In that area, even more than in special educational needs, the need to produce a single pot of money may be driven by the choice of the individual or their advocate. That should not be distorted by the need for insurance, and the mutual system should allow for a single budgetary pot, which, as my hon. Friend the Member for Wycombe said, we examined at the last election and would draw on the direct payment of social benefits that has been successful for many people. At the moment, there is no congruence between benefit and the objective of return to work. They are more linked than they were, but they are still not perfectly aligned. The option of preferring to stay off work and on benefit is still a moral hazard, although I agree with Members who say that that is not how most people treat the system.

Turning briefly to active case management, agencies want to know who is not paying for such a service. The collective test should be what they should be doing for individuals to secure their position. I have an interest in the various concepts of case management that have been developed. First, case management should be professional and comprehensive; otherwise it would offer a wonderful opportunity for charlatans and well-intentioned people without the necessary portfolio of skills to manage cases and a pot of money for individuals. Secondly, case management does not necessarily mean advocacy or job brokerage, although they are related functions. We need a collective and flexible approach to achieve suitable solutions for individuals. Inevitably, the Government's notorious obsession with targets has encouraged disability employment advisers, for whom I have a considerable regard, to concentrate on shifting their case load to meet those targets. Challenging work tends to be left with the private sector and not-for-profit providers such as the Shaw Trust, which do a tremendous job. I agree with the Work and Pensions Committee, which recommended that the private sector should increasingly discharge those delicate, difficult and complex tasks.

Finally, I am pleased that a number of Members have mentioned employment, but little has been said about assistive technology. To some extent, technology has created problems for employment and continuing employability. People who might have been able to

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continue successfully in employment now find themselves challenged by new technology. At the same time, technology has created huge opportunities for people to continue and sustain their employment, which they might not have been able to do without, for example, the use of information technology solutions.

There are two challenges. The first is getting people into employment in the first place, particularly when that has not been on the cards and they may even have been advised at school or elsewhere to anticipate that. The second is to defend the position of people in employment as their faculties decline with age or new technical challenges arise. For example, they may find it less easy to see or to operate in a noisy environment, and we must find ways of tackling that. Many employers, including typically the larger employers, are good at that. If anyone has not had a chance to visit Ford's MAGIC—mobility and general information centre—I recommend that they do. The centre advises on disability issues and is located in an exemplary building with a huge amount of investment in it.

Let us make no bones about it. Across employment generally, whatever rights we have passed in this place and whatever we may claim to have done, functional discrimination by outcome continues. It is not unique to this area. It is true of a number of other equality issues about which I also feel strongly. We may have talked the talk, we may have passed the law, but we have not achieved the outcomes that we sought to achieve. In some cases in the context of disability, as has been said, that relates to non-employment outcomes such as health.

There is still a strong loading against the survival of children with learning disabilities. Their mortality rates are much higher and their chances of surviving into a full adult life are lower than they would otherwise be. It is interesting that the greater survival rate that is coming through, which is thoroughly welcome, feeds into some of the problems that they have as adults, which would not have arisen had their survival rates been lower, as they were in the past.

Returning to employment, of the 2.7 million people with disabilities who are on benefit, a million or more want to work. The presumption is that we should be helping them into work. That is not just a matter of economics. It is a matter of human dignity, their position in society, their health because of motivation, their inclinations and their choice. There are enlightened employers who are prepared to contribute and there is good practice in the field. On the other hand, the public provision, including access to work, which incidentally was introduced by a Conservative Government, is still too bureaucratic and the whole system is not seen as friendly towards small and medium-sized enterprises, which are the most likely to create employment.

We need to tell employers, large or small, organised, aware or not aware of the issue, that it is good business for them to employ people with disabilities, who are an extremely reliable part of the labour force. It is sensible and will not cause large or unreasonable expense to make reasonable adjustments for them. The adjustments made to enhance access to work usually cost hundreds rather than thousands of pounds. It is also extremely good business, particularly for firms whose work is customer-facing—retailers or providers of services—to be sensitive to the needs of disabled customers and their families, who might represent up to 40 per cent. of the adult population. They have real spending power, as has been mentioned. It is not good business for a supermarket chain to say that it does not want to do business with 10 million citizens because it cannot make the necessary adjustments. The track record suggests that, where businesses are sensitive to disabled employees and customers who may have a disability, the necessary adjustments usually benefit all employees and customers. Such changes are not a simple matter of cost or loss.

I have appeared on various platforms with organisations such as the Institute of Directors to make the excellent business case for employers to take disability issues seriously and sensitively. That business case happens to lie alongside an extremely strong social case, which has been eloquently expressed this afternoon. We should all do our utmost in this place to see that the whole world knows about the happy coincidence between the business case and the social case and is not put off by scare stories or exaggerated claims about expense. If we can encourage that view with incentives and inducements within the framework of rights and law, let us hope that something positive will be done, which is the outcome that we all want. The 10 million disabled people, and all those connected with them, will not ask us to do any less than that.

Mr. Goodman: On a point of order, Mr. Deputy Speaker. Earlier in the debate, the hon. Member for High Peak (Tom Levitt) claimed that I had one of the worst attendance records among the members of the Joint Committee on the draft Disability Discrimination Bill. I have checked the facts: I attended 10 out of 14 sittings, whereas, for example, the hon. Member for Kingswood (Mr. Berry) attended nine out of 14 sittings. Is it in order for the hon. Member for High Peak to concede that neither nine sittings out of 14 nor 10 sittings out of 14 is not a shameful record, and that he was mistaken to introduce a personal observation for party political gain?

Mr. Deputy Speaker: Order. The hon. Gentleman knows that that is not a point on which the Chair can rule. The matter is for debate and, perhaps, for courtesies between the two hon. Members concerned.

4.32 pm

Tom Levitt (High Peak) (Lab): I have also checked the record, Mr. Deputy Speaker. I examined only the public sittings contained in volume two of the Joint Committee's report, and the hon. Member for Wycombe (Mr. Goodman) attended six of the nine sittings. It is true that some members of the Committee attended only five of the nine sittings, and I did not say that he had the worst attendance record. However, if one counts the contributions made by members of the Committee, it tells a story.

I have never known what it is like to be disabled. At one point in my life, I had my leg in plaster for a few months, but as a child I had no disabled friends or relatives, so, in a sense, disability never crossed my path. As I grew up, my sister and I used to play with a brother and sister from the family across the road. We were

good friends with the family, but it was only after I had left home that I realised that that family contained a third child. That child was from the same generation as the four of us who had played happily together, but the child was autistic, which relates to the point made by my hon. Friend the Member for Erewash (Liz Blackman). In all the years in which I lived across the road from that family, I never met that child. I hope that such shame about disability—the desire to hide away one's own child and not to make them count as a member of society—is long past, but unfortunately I am pretty sure that similar examples still occur, despite those events taking place some 30 or 40 years ago.

Many years later, I woke up to disability politics. At the Labour party conference in 1986, I was sitting at a table in a coffee bar when a young man came and sat opposite me with his sign language interpreter. In the course of the next hour and a half, he told me through his interpreter what his life was like.

He told me about the school where his hands were taped to the desk to stop him signing. He said his parents were told that signing was just a phase that he was going through, and that he would grow out of it.

That young man was fluent in sign language. Indeed, today he is one of its top exponents in the country. In those days, however, he was deprived of a common language even with his parents, who had sent him away to school to be looked after and educated believing, no doubt, that there were doing the right thing, although in fact they were adding to the apartheid that disabled people faced at the time.

The other startling thing about that young man is that there are 50,000 people like him in the country—50,000 people for whom British sign language is the first or only functioning language. That is one in every 1,000 people, yet it took me 32 years to meet one of them. That does not reveal how sheltered my life was; it reveals how sheltered theirs were.

I remember, many years later, having a conversation with a deaf friend on a train, partly in sign language. A number of people, including the guard, joined in, because they were deaf—in two cases—or because they had friends or family who were deaf. That was quite an eye-opener, which would not be noticed except by someone confronted with it. It taught me that describing someone as deaf tells people nothing about him or her. Does "deaf" mean "slightly hard of hearing"? Does it mean "hearing all right because of a hearing aid"? Or does it mean "having a completely different first language, living in a different culture"—and all that goes with being part of the sign language community?

We could go further, and ask what "disabled" means. Many places are "disabled accessible": we know that they are, because there is a little badge showing a wheelchair. As many speakers have pointed out today, however, use of a wheelchair does not denote a typical disability. Only a small proportion of those who are physically disabled employ wheelchairs. If we add the numbers with communication disabilities, sensory disabilities, mental impairment and learning disabilities, it becomes clear that the word "disabled" actually means nothing. What we are talking about are people—people with individual needs. They cannot even be thought of as being members of a few groups of disabled people, for there are many different groups. It is very difficult for any Government to legislate for all their needs in one go, with the single exception of their right not to suffer discrimination at work, in terms of access to goods and services or in any other context.

My experiences prompted me to learn sign language, and to work for a while advising local authorities on how their services could be made more accessible to people with hearing impairments. I want to describe an incident involving a council, but I will not name it. In any case, the evidence is 10 years old and things may have changed. A deaf person showed me round the council offices. He took me into the council chamber, switched on his hearing aid and said "The loop system is working perfectly: I can hear exactly what is going on." I said, "But the room is empty." He said, "Yes. What I am listening to is the housing department reception desk 100 metres away." The loop system was so powerful at the housing benefit desk that it blotted out whatever was happening in the rest of the building.

We then went into a committee room, a rather grand room in which a whole wall consisted of windows facing the afternoon sun. The chairman's seat had its back to the windows, which meant that when the sun was shining in the afternoon no one in the room could lip-read what the chairman was saying. Many people who perhaps did not realise that they were lip-reading, although they knew that they were a little hard of hearing, were deprived of that extra tool to help them understand what was being said. So through thoughtlessness—through not asking hearing-impaired people how they should arrange the furniture in the room—they were being deprived of communication.

In the same committee room, the same man said, "And listen to this." He switched on the council chamber loop system, and when he then switched on the chamber lights both his hearing aids screamed. I could hear them screaming. The reason was that on the ceiling, right next to the microphones serving the loop system, were low-energy light bulbs. He said, "We're a green council, so we have low-energy light bulbs in this room. We have asked if they can be moved, but we have been told that doing so would be too expensive. Obviously, we have to have the lights on, so while they are on the loop system cannot operate in the council chamber."

That council had spent thousands of pounds thinking that it was doing the right thing: that it was enabling deaf people of various sorts to access its services, and enabling the functioning of the council. It was wrong. It wasted money, and through what can only be seen in retrospect as tokenism, it did what it thought was right without thinking it through or asking the right people. As a result, it got it horribly wrong. We have all seen such examples—the ramp that leads to the door that is too narrow—and these things have to be thought through and got right.

Such incidents have taught me that most of the barriers that disabled people face are created by people such as me: people who are temporarily non-disabled. The physical barriers that disabled people face are much less potent than the barriers of attitude and ignorance that they face every day of every week. That is why the concept of reasonable adjustment, which I acknowledge was introduced in the 1995 Act, is so important. It allows disabled people to access employment and it will

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allow access to goods and services of all kinds. But what reasonable adjustment often requires is imagination rather than cash.

I acknowledge that the 1995 Act was a milestone—the first milestone on a very long journey. The hon. Member for Wycombe took great credit on behalf of the 1995 Act, but it took the then Conservative Government 16 years to get round to introducing it. Previous Labour Governments had already put into effect civil rights and anti-discrimination legislation in respect of gender and race, which we have built on since. We should not compare what we have done in seven years in government with the first 16 years of the previous Conservative Government. Rather, let us wait until we have been in power for 16 years—it is only nine years away—and then compare the Conservative and Labour records on access and rights for disabled people.

However, as others have pointed out, the 1995 Act had some huge gaps. There was no Disability Rights Commission, its time scales were too long and there were huge holes in terms of education and transport in particular. Through the disability rights task force and the other measures that were taken as soon as we entered office, we set about a legislative programme that in my view has been second to none. Like my hon. Friend the Member for Aberdeen, South (Miss Begg), I served on the Committees that considered the Disability Rights Commission Bill and the Special Educational Needs and Disability Bill. Indeed, I also worked on the 1998 Bill on welfare reform, which was very important in terms of opening the door to many of the measures that we are now talking about, such as helping people on incapacity benefit to get back into work.

In 2001, the "Towards Inclusion" report was published, and in January of that year we published our election manifesto. Now, we have the draft Disability Discrimination Bill and the Joint Committee's report on it. I had the great pleasure of serving on that Committee as well, and I attended all but one of its meetings. The Bill is very good, has various functions and plugs many holes. It is very popular among disabled people and their organisations. In particular, it addresses the huge hole of transport. While it cites the Leonard Cheshire recommendation of 2017 as the end date for the accessibility of trains, I hope that disabled carriages will be available on every train long before that. There is no reason why everything has to be end-loaded; every carriage of every train has to be accessible. I also welcome the Government's intention to speed up the reviews relating to disabled access to aviation and shipping.

As someone who has served in local government, I greatly welcome and endorse the recommendations to bring councillors within the remit of anti-discrimination legislation in respect of disability. Until now, a councillor who is not appointed to a committee because of perceived problems connected with disability has had no redress. When the Bill becomes law—I am sure that it will be before the next general election—that will no longer apply.

Mr. Goodman: Does the hon. Gentleman agree that the full Bill should be introduced in this Session to ensure that it does become law before the next general election?

Tom Levitt: I can say that it was part of the manifesto for this Session. Unless the business managers of the Opposition are going to seek huge periods of time in Committee, which they have been known to do, I see absolutely no reason why the Bill should not be passed before the next general election.

I was saying that the extension of the provisions to councillors—as it is to other office holders and public appointees—is welcome. It is also important that landlords—private, public and social—will be deprived of the right unreasonably to refuse the request of a tenant to have a property adapted for purposes of making it more accessible for their disability.

I hope that the Minister will also adopt the recommendations on volunteers. I acknowledge that it probably would not be practicable to have a blanket rule saying that every volunteer for every voluntary organisation should be covered by the legislation that applies to employees. Equally, however, there are circumstances in which a voluntary organisation may not use voluntary employees because of fears about liability if anything were to happen to them. Those are unreasonable fears, which should be addressed by a code of practice for the use of volunteers, who should be allowed in comparable employment circumstances to take their cases to some form of tribunal if they are discriminated against.

An issue that has not been mentioned is access to examinations. If schools and education more widely should be accessible, there is absolutely no reason why examination boards should be able to put a barrier at the end of people's educational careers. Change in that respect is welcome, and so are the measures on mental health. The Committee suggested that the time for mental health conditions to be assessed as qualifying under the 1995 Act be reduced from 12 to six months.

The Government were right to say that people suffering from MS, cancer and HIV should be protected against discrimination even before the symptoms are shown—namely, from the point of diagnosis. I hope that they will go one stage further and say that protection against discrimination should apply from the point of diagnosis to any condition covered by the 1995 Act. The reason for that is clear. Someone with MS, for example, could be deprived of promotion or employment because of the fact that certain symptoms might develop in the future, which is not a reasonable purpose for discriminating against a person. I hope that the Committee's report will be taken into account.

I turn now to the social model, which gave rise to many hours of enjoyable debate in Committee. The 1995 Act's concept of a reasonable adjustment was a move towards the social model. It acknowledges that often it is the environment that has to be adjusted so that disabled people can have access to employment or services.

The problem with the medical model is that it casts the disabled person as the problem. It regards disabled people as disabled first and people second. The solution to the problem of how people relate to their social, physical and attitudinal environments is often achieved by addressing the relevant environment, regardless of whether the diagnosis is a social or medical one.

I gave an example of that to the Committee, which I want to put on record now. The social model of disability holds that impairment becomes a disability

only when the environment makes it so. My example in support of that involves a one-legged person in the environment of an automatic car. If the person lacks a left leg, he or she is not considered disabled, as one needs only a right leg to drive an automatic car. However, if the person lacks a right leg, he or she is disabled, as the pedals of an automatic car are designed for right-foot use. Therefore, an equivalent impairment can be a disability, depending on the environment.

I hope that the Bill goes forward speedily. I see no reason why it should not.

Progress has been made in other areas, as other speakers have described, but one or two other matters remain to be addressed. At present, legislation only touches on the question of mental health. In constituencies such as my own, where unemployment levels are very low, the proportion of unemployed people who are unemployed because of—or for reasons associated with—a mental health problem is accordingly that much higher.

Another problem, to which the Minister referred earlier, has to do with building design. The part M regulations of 2003 are a help, as are the lifetime home regulations. In addition, local authorities administer the disability facilities grants. I hope that the Minister will assure me that all the different definitions involved will be governed by common criteria in the future. There must be no conflict in the intended purpose of the various regulatory schemes.

There is a problem with the toilet doors in Portcullis House to which I want to draw attention. Any hon. Member with arthritis will know that they are dreadfully difficult to open. I hope that, by 1 October, disabled-accessible doors will be attached to all the toilets in that building. Such doors will not need a person to be able to apply a strong grip to a handle that resembles a drinks can, but will be much more easy to use.

As other hon. Members have said, many disabled people would like to work but still lack the opportunity to do so. One way to address that is to tackle the problem of people who are forced to leave work through disability at a later stage in life. Clearly, more money is going into ensuring access to work, but such people must also be able to step down—that is, to move out of the work force gradually at the end of a career. Problems to do with pension and benefit rights would have to be worked out, but people who face early retirement through disability would be able to leave work with more dignity if they were able to phase their withdrawal.

The hon. Member for Wycombe mentioned the recent Scope "Absolutely Equal" campaign and the reception held last week. He expressed some concerns about the social model, but the Scope report said:

> "The attitudes of non-disabled people to disabled people are often irrational. Attitudes can be based on feelings of embarrassment, pity, guilt, being patronising, and even revulsion that are difficult to get to the bottom of. "

Such attitudes are inherently irrational; legislation must be inherently rational. There cannot be a one-to-one fit between those things, so I hope that the Government will consider the Joint Committee's recommendation to give public bodies an obligation to promote the rights of disabled people and awareness of disabled issues in exactly the way that they have acted on racial issues.

One last issue falls more within the field of the Department for International Development than that of the Department for Work and Pensions. Twice recently I have met disabled people in Africa—a group of children in Zambia and a group of families of disabled children in Tanzania. It is bad enough seeing what extreme and absolute poverty does to people, but disability further excludes people in those societies completely from any form of support—there are no benefits or social care and no support mechanisms whatever—and isolates them, condemning them to live in the worst of absolute poverty in an environment of absolute poverty. That really tears one's heart-strings.

Some good things are going on, however. I give a quick plug to the Leonard Cheshire organisation, which, in Tanzania, has set up a micro-finance bureau that gives grants of about £50 a time to families of disabled children so that they can set up in business. Such a business might sell eggs or firewood. People repay over a period, but those small amounts of money are sufficient to break down the barriers. If the business is eggs, the disabled child can sit in the compound with the chickens and alert someone if an animal comes along for the chickens or someone tries to steal them. That can produce systems that involve the families, getting them back into the economy. That gives them dignity, allowing them to have some pride in societies in which there is no support for them.

Let us not forget the plight of disabled people in developing countries. As a civilised society, we acknowledge the needs of others. Today's debate and the Bill to come relate to the needs of disabled people in this country, but we will be judged as a nation and community in the wider world by what we do for those least able to help themselves. We are giving people opportunities to help themselves, and they deserve that as a right.

4.58 pm

Mr. John Randall (Uxbridge) (Con): It is a pleasure to follow the hon. Member for High Peak (Tom Levitt). Perhaps I should apologise in advance of my remarks because I am sure, having heard the earlier exchanges about language and vocabulary, that I am bound to put my foot in it somewhere or other. I would not do so out of any desire to, but just out of sheer inadequacy.

As I listened to the Minister, I realised that, as someone sitting on the Conservative Benches, I am the spawn of Beelzebub. I thought that she was about to mention the "Slaughter of the First Born" Bill that some previous Conservative Government had brought in. But disability is far too important for party politics. We have had a good debate full of good speeches, and I always find when I attend these debates that I learn from them. As others wish to speak, I shall try to make my comments as brief as possible.

We have seen from the different speeches from different angles that the subject encompasses a broad area. First, I want to talk about people with disabilities taking part in sport. The Olympic bid by London is already having a good effect because part of that bid is to hold the Paralympics here. Anything that can raise the profile of the good that sport brings to people with disabilities is to be welcomed. The hon. Member for High Peak reminisced and I should like briefly to

[Mr. John Randall]

remember a time when I was a rather slim, fresh-faced young boy. I remember at school listening to a former rugby international who had been involved in a crunching tackle, I think with an All Black, and had broken his neck. Suddenly from being at the height of his sporting prowess, he had ended up in a wheelchair. He told us boys about a charity called Physically Handicapped and Able Bodied. It made me realise how suddenly something could happen and that from being at the height of one's physical ability, one could be cut down. From then on my school had summer courses and I am pleased to say that many years later they still do.

As I was sitting here listening, another memory came to me. At school there was an option to join the cadet force, namely community service. To show the House how things have moved on—I recognise that this language is inappropriate—it was called the pansy brigade. In the course of that I visited an old mental asylum called Leavesden, which thankfully is gone. One of the saddest things that stays with me to this day was visiting the cemetery there and asking whose graves they were. I was told by the matron, as I think she was designated, that they were the graves of children with Down's syndrome who had been abandoned there, without family visiting. I thought that that was no way for any civilised country to exist and I sincerely hope that those days have long gone.

On the subject of sport, I should like to put in a plug for two organisations of which I have become aware. I do not play much part in them, but I pay my subs. One is the Wooden Spoon, a rugby charity that helps disabled and disadvantaged children. It tries to have a positive effect on disability in all its forms, whether caused by cancer, cystic fibrosis or autism. We are in the cricket season and a test match started today. Anybody who has the opportunity in the next few days to listen to that quintessential part of the English summer—"Test Match Special"—will undoubtedly hear talk of the Primary Club. It is a fundraising organisation that is open to all who have been out first ball in any form of cricket, ranging from in the garden and on the beach through to a test match. It is a particularly odd, rather English institution that happened by accident. In 1955 four slightly inebriated young bachelors, depressed by their performance with a bat, vowed to support a fund for blind cricketers. That same "Test Match Special", and particularly the late lamented Brian Johnston, gave it wide publicity, so that now it is a well-known, well-supported charity raising a great deal of money, particularly for blind sports children and young people. Those are just a few examples of the many charities that do so much good work in all our constituencies, and it is appropriate to pay tribute to them for that.

Hobbies are important to people, and my own passion has always been bird-watching. It is remarkable how many opportunities are now open to people with disabilities of all kinds to indulge in that hobby.

Members of Parliament are fortunate in having opportunities to find out about disability. We are lobbied by many different organisations and we also have the chance to hear good speakers in this place. In Uxbridge tomorrow, the three Hillingdon MPs will have one of our regular meetings with Hillingdon DASH, an organisation that promotes disability issues in the area. As usual, Simon Harris and Angela Wegener will forcefully ensure that all three of us are aware of the exact concerns of people with disabilities in the area.

Sometimes such meetings reveal problems. I remember attending a meeting of wheelchair users in the Hillingdon civic centre when the fire alarm went. It was discovered that the only way out for wheelchair users was the lift, and of course the lifts are not supposed to be used if there is a fire. Fortunately, it was a false alarm on that occasion. As the hon. Gentleman said, we often do not realise the implications of certain situations for people with disabilities.

I can give another example. One of my constituents, Katrina Bijowski, has been very forceful in pointing out that the local authority does not seem to make much provision for children with disabilities—not only those in wheelchairs, but those with a range of disabilities—when providing new play areas. A few months ago, I attended the opening of a new play area for which the local residents had raised the funding. They suddenly realised that they had not considered it properly, through a lack of awareness, and we must all work to make people more aware. To the credit of the Violet avenue residents association, it went back to the council to ensure that the appropriate facilities would be provided.

I have also discovered problems that people with disabilities can have with banking. Older people with disabilities cannot get out much and, because of the new legislation to combat money laundering, they find it more and more difficult to get a cheque cashed. That causes many problems. Barclays bank, to its credit, has looked into the problem and come up with a remedy. I am sure that all the other banks will want to look at that because—as has already been mentioned—it is not only ethically right but good business sense to cater for people with all sorts of disabilities. On Saturday, I was talking to someone from Barclays and was impressed by the efforts that it is putting into the issue—I am sure that it is the same with other banks. The bigger companies have taken those issues on board. It is more difficult for small and medium enterprises, but that does not mean that they should not take those issues just as seriously.

I had intended to talk about transport, as a member of the Transport Committee, and about our report, which has been tagged on to this debate. However, I am keen to listen to the other hon. Members who wish to contribute, if they catch your eye, Mr. Deputy Speaker. We have already heard mention of Ryanair, so that is one company we have upset. Another is Brittany Ferries, which will not allow guide dogs on its boats. We raised that in the meeting with the Minister, but I have not heard what happened. If those issues have not been dealt with and those companies are listening, let me say to them, "For goodness sake, get your act together or the Government will have to take action."

When a member of one's family or oneself has a disability, one becomes aware of the problems. In my case, I have faced difficulties in taking my mother around. Actually, we have done very well. Two years ago I managed to take her around Istanbul in a wheelchair. I have to confess that I was not expecting great facilities for the disabled in Turkey, but it had got its act together in lots of ways, and the amount of help that we received was phenomenal.

One of the problems is that the airlines cannot tell disabled passengers what the facilities will be like at the other end of the flight. It is fine at Heathrow, where there tend to be walkways for passengers to get on the aeroplane, but one has no idea what will be at the other end. The idea of possibly having to wait for a fork-lift truck at the other end begins to take the edge off the journey.

Again from personal experience, I know that disabled parking can be a problem. There is a lot of provision, and that is wonderful, but how can we get it through to people that they should not abuse it? There is nothing more annoying than to see an able-bodied person coming out of a supermarket, admittedly heavily laden, and going to a car in a disabled person's spot. However, I sound a cautionary note from my days in retail. A sales representative called on us and parked his car outside on a single yellow line. I saw a traffic warden so I said, "You had better watch out, there's a traffic warden coming." He said, "It's all right, I have got a disabled badge." I looked at him and said, "Are you sure? You do not look disabled." I was showing my ignorance. He lifted up his trouser leg and showed me where he had had half his leg shot away during the war. That is where I learned that disability is not always visible and we should not jump to conclusions.

When I first came into the House I promised myself that I would try to keep to the diktat that it is much better to listen than lecture, so I will conclude my remarks.

5.12 pm

Vera Baird (Redcar) (Lab): I hope that the hon. Member for Uxbridge (Mr. Randall) will forgive me if I lecture him for a minute. I did not regard it as appropriate for him to criticise my hon. Friend the Minister for her right and proper criticism of the Tories' lamentable failure to look after disability by ridiculing it and pretending it was funny. Truly, it was a fully deserved criticism.

If the hon. Gentleman dropped a clanger, as he feared he might in using the right language about disability, it was not, as he modestly suggested, due to his inadequacy because he is not inadequate. It was because he had insufficient respect for the disabled to be bothered to find out what language ought to be used to avoid causing offence.

I congratulate, au contraire, my hon. Friend the Minister on her role as an able prosecutor of the Conservatives for their lamentable failure to support the disabled. She has another career elsewhere, if she wants, at the Old Bailey. She prepared the indictment of their neglect perfectly. She marshalled the evidence with such skill and in such detail that it defied dispute when it was all set out. She argued her case perfectly and no jury would have had the slightest doubt that the Tories were guilty of an abysmal record on disability.

I listened to the hon. Member for Wycombe (Mr. Goodman), whose party's Work and Pensions spokesperson regards some of the unemployed—many of whom are disabled—as empty vessels into which it is a waste of time to pour training money. The only time that the hon. Member for Wycombe came near to setting out a Tory policy approach on disability was when he counselled caution that too assertive an approach to disability rights would provoke a backlash. I begin to understand how the Tories justified to themselves the iniquitous failure to act on the disabled for 18 long years.

I think that, secretly, the hon. Gentleman, for whom I have some respect from my, albeit brief, knowledge of him on the Work and Pensions Committee, is truly ashamed of that record. The way in which he complained about anyone on the Labour Benches who chose to look back—as well we might—led me to that conclusion. He should understand that people look at a party's history in office in order to foresee what it would do if it ever got into office again. His approach today, when he said that an assertive approach to disability rights was bound to provoke a backlash, will do nothing to dispel the concerns of disabled people that, if the Tory party ever came into office again, the past would simply repeat itself; unless they provoke a backlash a new Tory Government will do nothing for them.

I praised my hon. Friend the Minister for her forensic skills. I also join in the DRC's praise of her. It has issued a briefing that is almost embarrassing in its praise of the Government for the many things that they have done for disability, including the draft Disability Discrimination Bill, published at the end of last year, which will in due course fulfil the manifesto commitment to deliver basic rights for disabled people. The DRC speaks of an "exciting" Bill and congratulates my hon. Friend who has, as we all know, worked very hard to ensure that the Bill emerged. I echo that personal praise and I acknowledge, as I know she will, that she has experienced a supportive atmosphere in government within which to produce that excellent Bill.

The multitude of steps that the Government have taken to promote disability rights is good civil liberties policy for sure, and it is also good legal progress and excellent ideology. It is part of our inclusiveness approach. It is enabling disabled people to have a fuller life, with the civil liberties that we all enjoy and which, in the past, they have in truth been denied. Disabled people have been denied rights that we have enjoyed for many, many years without even considering them.

Supporting disabled people has another purpose. It is not about charity or benevolence at all but about bringing out of the shadows to which they have been confined many hugely talented people for whose active input society will be the better. Let us take a quick look around. My hon. Friend the Member for Aberdeen, South (Miss Begg) is not in the Chamber, but she makes the point, does she not? Look at my right hon. Friend the Home Secretary and the leadership of the DRC. Look at Tanni Grey-Thompson, who is one of my Redcar constituents. Look on a more local scale, as I do, at the fine woman who has led the campaign to set up shopmobility in Redcar. Those are disabled people with multiple talents. They have often suffered hardship, so they are very determined.

Additionally, the experience of disability is itself a component of personality that the able bodied among us lack, but it needs to be present in society's thinking. Such people are exactly those who need to be brought out to become leaders in society. I very much regret the fact that they did not come forward because of the Tories' lack of interest in anyone who is not white, male, able bodied and already in business. It is clear that they still do not understand that principle at all.

[Vera Baird]

My hon. Friend the Member for Aberdeen, South pointed out that the Disability Rights Commission has facilitated access to tribunals in a way that was not possible before so that civil rights for the disabled can be furthered. Of course it has also had another purpose, which is to drive forward the culture to change public attitudes to disability and to speak with a very loud voice on behalf of complexly disabled people.

I welcome hugely the commission for equality and human rights, which will also have as one of its primary functions driving a culture of rights, with responsibilities, across all strands of equality. Once the legislation is passed, the commission will have the advantage of placing a positive duty on public authorities to promote the equality of disabled people, by tackling systemic barriers, rather than relying just on the post hoc system of redress.

My hon. Friend the Member for Aberdeen, South is right: tribunals and rights are important, but they are a phenomenally clumsy way to go about establishing a change in culture. Taking a case to a court or tribunal in the hope that an individual victory will receive sufficient publicity to make a difference is a slow and very expensive way to make progress. It will be a major shift of emphasis to give a duty to public authorities to promote disability rights. I am pleased that the commission will also place a duty on them to promote gender equality.

It is clear that an individual who may be a woman and disabled or perhaps black and disabled, or who may come from any of the strands of disability, often cannot truly point to exactly what is the root of the discrimination. The responsibility ought not to lie on that person to say, "I think it is because I am disabled", or "I think it is because I am a woman." Truly, the public responsibility is to ensure equal rights across all strands of equalities.

Such a public duty will be a major tool for the new commission to use. I look forward to the public sector, with the encouragement of the commission, using the duty to promote equality in all its arrangements, not only internal but external ones. I look forward to its vigorous use in the commissioning role, so that the public sector can use contractual liability to impose on the private sector, where appropriate, a duty in contract after contract for public commission work also to guarantee disability equality as well as the other equalities.

There have been concerns that the DRC, as the newest of the three commissions, is likely to be the weakest and might be disadvantaged by the new unified commission. There seems to have been movement on those original concerns and the DRC has been reassured by the provisions that disability has been given in the new commission.

There will be a guaranteed place on the new commission board for a disabled person. There will be a dedicated disability committee, with decision-making powers in the key areas of work for disability rights covered by the DDA. Some 50 per cent. of the committee must be disabled and they will have a secure lifetime of five years on the committee. There will be transition commissioners to nurse the changeover and oversee the transition. There is also a commitment to maintain the legal powers and functions of the existing commissions and a recognition that cases should be supported on a strategic basis, prioritising in favour of cases that raise big points of principle.

The commission also has a commitment to promote a human rights culture as well as an equality culture in Britain, and that was mentioned tangentially by the hon. Member for Daventry (Mr. Boswell). That promotional remit, which is explicitly configured to include the conduct of inquiries and third-party interventions into human rights cases, is very important. General inquiries into cases in which there is evidence before the commission of systemic abuse of disabled people's rights, women's rights or black people's rights are key to rooting out such abuse, finding its causes and promoting its unacceptability. Third-party interventions can also be key.

The DRC has proposed since its early days in 2000 that its case funding go beyond disability issues to include stand-alone human rights issues, so it is regrettable that there is no commitment on that. The new commission will also be able to pursue human rights cases in its own right, as opposed to those that are linked to a strand of inequality. It will add, in a number of ways, to the help that the DRC gives to disabled people and the moves that it has made to change the culture.

I had intended to talk briefly about direct payments, but I shall not do so because I know that others still wish to speak. I therefore conclude by reflecting that, after 18 years in the cold desert of Toryism, as it has already been described, disabled people have seen in the past seven years an absolute transformation of their rights. They have seen the deliberate and Government-driven opening of doors hitherto closed to them. They have sensed what I hope must continue—a warming of our culture towards them. When I look at the record over the past seven years and look one final time at the record of the Tories on disabled people, I know plainly why the Opposition are so upset that this debate about disability is being broadcast on the Parliament Channel on election day.

5.27 pm

Mr. Harry Barnes (North-East Derbyshire) (Lab): I follow my hon. and learned Friend the Member for Redcar (Vera Baird) in being worried about that element of the speech of the hon. Member for Wycombe (Mr. Goodman) in which he talked about the fear of a backlash. The problem with the backlash argument is that it indicates that someone is saying that they are not biased, but that other people are biased and that we must therefore be careful about acting. I know that the views of others are important and that pressures need to be responded to, but the argument is sometimes used to do nothing.

The other thing I realise about the Conservatives is that if they ever get back into government, they are likely to revert to type. In their reverting to type, we would face all the problems that my hon. and learned Friend described. However, I accept that the Conservatives have moved somewhat since those bitter days in the early and mid-1990s. They were driven to change by the time we considered the Bill that

established the Disability Rights Commission. They changed partly because half of them had gone from this place, but politics also changes responses and attitudes. The fact that society was moving meant that there was change. The other sign of change is the fact that the hon. Member for Wycombe gave general support to the report published by the Joint Committee on the draft Disability Discrimination Bill. He suggested that the Bill would not be blocked at a later stage.

Things may alter and circumstances may change, but I want to say something about the period in which there was serious dispute.

The role of Lord Morris of Manchester was mentioned by my hon. Friend the Under-Secretary of State for Work and Pensions. He introduced the Chronically Sick and Disabled Persons Act 1970. He pushed for civil rights for disabled people in the form of a Bill that came before us as a private Member's Bill in 1991–92. He was leading the way, but he was not alone. There were others such as Lord Ashley of Stoke and my hon. Friend the Member for Liverpool, West Derby (Mr. Wareing), who, in a ten-minute Bill and various amendments, developed the notion of civil rights for disabled people. The Bill was talked out, but a couple of years later my hon. Friend the Member for Kingswood (Mr. Berry) reintroduced it. It went through the House, initially without any great opposition from the Government. It was fine-tuned in Committee. It was not until it returned to the House for its remaining stages that there was what might be described as blood on the Floor of the House, when there were incidents involving Lady Olga Maitland and Nicholas Scott. It was that experience, and support outside the House for civil rights for disabled persons, that led the Government in the following year to introduce the Disability Discrimination Bill, as it was at that stage.

I picked up the Civil Rights (Disabled Persons) Bill at the same time and ran it in conflict with the Disability Discrimination Bill. I took it over in the form that it had reached with my hon. Friend the Member for Kingswood, and added to it access to polling stations for disabled people. I included that in an earlier Bill on electoral registration, which did not get beyond Second Reading. I realised that it was not enough to have electoral registration rights for disabled people—they had to get into polling stations to exercise their right.

An illustration that there was some support from Conservative Members for the principle of civil rights for disabled persons—it came in little bits and pieces—was when the Civil Rights (Disabled Persons) Bill went into Committee. It was my moment of glory because it was my Bill. I could sit in the seat that a Minister usually occupies. The Opposition were, as it were, over the road. The Opposition were led by the right hon. Member for Richmond, Yorks (Mr. Hague). There was support from the hon. Member for Wealden (Charles Hendry), who then represented High Peak. There was also Tim Smith, whom we should not say much more about. Another Opposition Member attended one sitting of the Committee. When he failed to vote with the Conservatives and had trouble with the Whips, he said, "I'm not coming again." I said that that was all right. All the other Conservatives and the Liberal Democrats sat with me and prominent Labour Members such as Lord Morris.

The Bill was blocked in Committee. When it returned to the Floor of the House, we had 32 minutes for its remaining stages and Third Reading. The Government had tabled 180 amendments. At that stage the hon. Member for North-East Bedfordshire (Alistair Burt), who was then representing a Bury constituency, led for the Government. All we could do was to have an argument about the situation during consideration of the first batch of amendments. I made sure that I resumed my place so that the hon. Gentleman was the one who talked out the Bill. I was not going to talk out my own Bill.

That process helped to shift and improve the Disability Discrimination Bill. Sponsors of my Bill included the hon. Member for Belfast, South (Rev. Martin Smyth), the late James Kilfedder from Northern Ireland, and the hon. Members for Newry and Armagh (Mr. Mallon) and for North Antrim (Rev. Ian Paisley). I could claim that I had wider support for my Bill than the Belfast agreement was eventually to have.

The principles in my Bill are dear to me and to others who fought for them, and centre on the distinction between the social model and the medical model, which was espoused by Lord Morris in the Chronically Sick and Disabled Persons Act 1970. However, that measure was passed a long time ago, and Lord Morris was moving the game on by anticipating a social definition dealing with the discriminator and the prevention of discrimination. I was taken with the suggestion of my hon. Friend the Member for Aberdeen, South (Miss Begg) that a single but wide-ranging equality measure was needed to prevent discrimination and tackle the refusal to make available to some people facilities and opportunities that were available to others.

Mr. Goodman: Does the hon. Gentleman not agree that, despite some of the more extravagant claims of a great gulf between the parties, the 1995 Act was based partly on the medical model and partly on the social model, as are the draft Disability Discrimination Bill and the Committee's recommendations?

Mr. Barnes: I accept that the more progress we make using the medical model, the better and more reasonable the legislation will be. However, there is still a gap, so I look forward to legislation that allows us to close it. The Joint Committee shares that view, and in conclusion I wish to refer to its overview of the current agenda on pages 16 to 18 of its report. It discusses the potential of pre-legislative scrutiny, as the draft Bill is one of the first measures to undergo such a procedure. It is to the Committee's credit that it has produced a report, in which it says that there are still things that need to be done. For example, a clause outlawing discrimination against local councillors was not published in time, and the full text of various measures was not available. There was also a problem with delegated powers. There are therefore lessons to be learned, but the Committee has done some valuable work.

The Committee suggested that publications that particularly affect disabled people should be made available in appropriate alternative formats. When I introduced the Civil Rights (Disabled Persons) Bill in 1994, People First, a body of people with learning difficulties who run things for themselves, produced it in

[Mr. Barnes]

an accessible form for its members. I was proud that it was the first parliamentary measure to be produced in such a format. In its overview, the Committee also made a point that has been pressed home repeatedly by the hon. Member for Wycombe—the draft Disability Discrimination Bill should be introduced in the current Session. As a Back Bencher, I always want things to be done immediately. It is easy for Back Benchers to demand that the Government do things immediately, and it can make us popular with people outside. The Government, however, have a timetable and face the problem of adding things to it. Even if the Bill's introduction is knocked back to the next parliamentary Session, the fact that it has received pre-legislative scrutiny and has general support in the House should mean that it should not be difficult to enact. Heaven knows what today's election results will be and whether we will have a general election next year or whether that will take longer. I have a personal interest in that, as I am packing up at the next election, and do not know whether I have one year or two to go. Also, there are arguments for co-ordinating various measures, such as the draft Mental Incapacity Bill, to draw together all the details of the disability measures. That would provide the opportunity to return to the question of definition, so that by definition we get things right beyond peradventure.

5.40 pm

Maria Eagle: May I say what a fantastically varied, robust but—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Lady needs the leave of the House.

Maria Eagle: I apologise, Mr. Deputy Speaker. Given that I moved the motion, I did not think I needed the leave of the House, but if I do, I shall seek it. *[Interruption.]* We will all check that later—not that I doubt your ruling, Mr. Deputy Speaker, in any way, shape or form.

With the leave of the House, may I say what a varied, at times robust but always fascinating debate we have had today? Putting aside issues of timing, which we discussed earlier, there is no doubt that today's debate has been valuable. The hon. Member for Uxbridge (Mr. Randall) said that he always learns something from such debates. They inform and educate Members and anyone outside who bothers to read our proceedings when they are published in the *Official Report*.

I congratulate all the hon. Members who spoke in the debate on their contributions. The hon. Member for Wycombe (Mr. Goodman), who speaks for the Opposition, suggested that letters of complaint about the timing of the debate may be coming my way. I assure him that the only letter so far received in my office was from him, but I shall watch out for any other complaints in the pipeline.

The hon. Gentleman raised three points, which I shall try to deal with. The first was the awareness of organisations such as service providers and smaller employers, upon which the October duties are placed. He quoted from research by my Department about the general awareness of the obligations that are coming into force in October. He has written to me in that regard and I replied to him, but I shall give the House a little more information about the efforts of the Department and the DRC to raise awareness.

Since 1999 my Department, and its predecessors before the changes to the machinery of government, spent almost £13 million on awareness-raising measures, which included national advertising campaigns, some aimed specifically at small and medium-sized enterprises, and the "What have you got to offer?" and "Open to Change" campaigns aimed at those on whom the obligations are to be placed. The DRC has spent a further £3 million on awareness-raising leaflets and publications, in addition to its general work through its helpline and other advice-giving services to provide guidance when questions are asked.

We are doing a great deal. I appreciate that those who have not had any connection with similar legislation before—small employers and small businesses—have the lowest levels of awareness. My Department recently sent out a mailshot with further help and advice to 1 million small businesses and small service providers on whom the obligations will fall. Experience has shown that it is not until the law is about to change that hard-pressed small business people get round to thinking about what it means. I hope that they will do so as soon as possible, and that advice will be readily available to them from the Government and the DRC, to help them avoid making some of the mistakes related to the House today by my hon. Friends the Members for High Peak (Tom Levitt) and for Aberdeen, South (Miss Begg) and others in all parts of the House, who reported from their own experience how easy it is to get things wrong if brains are not engaged and if advice is not taken first. When I talk to organisations representing the businesses on which those obligations will be placed, I always advise them to put on their thinking-cap before they get their cheque book out, which is the best way to ensure that money is properly spent on adjustments that assist not only disabled people to access services, but businesses to secure part of the £50 billion that disabled people currently carry in their back pockets—inaccessible services often prevent disabled people from spending their money as they might wish. I hope that I have given the House more detail on increasing awareness, which the hon. Member for Wycombe and others advocated.

The hon. Member for Wycombe also discussed the specific recommendations on mental health and transport end dates made by the Joint Committee on the draft Disability Discrimination Bill; unsurprisingly, other hon. Members also expressed an interest in particular provisions. I am sure that hon. Members will not be particularly surprised that I shall limit my response to saying that the Government are currently considering all the Joint Committee's 75 recommendations.

My Department and I are considering some of those recommendations, while others are being considered across Government because they go wider than DWP responsibilities. All I can say is that we intend to reply within the time scale indicated by the Joint Committee. My personal view is that the Joint Committee produced

an excellent report that contains some interesting recommendations, and the House must hang on a little bit longer to see the Government response.

My hon. and learned Friend the Member for Redcar (Vera Baird)—whose contribution was even more robust than mine—is particularly concerned about where the DRC fits into the commission for equality and human rights. The hon. Member for Wycombe said that he viewed the "abolition of the DRC" with concern, which is an interesting, but none the less welcome, advance on thinking that the DRC should not exist. Other hon. Members also mentioned the proposed commission.

I remind the House that the DRC itself has something to say:

"The DRC welcomes the White Paper on a commission for equality and human rights and the broad aspiration to promote equality and human rights in Britain. The proposals on disability are an encouraging step in the right direction . . . The DRC very much welcomes the specific proposals on disability, which recognise through a number of concrete proposals on governance the distinctive arrangements that will be necessary on disability to secure the future legislative and policy agenda".

I hope that that reassures those who are concerned about the DRC.

Mr. Boswell: In the same breath, will the Minister acknowledge that the DRC has expressed some continuing concerns? Although I do not expect her to respond to them tonight, will she at least undertake to take them seriously?

Maria Eagle: I always take the DRC's concerns seriously and, as its sponsor Minister, I would be remiss in my duties if I did not. Although the DRC's welcome is not unequivocal, we would all have been suspicious if it had been.

Tom Levitt: My hon. Friend will remember that I was Parliamentary Private Secretary to the Minister who previously held the brief on the single equality body. Is she aware that comments and criticisms were taken on board as the idea was floated and matured? The final outcome is perhaps different from that anticipated at the beginning, and it is considerably better because of the relevant bodies' acclaim.

Maria Eagle: I certainly think it is important for a body that combines three existing commissions, while also dealing with strands not currently dealt with by commissions, to note the experience of those who are out there doing the job now. I believe that that has been done. As my hon. and learned Friend the Member for Redcar has already listed the arrangements that have reassured the DRC, I shall not say more about them now.

The hon. Member for Wycombe mentioned the increasing number of people suffering from what he described as stress who are receiving incapacity benefit. There has undoubtedly been an increase in the number of claimants whose primary condition is a mental or behavioural disorder, which is a broader category than what we commonly think of as stress. The increase is attributable to a number of factors, including a wider acceptance in society of the impact of mental health conditions and a greater willingness on the part of clinicians and doctors to certify a mental incapacity.

The hon. Gentleman referred to an increase in the number of women claiming incapacity benefit. One reason for that is the fact that it is a contributory benefit, and for many years women did not have the work records that would enable them to claim it. It is not easy to work out what precisely is going on, but what is certain is that the Government are committed, through the new deal for disabled people and pathways into work—I was pleased to hear the hon. Gentleman say that he liked the idea of those—to tailoring assistance to people whom all Governments have, in the past, left on benefit until they retired or died.

Mr. Goodman: I think that when the Minister reads the record she will find that I referred to stress, anxiety, depression and—I think this is what I said—similar conditions. I know that the information that she gave me, which is in the Library, lists the categories differently, but they overlap to a degree.

Maria Eagle: I am not suggesting that the hon. Gentleman distorted information that he was given in parliamentary answers.

It should be noted that 90 per cent. of the increase in the number of incapacity benefit claimants took place before the mid-1990s. We currently have the highest ever percentage of working-age people in jobs. The flow on to incapacity benefit has fallen by a third. There are 2 million more jobs in the economy, unemployment is at its lowest for 30 years and the number of claims for jobseeker's allowance has fallen by 700,000. The overall increase in incapacity benefit claims is 150,000. We are not, as is sometimes suggested by Opposition Members—I am not looking at the hon. Gentleman now, because I have not heard him say it in quite this way—trying to shift unemployed people on to incapacity benefit in order to hide the level of unemployment.

My hon. Friend the Member for Aberdeen, South told us of her personal experience of discrimination in education. That happened over some years; it was not an isolated example. I was struck by my hon. Friend's point that legislation sets the framework—that it sets boundaries beyond which behaviour is not considered acceptable in society, and is therefore an important driver for change. I strongly agree with that.

The hon. Member for Chesterfield (Paul Holmes) delivered what was, for him, fairly full-blown praise of the Government. I welcomed it, because we do not always hear it; he is obviously in a good mood today. I was particularly pleased to hear him give credit to the Government for changed attitudes, which he rightly ascribed partly to the change in the legal framework. He also said that much remains to be done; I agree entirely. That observation chimed in a small way with what my hon. Friend the Member for Aberdeen, South said about disabled people coming back with more demands. The day that any politician or Minister expects the demands to stop is the day that they have completely lost sight of the reality of what goes on in the world. So I was neither surprised nor upset to hear what they had to say about more needing to be done, because that is undoubtedly the case.

The hon. Gentleman made some very specific points, including some about British sign language, in which I have a particular interest. He asked what happens next

[Maria Eagle]

after recognition, and rightly pointed out that not enough interpreters are available. The Government recently announced £1.5 million of new money to support our statement recognising British sign language, and the intention is to increase the number of interpreters available. We consulted the deaf community, and their strongly held view was that more needs to be done to train tutors. With more tutors and greater support for tutors in reaching higher qualification levels, there will be many more opportunities down the line for interpreters to learn the craft and the language.

The deaf community also identified the importance of increasing awareness of the use of British sign language, and the £1.5 million to which I referred has been split about evenly in an effort to achieve the two objectives. The precise way in which that will be done was announced during deaf awareness week, and if the hon. Gentleman has not seen the details I can send them to him.

I was particularly interested in the example that the hon. Gentleman gave of the Red Cross. He rightly talked about the importance of spending money more effectively, rather than simply throwing ever-increasing sums at particular problems when organisational issues arise. He is absolutely right to say that we need to find better ways of getting results for disabled people. Experience in my current post has made it obvious that various Government Departments, local government authorities and other public authorities operate far too much in silos. They do not join up what they do nearly enough, and we must look to providing services for disabled people that are based much more on their particular needs, rather than on whether they fit into a particular local authority budget or Government scheme. Anybody who can come up with a good way of doing that is welcome to come to my office at any time to tell me about it, because it is the holy grail as far as providing better services is concerned.

My hon. Friend the Member for Erewash (Liz Blackman), who chairs the all-party group on autism, made an excellent speech on the particular issues that impinge on those who have conditions on the autistic spectrum. She talked about the fact that communication impairment and social interaction impairment do not fit very well with some of our benefit systems, and about the disability living allowance and forms. In fact, the form is not the only problem with DLA. The care components and the way in which care and mobility are used as a proxy for disability do not necessarily work tremendously well for people with autistic spectrum disorder. Indeed, it is not just disabilities such as those that do not quite fit with DLA. At the moment, however, we have no plans to change the way in which DLA is assessed, and it would be wrong of me to say that we do, so such problems are not easily solved.

My hon. Friend also mentioned the disability handbook, and I can confirm that after consultation with the disability organisations that deal with autism, including the National Autistic Society, we are about to change the handbook's wording. I hope that that will assist my departmental officials in assessing benefit claims from people on the autistic spectrum.

The hon. Member for Daventry (Mr. Boswell) made his usual thoughtful contribution, but unfortunately I do not have time to say much about it; and my hon. Friend the Member for High Peak told the House about his own experience, particularly that relating to deafness.

We have had an excellent debate, which is worthy of re-reading some time tomorrow—perhaps next week is more likely—and I congratulate all who have taken part in it. There is no doubt about the fact that the Government are committed to improving, strengthening and deepening the rights of disabled people. It is only right that we do so, because 10 million of our fellow citizens rely on our doing so in order to take a proper part in life.

It being Six o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Lewes-Uckfield Rail Link

Motion made, and Question proposed, That this House do now adjourn.—*[Vernon Coaker.]*

6 pm

Norman Baker (Lewes) (LD): I am pleased to have the opportunity to raise yet again in the House the issue of the missing rail link between Lewes and Uckfield. I am pleased to see the Minister in his place and I am sorry that the Minister of State, Department for Transport is not here, but I know that he wanted to get back to his constituency to vote in the European elections. I wish that all members of the public took as much interest in the voting as he clearly does.

This debate has run for some considerable time. The Minister will know that, ironically, the Lewes-Uckfield line survived the Beeching cuts and was closed only to facilitate a road scheme in 1969. It was closed, I want to put on record, against the wishes of British Rail, which had been busy shutting railway lines up and down the country throughout that decade. Almost immediately after it closed, there was a vociferous campaign to re-open it, which has been going ever since. That is witnessed by the fact that the track bed between Lewes and Uckfield has significantly been protected in the structure plan and the local plans of the Lewes and Wealden district councils, and it is evinced by the fact that the campaign to re-open the line is not solely the responsibility of a small number of train enthusiasts, but is supported widely throughout the community.

The campaign is, for example, supported by Liberal Democrat-controlled Lewes district council and Conservative-controlled Wealden district council and East Sussex county council. Members of this House of all three parties support it—for example, myself as a Lib Dem, the Conservative hon. Member for Wealden (Charles Hendry), whom I see in his place tonight, and the Minister's colleague, the hon. Member for Brighton, Pavilion (Mr. Lepper), among others. Indeed, it is difficult to find anyone at an elected level anywhere in East Sussex who opposes the re-opening of the line. Town councils, district councils and the county council, which has made it a priority in its transport works, support it. I know that the Government want to give due weight to local communities, so I ask the Minister to reflect on the strong feeling expressed in all quarters in favour of re-opening the line.

The line has come close to being re-opened on a couple of occasions since its demise. There was a time in the 1980s when Chris Green, then working for the nationalised British Rail, pledged money to re-opening. Sadly, on that occasion, the county council was not interested, so the proposal fell. Even the much maligned Connex company, coming towards the end of its franchise, recognised the value of the line as a diversionary route to London and indicated as part of its proposals for franchise renewal that it would endorse its re-opening. For reasons that we all understand, Connex then lost its franchise.

It is deeply frustrating for Members who consistently supported the re-opening to encounter a situation that is like one of those Christmas cracker games in which a plastic container has four or five aluminium balls that have to be lined up and placed into all the holes at the same time. As soon as we get all the balls in bar one, one pops out—a different one every time. All the balls are now in place at local level, with everyone supporting the proposal locally, but we now face something that the Minister will understand because of what he has inherited with Railtrack—a rail industry that is incapable of delivering such schemes. That is the problem that I want the Minister to try to help to overcome, or at least to move along in that direction.

There is no doubt that the campaign to re-open is strong, because it makes so much sense. I stress to the Minister that it is not based on sentimentality or some vision of steam trains winding their way between Lewes and Uckfield. It is based on solid, common-sense arguments that the Government support as part of their policy.

There is a very good environmental case for reopening the line. The A26 between Lewes and Uckfield is becoming more and more heavily trafficked. More people want to travel from Uckfield and Crowborough, in the constituency of the hon. Member for Wealden, to work in Lewes and on the south coast, where there is a high level of employment for white-collar workers. Also, people want to go to Brighton and Hove. The Minister's colleagues in that area are keen to stress the importance of regeneration, and reinstating the link between Lewes and Uckfield would contribute to that.

The link is also important in terms of social inclusion, which is another matter that is high on the Government's agenda. Many people in the so-called rich south-east lack access to private transport, and the bus and rail networks are lifelines for them. The short gap—of only seven miles—between Lewes and Uckfield is like a key tooth missing from a mouth. Its absence stands out. It makes no sense, economically or otherwise, for the line from London Victoria to wind all the way down through Oxted to Uckfield, and stop just seven miles short of the Lewes junction. At Lewes, there are a great many more interchanges, and extending the line that far would make a great deal of sense in rail terms.

The proposal makes sense in other ways, too. The Minister will know from his Labour colleagues in Brighton and Hove that there is a severe problem with the train path capacity between Brighton and London. No more train paths are available because of the bottleneck at Haywards Heath and Balcombe. There is no way to get around the problem. It is inconceivable that a new viaduct and tunnel could be built at Balcombe, because of the cost involved. The alternative would be to improve the Arundel line, but that is a long diversion—the distance between Brighton and London is 80 miles.

From the strategic point of view, the simplest and cheapest way to provide extra capacity between the south coast and London would be to reopen the Lewes-Uckfield line and use that link as an alternative route. For my constituents, that would provide a daily, direct service from the major port of Newhaven and the major town of Seaford to London, without the need to change at Lewes. There are therefore a great many reasons why this proposal makes sense.

[Norman Baker]

The Minister will understand my concern that the Government office for the south-east has suggested that the proposal should not be brought forward as a priority, nor implemented as soon as possible. I think that both things should happen. In addition, GOSE has suggested that it should be deleted, on affordability grounds, from the draft regional transport strategy. No doubt GOSE officials will have told the Minister that they have been bombarded with objections to an idea that is ill-timed and ludicrous. I hope that further thought will be given to the matter.

I wrote to GOSE, and I am sure that other hon. Members have done the same. Unusually, the letter was passed by an official for reply by a Minister. Things are usually done the other way around. The Minister for Housing and Planning wrote to me on 13 May, and his comments concerned me. I was grateful that he should have written to me, and a ministerial reply to a letter to an official is always helpful, but he said that the benefits accruing from re-opening the Lewes-Uckfield line would be

"largely confined to the improvement of travel opportunities between the specific urban centres involved."

That is not true, for the reasons that I have given. Everyone who has looked at the matter in depth—including consultants used by the county council, and others—recognise the strategic value of the route.

The Minister added that the link

"would not achieve the objective of providing and alternative and competitive main railway corridor to London because of the topography of the route."

It is unclear why the Minister made that statement, which is not true either. The proposal involves the most easily adaptable alternative route. If, by the use of the word "topography", the Minister means that part of the line adjacent to Lewes had been built on, everyone knows that that is the case. It has been factored in for decades, ever since the line closed. There is an alternative: the existing Hamsey loop could be linked up very quickly, by means of a short stretch of new rail, to the existing Lewes-London line. It is not true, therefore, that the alteration could not be made, which is what I think the Minister intended that sentence to mean. I think that he has been badly briefed.

Charles Hendry (Wealden) (Con): I am grateful to the hon. Gentleman for giving way, and congratulate him on securing this debate. Will he join me in congratulating the people involved in the Wealden line campaign for their work in keeping this matter under consideration? Does he understand why so many of my constituents are frustrated? They have to travel from Uckfield and Crowborough to Haywards Heath or Tonbridge Wells to use a train service, and are not able to use a line that runs through their home towns. Does he agree that the Strategic Rail Authority's priorities are misguided? It wants to build high-speed links between London and Edinburgh, when the real crisis in our rail system is in the overcrowded south-east? It takes an hour and a half to get from Uckfield to London by train—longer than it takes to go from London to Doncaster.

Norman Baker: The hon. Gentleman is absolutely right. He has campaigned strongly for the reopening of the line, and he, I and others all say the same thing about that in the same terms. I agree about the SRA's priorities: it has inherited a bad situation from Railtrack, but if I were the Government, I should be looking for 100 or so quick, cheap schemes that would bring real improvements to the railways. They have been diverted on to the west coast main line, and I can understand why, but they are putting all their eggs in one basket. A lot of improvements could come very quickly to the railways.

The hon. Gentleman leads me on to a press release from the Association of Community Rail Partnerships, published on 8 June. It said:

"Kim Howells applauded ACoRP's success in supporting small-scale projects which can bring real benefits to local communities".

The Minister of State was absolutely right there. That is where we can get good, quick hits, and I encourage the Government to do that. Indeed, I think they want to: their instincts on rail are right, but they have trouble with a rail system that will not lend itself to delivering objectives that they want to achieve. The press release added that the Minister of State

"hinted that supporters of community railways 'will be pleasantly surprised' by the outcome of the current Government Rail Review."

I hope that that is true. If so, it will give good heart to those who want schemes such as the Lewes-Uckfield reopening.

We have heard about costs, but the costs given by the SRA are outrageous and way out of line with estimates produced by consultants for the county council and others for a diesel connection—the line from Uckfield north is diesel—between Uckfield and Lewes. The county's estimate is between £25 million and £40 million, not the £100 million plus that the SRA has offered. By the way, the SRA has never justified that figure. We have asked it time and again for evidence for it, but it has not been able to do so. It is a figure plucked out of the air. Yet the Minister for Housing and Planning is apparently relying on that figure and says that the scheme cannot be ruled in on grounds of affordability. We really must have some reason why £100 million has been suggested because I think that the figure is substantially less, and the county council is rightly working on lower figures.

The hon. Member for Wealden and I have discussed with the county council its innovative identification of how the extra housing that the Government require for the south-east, in so far as it relates to East Sussex, can be placed adjacent to the rail line between Uckfield and Oxted and Crowborough. I pay tribute to the former lead member, Tony Reid, for his work on that. By doing that, the Government could generate planning gain that would lead to a significant funding stream that would help reopen the line. The county council is doing its best to secure external funding, and that funding is needed only for the reopening. All the evidence shows that the line would be operationally profitable; there is no question about that. The question is simply whether the capital costs can be achieved.

I suggest that the Government's own policy should be to want the line reopened. That is consistent with their objectives. I understand why it is difficult because of the

mess the railway system is in, but I ask the Minister to help me find a way through that and to recognise the work that the county council is doing in finding private sector funding to help in an innovative way forward. The county council's brief to me says that in-depth studies carried out by Mott MacDonald, the consultants it employed, concluded that while the basic regional train service on the route would make a small annual operating profit, it would not cover the capital cost of reinstatement. The key area of work, therefore, is to investigate how the significant funding gap in the project can be bridged. It may be possible to use enhanced land values as a result of reinstatement of the railway to pay, in part, for the capital costs of construction.

That is an innovative way forward that the Minister ought to support. It is bang in line with the Government's philosophy. The rail industry itself is also supportive, and the SRA, which I have been castigating, has in fact offered staff resources to the county council to review the work carried out by an outside body. I have met SRA representatives, and the SRA is not antipathetic to the scheme. SouthCentral Trains—Southern, as we now must call it—has also indicated that it is in favour in principle and would operate the route gladly if it were reinstated. Most of the balls in my Christmas cracker game are in place, but what we do not have is co-ordination of the rail industry, which I hope the Minister can help to deliver.

The reinstatement of the Lewes-Uckfield line would be good for the environment, good for social mobility and social inclusion and good for the economy. It makes absolute sense. It is overwhelmingly supported by the communities in my patch and that of the hon. Member for Wealden, and elsewhere. It is supported by all the local councils and all the local Members. It is something that the Government, in their wish to get real services back on track, should support.

It is my ambition to be at the reopening of the Lewes-Uckfield railway line. It was the ambition of the hon. Gentleman's predecessor and I hope that he will still make it. I intend to continue to raise the matter until such time as I am there, hopefully to cut the ribbon, but at least to be there when the ribbon is cut. It would give me no greater pleasure than to be there when the Minister is there to cut the ribbon. I will be the first to congratulate him.

6.15 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): I congratulate the hon. Member for Lewes (Norman Baker) on securing this debate and providing an opportunity for further discussion on the Lewes to Uckfield rail link. I must disappoint him instantly by saying that whether there is good news or otherwise for those interested in community rail partnerships in the rail review, we must wait and see. I do not anticipate commenting further on the comments of my hon. Friend the Minister of State at an Association of Community Rail Partnerships function the other day.

The hon. Gentleman and others have been pressing for the reinstatement of the link over a long period. He secured an Adjournment debate as long ago as 29 July 1998 and it was discussed further as part of another Adjournment debate on 31 October 2001. Indeed, as I think he said, he and colleagues from Tonbridge and Malling, Wealden and Brighton, Kemptown along with representatives of East Sussex county council met Richard Bowker, the chairman of the Strategic Rail Authority, on 5 June. So the Government and the SRA are well aware of the aspirations of hon. Members, local authorities and others.

Before responding to the points made by the hon. Gentleman, I wish to touch on recent changes in the area and on performance. As he said, on 30 May the South Central train operator rebranded to the name Southern. That is a return to a respected and valued name—nothing new there necessarily—and underscores its commitment to improving services to East Sussex as a key element of its work. Southern is introducing modern and more reliable trains, improved station environments and better service. Over 700 new carriages will enter passenger service in the coming months up to 2005.

The hon. Gentleman will be well aware of the other improvements as a consequence of the introduction of Electrostars, Turbostars and other similar developments. On the Uckfield to London service, new Turbostars are entering service. They have air suspension, air conditioning, a state-of-the-art public information system and are fully accessible for disabled passengers. They have low emissions, are quiet and have fast acceleration. They are unrecognisable from the old "Thumper" trains that they are replacing. Other improvements include the upgrading of the power supply, which is long overdue, and the train protection and warning system.

Southern has shown an increase in performance in the last year with 80 per cent. of trains arriving within five minutes, compared with 77 per cent. for the previous year.

The Lewes to Uckfield proposals cannot be considered in isolation, but must be viewed in the wider context of the transport network in the region. As the hon. Gentleman will know, the SRA's current focus is to make the most efficient use of the existing network, making sure that capacity is used as effectively as possible. The route utilisation strategies being developed aim to improve capacity and performance, and reduce overcrowding by improvements to operating practices, better deployment of rolling stock and alterations to timetables.

The Brighton main line route utilisation strategy will go out to consultation in the summer and it will include proposals for improved services for Uckfield: a fast, all-day service between Uckfield and London Bridge. It will also consider improvements in services from Lewes to London using the Brighton main line.

The South East England regional assembly's draft regional transport strategy of January 2003 originally included the Lewes to Uckfield scheme as "proposed for investigation." Following an examination in public into the assembly's draft strategy, an independent panel recommended that the proposal be deleted on affordability grounds. However, the panel considered the scheme to be a longer-term possibility that could be revisited in preparing the regional spatial strategy, also referred to as the south-east plan.

[Mr. Tony McNulty]

The Secretary of State's first draft regional transport strategy deleted the scheme, as recommended by the panel. The consultation on the draft regional transport strategy ended on 21 May 2004 and I understand that many representations have been received for the reinstatement of the scheme. The final regional transport strategy will be published in the next few months.

In the longer term, the SRA will produce a series of regional planning assessments—RPAs—to identify possible network enhancements for detailed analysis and appraisal. Work on the southern RPA will begin this winter and the SRA will ensure that the emerging south-east plan is captured in this work. It is within that wider planning framework that proposals for a rail link between Lewes and Uckfield would be reviewed.

I would do nothing other than exhort the county council to carry on doing what it is doing. The current structures of the rail network and the rail system are cumbersome, hence the rail review. There are other substantial and appropriate dimensions to the spatial strategy, the transport strategy and other examinations of such issues on a regional basis, but it would be a sorry state of affairs if what we did after the rail review precluded some attempt at innovation at local level to fill the gaps in the network, above and beyond the regional, national and other strategies.

Any consideration would also need to address a number of complex operational issues, including the impact that services over the line would have on other parts of the network. For example, if trains between Uckfield and Brighton were introduced, there would be implications for capacity at Brighton, a station where competing demands on capacity are already heavy, as the hon. Gentleman reminded us.

Supporters of the Lewes to Uckfield link argue that it could be used as an alternative, diversionary route to London when there are engineering works or disruption on the Brighton main line. Laudable as that objective might be, it would be relevant only if the whole of the route from Hurst Green via Uckfield to Lewes were to be electrified, which would further increase the costs.

Norman Baker: I disagree with the Minister's last point. We now have new services direct from Uckfield to London that run with diesel engines. Southern has made a virtue of the fact that it can now run more services into Victoria from Uckfield, so there is nothing to stop such services continuing to Lewes.

Mr. McNulty: I do not dispute that, but electrification would be necessary to optimise the use of the route as a diversionary line if there were problems on the Brighton main line. I know that the SRA tends to opt for the all-singing, all-dancing, bells and whistles version and that is why the county council should continue to consider the proposal, but a diesel-only service would weaken the case for the route to play a diversionary role. The strategic benefits advanced by the line's proponents seem to ignore the single-track nature of large sections of the line and the need for that to be addressed if the line were to play a full diversionary role in all circumstances.

I am also aware of the historic issues of flooding along the River Ouse and the impact that that had on the line prior to its closure in the 1970s. The costs and potential environmental impacts of satisfying track doubling, electrification and drainage should not be underestimated. I remind the House of the duty to avoid unnecessary blight and concern about how those potential issues would be delivered. I do not preclude examining the proposal further, but I offer those issues for consideration. Even if all those problems were solved, the line would be limited by the proposal by the Wealden line group that trains should run into Lewes via the Hamsey loop—that is, heading east at Lewes. The station layout there would constrain through running to Brighton and involve a shunt move to gain the Brighton line.

Another argument, which was put forward eloquently by the hon. Gentleman, is the potential to develop the port of Newhaven, so that the Lewes to Uckfield line would be part of a route to and from the port. That proposal can be considered as part of the SRA's regional study, which will look at all ports along the south coast.

The SRA's view is that the new rolling stock and other improvements that it will propose in the route utilisation strategy will provide a much enhanced service from both Lewes and Uckfield without the significant costs of providing infrastructure. For that reason, the SRA has not included the Lewes to Uckfield line in its strategic plan nor has it been part of the SRA's current thinking.

The SRA has said that it needs to be convinced of the operational viability and the overall justification for the scheme and would expect the scheme's proponents to engage with the key rail industry players—the SRA, the train operating companies and Network Rail—to make the case for further work to develop a feasibility study. A lot of work needs to be done to establish the costs, potential usage and value for money of reinstating the link.

As the hon. Gentleman said, such studies, or tentative studies, have been done in the past and there has been a body of support for restoring the line since 1969. As ever—I am sure that if he intervened he would make the same point—if nothing has been done, studies need to be looked at again in the context of the circumstances that prevail five or 10 years after the last study. The matter perhaps needs to be looked at in more detail.

Given the issues relating to the likely capital costs of the scheme and the likely ongoing subsidy requirement—although I take the point about what the county council is trying to do—the SRA has concluded that further investigation of the reopening of this route is not a priority for it at the present time. However, I accept what the hon. Gentleman says about finding other innovative ways to fill some of the smaller gaps.

Another scheme that has had its backers over the years is the restoration of the Bridge (Birchden Junction) to Tunbridge Wells (Grove Junction) link. It would provide another link in the network, but the SRA and others suggest that it would be of limited value on its own. I shall not rehearse the limited local value that the SRA currently puts on the scheme in terms of its being local rather than strategic. That is its view.

To sum up, the SRA is continuing to develop its plan to improve the existing network and services through its route development strategies and the consultation on the Brighton main line RUS will begin soon. In the longer term, there will be an opportunity for input into

the SRA's regional planning assessment, which will begin this winter, and I am sure that the hon. Member for Lewes and perhaps the hon. Member for Wealden (Charles Hendry) will make a full contribution to that process and the various transport strategies and other documents that are being published.

I recognise that I have not offered the hon. Gentleman much succour, but I exhort him, the hon. Member for Wealden and others to keep working with the county council—certainly on the ongoing subsidy and revenue cost side and perhaps also on the capital side. I am keenly aware that over the past 30 or 40 years our mindset and vision on rail has been on the multi-billion all-singing, all-dancing high-speed links that are going to change the world rather than more local innovative ways in which gaps in our network can be filled. Such schemes, whether for reasons of social exclusion, economic reasons or simply reasons of accessibility or interconnectivity, can solve problems far more readily than some of the big schemes.

While I exhort all south coast colleagues to keep on the case, I can offer no substantive sunny uplands in the next weeks and months, but I will watch the "Fill the gap" or "Close the link" campaign or whatever else it is called with real interest. I exhort the hon. Gentleman to carry on with colleagues, the SRA, the TOCs and the county council. I congratulate him again on the way in which he presented the case for what is clearly a significant local issue.

I congratulate the Lewes to Uckfield link on surviving Beeching, but clearly, given the substantial support for it now, perhaps this is one thing from the 1960s that will return. There is not much that I would say should return from the 1960s, having lived through it as a child rather than a teenager, but perhaps the Lewes to Uckfield link will. If it does, I will happily be there to help cut the ribbon, as the hon. Gentleman offered, but until then he should keep up the pressure to secure the link.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Six o'clock.

House of Commons

Monday 14 June 2004

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

National Offender Management Service

1. **Mr. Gordon Prentice** (Pendle) (Lab): What consultation he has had with the probation service concerning the implications for the *(a)* terms and conditions and *(b)* pensions of probation officers of the proposed establishment of the national offender management service. [178150]

3. **Mr. Kelvin Hopkins** (Luton, North) (Lab): If he will make a statement on the negotiating arrangements between unions and employers that will be put in place for the national offender management service. [178152]

The Secretary of State for the Home Department (Mr. David Blunkett): With the indulgence of the House, before I answer these questions, let me say that the whole House would want to commiserate with the England team but to congratulate the England fans in Portugal on their exemplary behaviour, upholding the good name of our nation and acting as an example of how football supporters should behave. We should, however, send a very clear message to those at home in Croydon, Birmingham, Boston in Lincolnshire and elsewhere who so disgracefully misbehaved last night that we will come down on them like a ton of bricks if such behaviour continues during the rest of Euro 2004.

We have received more than 600 representations on the establishment of the national offender management service, with 42 specifically in relation to the structure. My ministerial colleague, my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins), my officials and I have had meetings with a wide range of groups, involving Martin Narey and more than 3,000 members of staff, with 18 roadshows across the country. I have personally met representatives of the TUC, the Prison Officers Association and the National Association of Probation Officers. We believe that with the extension of the consultation not only to the end of the month but over the next year, as we develop the new structures, we will be able to achieve consensus and get this right.

Mr. Prentice: There is clearly a huge amount of consultation going on, but probation officers in my constituency tell me that there are no answers to some very basic questions, and that the Government seem determined to create an internal market, with the aim of driving costs down. Why is it necessary to reorganise the service only three years after the previous reorganisation?

Mr. Blunkett: It is necessary if we are to put together, not only administratively but functionally, the services that are intended to reduce offending, to protect the public and to ensure that we have fewer people in prison. Putting together the policies, the activities and the delivery of the service by not only the Prison Service and the probation service but voluntary and community partners, and providing the community support that is crucial when people leave prison, means creating the new organisation to do so. We are very mindful of the fears in relation to the probation service. It is worth remembering that we have just put in another £10 million of revenue and £6 million of capital funding to ensure that in the areas affected by last year's changes there is no reduction in service levels. We have more than 800 trainees coming on stream. There were no trainee probation officers at all in 1996–97. The investment and the reorganisation are designed to provide a better service, not a lesser one.

Mr. Hopkins: Are not present arrangements working very well, and is it not the case that there is really no evidence that change will improve services and make them more effective?

Mr. Blunkett: I do not agree with my hon. Friend. Substantial progress has been made in providing a coherent service across the country in the development of the national probation service since its establishment in 2001, and I am grateful to officials in my Department who have worked so hard with probation officers to achieve that. Everybody knows, however, that we could improve aspects of how we deal with those who are leaving the care of the service, as well as those given community sentences, including the new intensive supervision order, and it would be a very silly politician who stood at the Dispatch Box and thought that we could not substantially improve the provision for those who have offended, and above all the protection to those who seek to be protected precisely from those offenders, by putting services together.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): Following a highly critical report from the chief inspector of prisons, the Secretary of State is to close the women's high-security unit at Durham prison, and last weekend there was an even more damning report on Styal prison. With the number of women who have committed suicide in prison increasing by 200 per cent. since 1999, does he recognise the urgency of the need to address the particular problems faced by women in prison, and does he think that NOMS is really the answer?

Mr. Blunkett: I recognise—with the statistics that the hon. Lady rightly cited, I could hardly fail to—that there is a real challenge. I believe that the offender

management service has a contribution to make, although it will not resolve the problems. To do that, we need, first, early intervention to prevent those women from getting to the stage at which they are sentenced—and we have fewer women in prison this year than we had this time last year, which is welcome progress. Secondly, we can have specialist facilities. We have just opened new facilities, and will build on those in the light of the closure of the facility at Durham. When I visited Holloway a month ago, I was impressed with the work, but not by the fact that I was told that the same facilities and support were not available out of prison. That is what helps to make the revolving door such a tragedy. I hope that the national offender management service will enable us to move closer to providing for those women when they are not in jail—when they are serving community sentences or are in preventive action, for example—the kind of support that they were receiving in Holloway jail.

Mr. Neil Gerrard (Walthamstow) (Lab): I am sure that my right hon. Friend would agree that such wide-ranging changes need sufficient parliamentary scrutiny. If it is the intention to abolish the probation boards, which will require legislation, when might that legislation be expected, and how else does he intend to keep the House informed of progress on that significant series of changes to the Prison Service and the probation service?

Mr. Blunkett: My hon. Friend the Under-Secretary of State and I are both keen that we should keep the House informed, precisely because of those who, like my hon. Friend the Member for Walthamstow (Mr. Gerrard), have been constructively critical, as opposed to simply critical. I welcome that, because if we are to get this right, there is no simple answer. We do not have control of all the wisdom about developing a better service that will put the different elements together in a more coherent and cohesive fashion—so yes, I would give that guarantee. Secondly, we would need legislation for the changes, particularly for structural change, such as changing the boards, and we intend to bring forward a correctional services Bill as soon as parliamentary time allows, as the usual jargon goes; that means as soon as we can.

Organised Crime

2. **Mr. George Howarth** (Knowsley, North and Sefton, East) (Lab): What plans he has further to tackle organised crime. [178151]

The Parliamentary Under-Secretary of State for the Home Department (Caroline Flint): On 29 March, the Home Secretary launched the White Paper "One Step Ahead—A 21st Century Strategy to Defeat Organised Crime", which outlines how the Government plan to tackle organised crime with new measures, including the creation of the new serious organised crime agency, more concerted use of existing powers, and the introduction of new powers against organised crime.

Mr. Howarth: Is my hon. Friend aware, as I am, that £24.5 million, which represents 7.7 per cent. of the total, is spent by Merseyside police on dealing with serious and organised crime? Does he agree that if all Government agencies, particularly the Inland Revenue, co-operated more fully and effectively in sharing information with the police, and if the magistrates courts operated the Proceeds of Crime Act 2002 more effectively, we would stand a far better chance of locking up some of the gangsters?

Caroline Flint: I thank my hon. Friend for his question; as a former Home Office Minister, he knows only too well about the misery that organised crime causes in our communities. What is important is not only what happens nationally and internationally, but what happens locally, when the drugs and the trafficked human beings hit our streets. My hon. Friend is right: part of our endeavour in creating SOCA and considering additional powers is to make things harder for criminals and to convict more of them. To do that, we need to use every power that we have. That involves sharing intelligence and, importantly, not just locking up criminals but taking away the profits of their crimes.

Sir Sydney Chapman (Chipping Barnet) (Con): When does the Minister expect the serious organised crime agency to be up and running, how many personnel is it likely to have, and what relationship will it have with existing police forces? I hope that that relationship will be one of co-operation, and that the agency will not cream off the best of any particular police force, such as the Metropolitan police.

Caroline Flint: The hon. Gentleman raises some straightforward and sensible questions. First, we are working to the timetable of 2006, and we are looking at about 5,000 personnel. He is right to say that we need to ensure that SOCA not only brings together the different groups of people who currently work against organised crime, whether those be in the National Crime Squad, the National Criminal Intelligence Service, the part of the Home Office that deals with immigration crime, or Customs and Excise, but focuses on their relationship with local forces. I am pleased to say that in drawing up the White Paper we consulted extensively—but the hon. Gentleman should not forget that there is still time for him, and others, to add their contribution to making this a harder place for organised crime to flourish in.

David Cairns (Greenock and Inverclyde) (Lab): My hon. Friend rightly highlights the link between organised crime and drugs trafficking. Given that 95 per cent. of heroin on UK streets originates from one country—Afghanistan—would it not make more sense to redouble our efforts and resources in terms of dealing with this trade at source by doing what we said we would do two and a half years ago, which is to destroy the Afghan poppy trade once and for all?

Caroline Flint: My hon. Friend has been a particular champion of raising awareness of the importing of heroin, and in particular of Afghanistan's role as a supplier; indeed, he had an Adjournment debate on this very issue just the other week. He will be aware that we have to work on this issue across government—not only with our colleagues in the Foreign and Commonwealth Office, but with those in the Department for International Development. We face a huge task in this

regard. What do we do with a failed state that has allowed the drugs industry to flourish? We have to tackle these issues on a number of different fronts, and I am pleased to say that my right hon. Friend the Secretary of State and I recently met Pakistan's Minister of the Interior to discuss some of them. There is a lot more to be done, but my hon. Friend can rest assured that we will attend to it.

Mr. David Heath (Somerton and Frome) (LD): It is not just a question of failed states abroad, of course. Many of us will welcome any attempt to streamline domestic arrangements for fighting organised crime, not least because it is a motor for crime in many of our communities, and distorts local policing priorities. But in working with the FCO, as she says, is it not key to deal with those eastern European and central Asian countries that are very often the genesis of the organised crime that is plaguing our streets? What support is she giving to the diplomatic missions in those countries in order to make that work more effective?

Caroline Flint: The hon. Gentleman makes a very good point, and I am pleased to say that whenever I meet my counterparts in Europe—both those within and beyond the European Union—organised crime is discussed regularly, along with the linked issues of drugs and people trafficking, because such issues often come together. By making sure that we are working together across Departments, and through the various projects that we are involved in, we are highlighting a number of areas in which we can give added value. That includes providing help through policing, and sometimes supplying equipment for use in airports and other places to detect drugs. I am happy to send the hon. Gentleman or any other Member a copy of the relevant documents.

Mr. David Kidney (Stafford) (Lab): Does my hon. Friend agree that more work needs to be done in this country to catch, convict and send down for a very long time members of organised gangs of human traffickers? That would be very popular with, and reassuring to, the public, and it would put an end to a huge amount of human misery and suffering.

Caroline Flint: I have mentioned the issue of human trafficking in answer to various questions. It is a particularly atrocious crime, and the work that we have done with the National Crime Squad through Operation Reflex is producing great results throughout the country. But we need to do more on this issue and to alert the public to the fact that, as my hon. Friend suggests, if they are aware of instances of human beings being used and exploited in their communities, they should pass that information on. When appropriate, we certainly should use that method to bring the attention of the public to this crime, and to the successes—hopefully—of the police.

Mr. James Paice (South-East Cambridgeshire) (Con): Today's baseline assessment shows that all police forces have been graded "fair" or "good" in fighting level 2 crime, while nine forces are graded poor at fighting volume crime. Given that, in answer to my hon. Friend the Member for Chipping Barnet (Sir Sydney Chapman), the Minister confirmed that the serious and organised crime agency will take 5,000 of our best and most experienced officers out of the system, and that it is expected that 1,500 fewer recruits will be trained this year, can she reassure the House that all our forces will retain sufficient officers to continue to contribute to the fight against organised crime, and to improve on performance in terms of all the crimes that affect our streets?

Caroline Flint: Of course, there are 11,000 more police officers as a result of this Government's initiatives to support policing, and we rate highly local policing and its impact on our communities. I thought that I had made myself clear: the new organised crime agency brings together police officers, computing and technical experts, Customs and Excise officers and people from the immigration crime side of the Home Office. A collection of individuals who are already working well together in many respects will be brought together under one roof, so that they can have added impact. Those individuals support that measure, but there is a lot to sort out between now and the date on which it starts. The police have also welcomed it. I believe that SOCA will give clarity to how we address these issues and help local police forces to get a better result and better services—through SOCA—in addition to the good services that they already have under the four different agencies.

Asylum Seekers

4. **Mrs. Helen Clark** (Peterborough) (Lab): If he will make a statement on the role of the National Asylum Support Service in housing asylum seekers, and on the factors taken into account in making decisions. [178153]

The Minister for Citizenship and Immigration (Mr. Desmond Browne): The National Asylum Support Service administers the support provided to asylum seekers. Asylum seekers requiring accommodation will normally be housed in one of the 71 dedicated dispersal areas. In deciding where to provide accommodation, NASS takes into account the availability of suitable accommodation and the offers of accommodation by private sector providers and by local authorities.

Mrs. Clark: I am grateful for that reply, but is the Minister aware that three weeks ago there was serious violence and unrest in Peterborough between asylum seekers and Asian residents from different Muslim communities? Does he agree that NASS's housing strategy should be extremely alert and vigilant to cohesion issues? Will he go further and guarantee that, from now on, local authorities will be partners in the development of any new strategy rather than sitting on the sideline and having to pick up the pieces afterwards?

Mr. Browne: I thank my hon. Friend for her question and I pay tribute to her for her consistent and consistently constructive work in Parliament to address the concerns of her constituents and the local authority in respect of problems arising from the dispersal of asylum seekers to her constituency. I think that she will be pleased to hear that my information is that, although tensions remain relatively high in the Gladstone area of Peterborough, there have been no further incidents since

16 May. Officials from the immigration and nationality directorate and the community cohesion unit have held discussions with council officials there in the last few weeks. It is, of course, our intention that local councils are fully engaged in discussions about dispersal to their areas.

Lady Hermon (North Down) (UUP): Since it is wholly inappropriate to house asylum seekers in Maghaberry prison—a high security prison—in Northern Ireland, will the Minister kindly inform the House of any recent discussions he has had with his former colleagues in the Northern Ireland Office, where he is missed, to ensure that such people have proper and adequate housing? There are only a few asylum seekers in Northern Ireland, but they should not be housed in a high security prison. What is the Minister doing to address that serious problem in Northern Ireland?

Mr. Browne: I am grateful to the hon. Lady for her question and for her observations about my previous post in the Northern Ireland Office—and I must say that I greatly miss it, too. *[Interruption.]* It is quite possible to be perfectly happy where one is and greatly miss where one was. *[Interruption.]* I sometimes forget that some Opposition Members cannot do two things at any one time, but let us return to the question.

The hon. Lady asked a very important question about Northern Ireland and I am well aware of the concern among elected community representatives about the necessity of detaining a very small number of failed asylum seekers in Maghaberry prison prior to removal. It is a facility that we would rather not use, but in the absence of other facilities and in circumstances where it is absolutely necessary to detain persons, there is no alternative. I have had no recent discussions with my former colleagues—or, indeed, any of my colleagues—in the Northern Ireland Office on this matter, but I know that officials are in constant touch about the issues to ensure that asylum seekers who are not required to be detained in Northern Ireland are able to find appropriate accommodation.

Mr. John Wilkinson (Ruislip-Northwood) (Con): Will the hon. and learned Gentleman bear in mind the significance of the rising tide of unaccompanied refugee children that local authorities have to house, particularly in areas such as mine where there are ports of entry within the borough? Does he understand that in the period 1997 to 2002, the number of unaccompanied refugee children rose from 1,100 to 6,200 and that his Department, according to a written answer of Wednesday 9 June, has no data at all on the accompanied refugee children who came "sans papiers", without passports or identity documents? Will the Home Office get a grip on the situation, please, because it is extremely costly to the boroughs with ports of entry, such as my own of Hillingdon?

Mr. Browne: I thank the hon. Gentleman for his question and for elevating me to the position of Queen's counsel, which unfortunately I do not hold. *[Interruption.]* The hon. Gentleman raises a serious and important issue and while I am happy in normal circumstances to exchange banter across the Dispatch Box, that would be inappropriate in these circumstances. One of the most disturbing developments in the trafficking of people has been the increase in the number of unaccompanied minors who are being trafficked. My priority is to get to the root of the problem and to prevent those young people from being brought to this country and being abandoned. To achieve that, a degree of co-operation is required from carriers. The hon. Gentleman will be aware of the report of Operation Paladin, which revealed some of the figures to which he refers and some of the answers to the problem. He rightly identifies the need to able to respond to the requirements of those young people when they arrive in the country and that the true answer to the problem is to stop them being brought here in the first place.

Alcohol

5. **Mr. Stephen Pound** (Ealing, North) (Lab): To what extent his Department is working with the alcohol industry to deal with the binge drinking culture.

[178154]

The Minister for Crime Reduction, Policing and Community Safety (Ms Hazel Blears): We are working closely with the alcohol industry to tackle binge drinking and the crime and antisocial behaviour it causes. That is a priority area for us and last Friday the police standards unit launched an enforcement drive across the country to try to address it.

Mr. Pound: There may be some who doubt that I am wholly objective on this subject, but God loves a sinner who repenteth and I hope that the House will be similarly indulgent. I thank my hon. Friend for a typically concise, helpful and positive response. In that Las Vegas of drinking that is central Ealing, night after night people move from being verbose to jocose to bellicose to lachrymose, and end up comatose. In the intervening period, they do great damage to themselves and the environment, especially as so many of them are young people not legally entitled to drink. Will my hon. Friend tell me whether her discussions with the industry have included discussing the appalling issue of under-age drinking?

Ms Blears: They certainly have. My hon. Friend asks his question in his usual erudite fashion and he gets his point across effectively. I am delighted to tell him that we are in discussions with the industry not only about under-age drinking, but the whole range of problems caused by binge drinking. In particular, we are concerned about the number of young people who are drinking more, and more often. We have instituted a system of test purchasing, concentrating on off-licences in particular, where there is a real problem. We now have powers to close down premises where young people are being served under age, and we are encouraging the police to use those powers. We have also issued some 13,000 fixed penalty notices for incidents of drunk and disorderly behaviour. We are determined to reclaim our cities and our town centres for the decent, law-abiding majority of citizens.

Mr. Mark Oaten (Winchester) (LD): With so many of our cities still out of control on Friday and Saturday nights, does the Minister agree that we need more police to deal with drink-related crimes? If football clubs are charged for policing, is there not a strong case for putting a levy on clubs and nightclubs to pay for the policing of city centres? People want police in rural areas, tackling crime, and they resent having to pay for the police to deal with drunks on Friday nights.

Ms Blears: It is an interesting idea and the hon. Gentleman will know that we are presently promoting the idea of corporate social responsibility, including payments from industry towards solving the whole range of problems in our city centres, including policing costs, transport and taxis to get youngsters home. I am amazed at the hon. Gentleman's late adoption of that approach. He will know that football banning orders have been extremely successful in Portugal, yet his party opposed those orders tooth and nail, so his late conversion to proper, effective action on binge drinking comes as a revelation.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Will my hon. Friend seek the help of the Chancellor to address the high cost of policing? She will know that in my constituency the costs of policing Union street and the Barbican can be very high. Perhaps she could engage the Chancellor in her discussions with the drinks industry to see whether we could have 1p for a p. In case that is misinterpreted, in terms of alcohol, I mean one penny on a pint, or a dram, for a policeman.

Ms Blears: We are very well aware of the excellent work done by my hon. Friend with a whole range of partners in her constituency, including the police and the local authority, to try to address these issues. I am sure that she will want to engage the Chancellor personally about her innovative idea. We have had significant extra resources for investment in the police in the last few years, an increase of about 30 per cent. for police services. There is always much more we can do, with police officers and community support officers, to give our communities the reassurance they need, but I have no doubt that in my hon. Friend's area the partnership is working extremely well.

David Davis (Haltemprice and Howden) (Con): The Minister spoke about consulting with industry, yet the early draft of the report "Alcohol Harm Reduction Strategy for England" included a section by experts that stated explicitly that liberalisation of licensing laws would have a negative impact on society. Why was that section removed before the report was published? Why were the facts suppressed?

Ms Blears: The facts were not suppressed to any extent at all. There was a draft consultation—the normal way of developing such things. The right hon. Gentleman should know that the changes to the Licensing Act 2003 were supported by the Association of Chief Police Officers and the Police Federation. We have given an undertaking that we will closely monitor the effects of the changes under the Act. If there is a necessity to change those provisions we shall not hesitate to do so, but a core principle of the licensing provisions is to try to reduce the crime and disorder that is fuelled by alcohol, so right across Government, and with our partners, we shall be looking closely at what happens. We have said that we will review the scheme early in the next Parliament, because we mean to get those issues right; they are complex, which is why it is a matter not just for the Government but for industry, local communities and individuals themselves to try to change the behaviour that is causing so much damage to our communities.

David Davis: I agree that it is not just a matter for the Government; indeed, the reason that it was suppressed may be explained by one line: it states that relaxing availability increases general harm, whether through more outlets as in Finland, denser outlets as in California or longer hours as in western Australia. The Minister mentioned ACPO. A report from the Metropolitan police said that the 2003 Act would "lead to increased consumption", that

"public order flash points will occur with increased frequency over a longer period,"

and that it would

"favour the black economy and increase disturbance for residents"

and

"demand an increased police presence throughout the night".

As the Minister talked about ACPO and the other submissions made to her, can she publish all that evidence? I agree with her: it is possible to devise a strategy to control the social effects of alcohol abuse, but it will not be achieved if the Government continue their addiction to media manipulation and cover-up.

Ms Blears: If the right hon. Gentleman had been assiduous in following the development of the alcohol harm reduction strategy that took place over the past 18 months, he would have known that we published all the interim analysis, which runs to hundreds of pages and is on the website. I should welcome his actually reading that evidence and making sure that he is fully appraised of the circumstances. I hope that he is not suggesting prohibition as part of his policy, because there is no problem for the vast majority of people in this country who go out for a drink with their friends and have a good time. As a sensible Government, we are trying to tackle the harm that is caused both through binge drinking and some of the chronic drinking that goes on. We think we have a sensible and balanced approach and I urge the same on the right hon. Gentleman.

Forensic Science Service

7. **Colin Burgon** (Elmet) (Lab): What assessment he has made of trade union proposals for an independent publicly owned forensic science company. [178156]

The Parliamentary Under-Secretary of State for the Home Department (Caroline Flint): Work on an outline business case has recently been completed and resulted in a detailed analysis of the current state of Forensic Science Service business and what is needed to ensure its successful long-term future. FSS trade unions have been invited to contribute details of their proposals to inform

the work on the outline business case. We understand that further work has been carried out by the trade unions and I would be happy to meet representatives to discuss their recommendations in detail. We have invited the trade unions to take part in a two-day event in July to discuss the outline business case and their alternative proposals

Colin Burgon: I am happy to hear that reply because I am one of the Labour Members who patiently, over nearly a year, have argued that the Forensic Science Service should stay in the public sector. We were very disturbed to read press reports that Legal and General will finish up buying it for £100 million. The people who work in the Forensic Science Service are committed to the public sector ethos and many Labour Members want that to be retained. As long as the proposals from the union address the questions of the flexibility and innovation that the Government want to see, many of us will argue that the service should stay in the public sector. Although I am no great political theorist, I would have thought it sensible to develop a policy that was not electorally unpopular and did not divide Labour Members.

Caroline Flint: My hon. Friend is also a colleague in Yorkshire and he has already met me on the train back to Yorkshire to discuss some of these issues. Over the next few months, I hope to have the opportunity to meet him again and to visit as many sites as possible.

I have just assumed this area of responsibility and I say to my hon. Friend that there are some difficult questions to answer. For example, I understand that just six police forces account for 47 per cent. of revenues to the Forensic Science Service, so there are real issues about police force use of the service and about the implications for the service if any of those police forces go elsewhere. As he will be aware, technology is advancing day by day and we have to keep up with it. I hope that, in our discussions, we can make sure that the Forensic Science Service does not just maintain its high standard, but can respond to the changing needs that are already out there. I hope that we can discuss that and, on that basis, move forward in terms of having a good service. That involves recognising the competition out there and the needs of the customers—primarily police forces and other parts of the criminal justice system—who pay for the service and, importantly, talking to the staff and, I hope, taking them with us.

Mr. Lindsay Hoyle (Chorley) (Lab): My hon. Friend is well aware that we have one of the leading forensic services in the fight against crime and that we sell knowledge and solve crimes across the world for other police forces. Please, please, please do not put at risk an essential service that is independent and not answerable to shareholders. If selling off the service is pursued, we will know that crime is not the first priority—the shareholders will come first. The service is a 24/7 operation that we should not put at risk. While we lead the world, let us not give it up easily.

Caroline Flint: I assure my hon. Friend that we will continue to have the public interest at the heart of whatever we endeavour to do. The issue is about recognising that the Forensic Science Service is a world leader and addressing how we sustain its position given the competition, the new demands in terms of policing and the way in which we can detect criminal activity. At the heart of all this is the public interest; it is not about maintaining but sustaining it for the future.

Criminal Injuries Compensation Scheme

8. **Mr. John Lyons** (Strathkelvin and Bearsden) (Lab): If he will make it his policy to maintain protection for rail workers who witness suicide, as part of the review of the criminal injuries compensation scheme. [178157]

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I can confirm that my right hon. Friend the Home Secretary has decided to maintain the current mechanism for compensating railway workers who are affected by suicides on the tracks. He will say more about that later this afternoon.

Mr. Lyons: I thank my hon. Friend for his very positive response. Everyone will agree that railway workers need to be included in the scheme, as they have been since 1990. There are about 200 suicides a year on the main line network and facing one must be the most horrific physical and psychological experience for any person. I welcome the news.

Paul Goggins: I thank my hon. Friend for his response to my answer. We have listened carefully to the representations made by employers, trade unions and, indeed, hon. Members. We all accept that the circumstances faced by train drivers who witness suicides in the course of their duties are unique. Those drivers deserve our sympathy and support. It is important, therefore, that we do not complicate the system. It will remain as it is.

Antisocial Behaviour Orders

9. **Mr. Peter Luff** (Mid-Worcestershire) (Con): If he will make a statement on the enforcement of antisocial behaviour orders. [178159]

The Minister for Crime Reduction, Policing and Community Safety (Ms Hazel Blears): Effective enforcement is essential for antisocial behaviour orders to have any value. Communities must be reassured that the stand that they have taken to give evidence and obtain the order was worth while and antisocial individuals must know that there will be swift and meaningful consequences if they continue with their antisocial behaviour.

Mr. Luff: After five long years, the antisocial behaviour order system is at last creaking into some kind of life. My constituents in places such as Droitwich Spa are delighted with headlines such as those that I have in my hand about the first two ASBOs that have been issued in Droitwich. However, will not the next problem with the system be that the orders will come to be held in contempt by those to whom they are issued because magistrates have insufficient powers to enforce them and, crucially, because there are not enough secure places to send the young yobs to if they breach the terms of their ASBOs?

Ms Blears: I know that the hon. Gentleman's communities have suffered from antisocial behaviour for some time—I understand that it has occurred on the Westlands estate and around the Lido. I am delighted that, because the police and his local authority have two antisocial behaviour orders on the ringleaders, as appears on the front page of his newspaper, there was not one incident of antisocial behaviour or youth nuisance during the half-term holiday a couple of weeks ago. Our twin-track approach of tough enforcement and support for young people, including more youth facilities and mobile skate ramps, is working in his community, as it is throughout the country.

Mr. Peter Pike (Burnley) (Lab): Does my hon. Friend recognise that in north-west industrial towns, back alleys offer an escape route for many people who commit antisocial behaviour? Does she think it wise to encourage schemes of alley gating, which make it more difficult for people to create a nuisance that causes many problems for residents?

Ms Blears: Indeed, the alley-gating schemes in place throughout the country are some of the most popular things that we have done. We have invested £2.3 million to support communities and I have seen alley gates in Stockton, Plymouth, Preston and my own community of Salford. Once an alley is secure, it is no longer a haven for muggers, robbers and those who attack our communities. In fact, people in many communities have put their garden furniture and hanging baskets into alleys, so many places in our communities have become quite Mediterranean or riviera-like.

Bob Russell (Colchester) (LD): Does the Minister agree that the enforcement of antisocial behaviour orders is a combined effort by not only local authorities, the police, the courts and other agencies, but local communities? With that in mind, does she agree that the role of the neighbourhood watch movement is vital? Given that that is the case, why are the Government underfunding the National Neighbourhood Watch Association and frustrating its attempts to find outside funding?

Ms Blears: I am delighted to hear the hon. Gentleman's welcome for the antisocial behaviour powers—perhaps we are hearing a different view from the Liberal Democrat Benches. He is right that the system is about not only what the police and local authorities can do, but what local people can do. That is why I am happy to pay tribute to the fantastic work of local neighbourhood watch schemes and to confirm that we have funded the National Neighbourhood Watch Association over recent years and given it extra support. We are not in a position to provide further funding, but I can tell him that I am happy to meet the organisation to discuss how we may find a way forward. The contribution made by local schemes is vital to our efforts to tackle crime and disorder.

Mr. Bill O'Brien (Normanton) (Lab): I fully support my hon. Friend's efforts to combat antisocial behaviour by issuing ASBOs. What advice would she give local authorities about cases in which antisocial behaviour involves undertakings or organisations in respect of which there is no domestic aspect? People can be aggrieved by problems caused by activities of that sort that have nothing to do with domestic matters.

Ms Blears: My hon. Friend raises an important point. Local authorities are increasingly finding innovative ways to use antisocial behaviour powers. Camden local authority recently issued antisocial behaviour orders against big multinational companies that promote pop concerts and put up posters throughout the neighbourhood. Such fly posting degrades the quality of the environment. Our powers can be used just as effectively against businesses as they can against individuals. Wherever there is antisocial behaviour, local authorities and the police should use the powers.

We have also introduced pilots to deal with graffiti on property belonging to statutory undertakers and water authorities. Again, it is about thinking more creatively about how we can use those powers to be on the side of the decent law-abiding majority of citizens and saying that we mean to tackle antisocial behaviour, wherever it might be.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Does the Minister accept that although ASBOs are working a bit better now than when they were first introduced—when they were almost non-existent—part of the problem, which arose in a constituency case of mine, is the difficulty of getting as far as a magistrates court? The procedure involved is difficult and complex, and many warnings have to be given. Does she have any proposals to review that procedure?

Ms Blears: With respect, I think that the hon. Gentleman is out of date. The procedures have been simplified quite dramatically. If he is in touch with his local authority and the police, he will know that they are increasingly using the powers. We have also appointed a team of expert antisocial behaviour prosecutors—one in every region—whose job it is to train other prosecutors how to use the powers, gather the evidence and ensure that cases get to court. The antisocial behaviour prosecutors will also ensure that magistrates are properly keyed in to all the issues. Right along the chain—from gathering the evidence, to encouraging local people to take a stand, to preparing those cases properly and getting them into court, and to making sure that breaches are taken seriously—we have revolutionised the whole of the criminal justice process to be on the side of the decent people in this country, rather than on the side of the perpetrators.

Immigration

10. **Mr. Gwyn Prosser** (Dover) (Lab): What assessment he has made of measures he has taken to control *(a)* illegal immigration and *(b)* unfounded asylum claims. [178160]

The Minister for Citizenship and Immigration (Mr. Desmond Browne): The measures taken by the Government to control illegal immigration and unfounded asylum claims are subject to continuous and ongoing review. We have achieved a great deal of success in both those areas over the past year.

We have introduced a wide range of measures, such as the expansion of UK border controls in France, the roll-out of new detection technology in France and Belgium, the expansion of the list of nationals who require direct air transit visas and the widening of the airline liaison officer network abroad. Those measures, among others, have all had a significant impact on both illegal immigration and unfounded asylum claims.

The impact of the measures is clearly demonstrated by the 65 per cent. fall in clandestine entry in Kent in 2003 compared with 2002 and the 44 per cent. fall in asylum applications in the first quarter of 2004 compared with the same period of 2003.

Mr. Prosser: I thank my hon. Friend for that answer and for those figures, which reflect the dramatic downturn in the number of people coming across the channel into my constituency where, he will be pleased to know, we held a successful multicultural festival last weekend to celebrate refugee week. Does he share my frustration that, when asylum figures are high and rising, everyone accepts that as the going rate, but when they are low and falling, as they are now, it is difficult to get that message across so the figures are disputed by everyone, including the media and the Opposition? Is there anything that we can do about that?

Mr. Browne: I am grateful to my hon. Friend for his consistently constructive contribution on the issue, which has been difficult for him and his constituents, as those in Dover have suffered greatly from the abuse of this country's asylum system by organised criminals in particular. I am pleased that the people of Dover can celebrate national refugee week, as other people up and down the country celebrate the diversity of the community in which they now live.

I also share my hon. Friend's frustration at the tendency not only not to accept good news, but to wallow in bad news, but the fact of the matter is that we are politicians, and that is world we live in. The problem is that other politicians, some of whom are not that far from me, glory in being able to generate such confusion. They do it in a dangerous way—*[Interruption.]* One of them has just said that I have missed the question, but I have not; I understood it entirely correctly. The shadow Home Secretary, the right hon. Member for Haltemprice and Howden (David Davis), ought to know exactly what I am talking about because he is a perpetrator of such misinformation.

Mr. Humfrey Malins (Woking) (Con): Last week, we heard some devastating evidence from the Home Office official, Robert Owen, which was supported by many other immigration officers, to the effect that illegal immigration to this country is running at six times the official figure. Given that fact, and given that the Home Secretary himself has said that he has not a clue how many illegal immigrants there are, does the Minister understand why after seven years of this Government the general public have totally lost confidence and trust in their ability to run our asylum and immigration systems with any efficiency?

Mr. Browne: I am grateful to the hon. Gentleman for giving me an opportunity to comment in a restricted way on Mr. Owen's evidence in the course of a criminal case. The comments that I will make are as follows: the case is still ongoing; the gentleman who is sitting to the hon. Gentleman's right, the right hon. Member for Haltemprice and Howden, who purports to want to be Home Secretary, disqualified himself in my view from ever aspiring to that office because of his public comments on that evidence during the currency of a criminal trial. That is an entirely inappropriate thing for a politician to do. What I will say about Mr. Owen is that my understanding was that he was giving evidence about his experience as an immigration officer when he was doing that job—and that was in 1994.

Keith Vaz (Leicester, East) (Lab): I thank the Minister for the courtesy and efficiency with which he deals with individual cases raised by hon. Members, which is a breath of fresh air as far as the Home Office is concerned, but is he absolutely certain that the resources that are being given to the immigration and nationality directorate are sufficient to deal with the backlog that still manifests itself, which of course started under the previous Conservative Government? Do we need to allocate more resources or are there enough to deal with this very difficult problem?

Mr. Browne: I accept my hon. Friend's compliment but not his qualification that that is not characteristic of the way in which my colleagues in the Home Office or, indeed, my predecessors dealt with these issues. I will continue to extend the levels of courtesy that I think are appropriate, to hon. Members across the House and to people outside the House, for as long as I am given the responsibility. I think that 5,000 extra people doing the work is enough, particularly since, as I have said, the number of asylum seekers has reduced significantly. However, there is a long-standing problem of a backlog, which goes back to the beginning of the 1990s when the assault on our asylum and immigration service by organised criminals first began. I am satisfied that the resources and skills are now available to enable us to work our way through that. I ask hon. Members to have patience while we train people to the relevant standard to achieve that.

Asylum Seekers (Benefits)

11. **Mr. Tam Dalyell** (Linlithgow) (Lab): Pursuant to the oral answer of 10 May 2004, *Official Report*, column 1, on asylum seekers (benefits), what conveniently available figures he has for the numbers of failed asylum seekers who were destitute and unable to leave the UK immediately for reasons beyond their control who have sought the provision of accommodation under section 4 of the Immigration and Asylum Act 1999; and if he will make a statement with reference to the case of the constituent of the hon. Member for Linlithgow from the town of Armadale that has been raised with him. [178162]

The Minister for Citizenship and Immigration (Mr. Desmond Browne): Those failed asylum seekers who fit the description provided by the Father of the House in the first part of his question and who have applied for section 4 accommodation will have been offered it. Of those who have been offered section 4 accommodation and accepted it, there are currently around 500.

My hon. Friend's constituent applied for leave to remain in the United Kingdom on human rights grounds on 5 February 2002. His application was refused and he lodged an appeal against that decision in August 2003. The refusal decision is being reviewed. If it is maintained, the appeal will then be forwarded to the immigration appellate authority.

Mr. Dalyell: I thank the Home Office in Croydon for addressing the problem of the constituent referred to in the question, but are there general considerations encapsulated in the rather precise if wordy question on the Order Paper?

Mr. Browne: I am grateful to the Father of the House for his thanks to the immigration and nationality directorate for helping to solve the problem experienced by his constituents, and I shall pass his thanks on to those involved. The people in the IND who work hard to help Members do not always get the thanks that they deserve, even though they sometimes work in difficult circumstances on complicated cases.

My hon. Friend's supplementary question is, I think, designed to reveal the fact that there is a challenge in the support of people whose application for asylum has failed but who cannot for one reason or another return to their country of origin or to the third-party country from which they travelled to the United Kingdom. If they co-operate fully in arrangements for their return and removal there is an opportunity for them to be supported under section 4 of the Immigration and Asylum Act 1999, otherwise, in my view, which is shared by the House and is in the legislation that will shortly come before us, action will be reinforced. It is not fair to ask the taxpayer to support people who, as a result of their own activities, do not return home when they can do so.

Burglary (Wandsworth)

12. **Martin Linton** (Battersea) (Lab): What research he has commissioned on the effectiveness of measures to reduce burglary in Wandsworth. [178163]

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): Three projects were funded in Wandsworth as part of phase two of the reducing burglary initiative, which ran from 1999 to 2002. The initiative, including one of the Wandsworth projects, has been evaluated to identify implementation lessons and its findings are due to be published in the summer.

Martin Linton: The Minister will know that the local police division was commended not only on the biggest reduction in burglaries—19 per cent. last year—but on meeting other targets, including getting car crime down 5 per cent. and street crime down 15 per cent. I am glad that the Home Office is conducting research on crime detection methods to see what works best. Wandsworth demonstrates that it is by targeting repeat offenders and the fast turnaround of forensics, epitomised by the story—

Mr. Speaker: Order. The supplementary question is far too long. Could the Minister attempt to reply?

Fiona Mactaggart: I congratulate Wandsworth on its success in reducing burglary, which reflects a national reduction in burglary of 40 per cent. since 1997, and I congratulate the police on that. Wandsworth has received an award for its work, which shows that local police forces working with local communities can tackle the kind of crime that makes people's lives a misery. We are determined to put that at the heart of our strategy to push down crime and reduce burglary by working with the police and local people, and increase the 40 per cent. reduction that we have already achieved over the coming years.

Guantanamo Bay

13. **Norman Baker** (Lewes) (LD): If he will make a statement on his Department's involvement with the British citizens held at Guantanamo bay. [178165]

The Secretary of State for the Home Department (Mr. David Blunkett): We have sought to maintain a balance between pursuing international terrorists and protecting and defending basic human rights. Our position on the four British nationals detained in Guantanamo bay remains that they should obtain a fair trial in accordance with international standards of justice. The detainees were interviewed by the Security Service as part of the Government's responsibility to protect national security. Those interviews were conducted on a voluntary basis and were undertaken in accordance with accepted international procedures.

Norman Baker: I thank the Home Secretary and agree with the objective that he set out of a fair trial or release for those UK nationals. However, does he remember answering a written question from me only last week in which he appeared to accept that some detainees questioned by UK intelligence personnel

"have complained about their treatment in detention"—[*Official Report*, 9 June 2004; Vol. 422, c. 427W.]?

Those complaints were about treatment not dissimilar to that in Abu Ghraib, which contravenes the Geneva conventions. Does he believe that those allegations are justified and is it not time that the Government did more to stand up for British nationals instead of kowtowing to the US?

Mr. Blunkett: The British Government have made appropriate representations to the United States authorities in relation to all those complaints. As I said a moment ago, interviews were undertaken on a voluntary basis and to the standards that we would expect of our own officials operating in this country.

Burglary (Vale of York)

14. **Miss Anne McIntosh** (Vale of York) (Con): If he will make a statement on the level of burglaries in the Vale of York in *(a)* January 1997, *(b)* January 2000 and *(c)* January 2004. [178166]

The Minister for Crime Reduction, Policing and Community Safety (Ms Hazel Blears): Recorded crime figures at local area level are available centrally only for domestic burglary and from the financial year 1999–2000. The Vale of York falls across both Central and Eastern North Yorkshire police force divisions. In these areas combined, there were 3,702 domestic burglaries recorded in 1999–2000, rising to 3,750 in 2001–02. I am delighted to say that in 2002–03 the number decreased to 3,690. Figures for 2003–04 will be published in July.

Miss McIntosh: Can the Minister explain why the number of burglaries went up and why the number of detected and reported burglaries is going up, but the number of successful prosecutions is going down, according to her own figures?

Ms Blears: As I said in my answer, the number of burglaries went up in 2001–02 and is now coming down. That reflects the national trend, where burglary is down almost 40 per cent. since 1997. Much work is going on to bring offenders to justice and to increase detection. The hon. Lady has recently been pressing me to give her area more community support officers. I am delighted to say that in our third round of funding, more will indeed be available, but if she wants more police officers—there have been 11,000 more under this Government—and more community support officers to tackle burglary, her party will have to pay for them.

G8 Summit

3.31 pm

The Prime Minister (Mr. Tony Blair): With permission, Mr. Speaker, I shall make a statement on the G8 summit in the United States, which I attended last week. I thank President Bush for his chairmanship of the summit, and the people of Georgia for hosting it. I have placed copies of the Chairman's summary and summit documents in the House Libraries.

At the outset, I am sure the whole House will join me in expressing our condolences to the families of the two British contractors killed in Iraq this morning.

At the G8 summit, we all agreed on the importance of transferring authority in Iraq at the end of the month to a fully sovereign Iraqi Government. We welcomed the formation of the new Iraqi interim Government. The unanimous adoption by the United Nations Security Council of the resolution on Iraq demonstrates the international consensus to support the new Government of Iraq under Prime Minister Alawi and to support the vision of a modern, democratic, federal and stable Iraq.

The new President of Iraq expressed his thanks for the sacrifices made by the coalition forces to free his country from the evils of the Saddam regime. He was absolutely clear that there was no desire among the Iraqi people to go back to the past. He entirely rejected the notion that the people of Iraq were unable to make democracy work or that the insurgents represented anything other than a small minority of Iraqis. He described the reality to us vividly. Those who carry out violent attacks, blowing up water and oil pipelines, leaving ordinary Iraqis to go without power, are not patriots, he said. They are terrorists whose agenda is to cause chaos. They are determined to stop us succeeding, but we will succeed, with Iraq a better place not just for Iraqis, but for the wider region and the world.

This led on to a discussion of the initiative to help build reform across the broader middle east and north Africa region. We agreed a set of proposals to help bring greater democracy, freedom and stability to the whole of that region, working in support of those in the region who want to make progress towards modernisation and reform. Reform must of course come from within. The G8 responded positively to ideas from regional leaders, most notably at the Arab League summit in Tunis, where Arab leaders expressed their determination

"firmly to establish the basis for democracy"

in the middle east.

We met a number of leaders from the region—from Afghanistan, Algeria, Bahrain, Iraq, Jordan, Yemen and Turkey. We agreed with them a comprehensive and detailed plan of support to give momentum to the initiative. We set out concrete measures to address the illiteracy, poverty and under-development of the region, to make the most of the region's entrepreneurial and cultural traditions on which it could thrive. We established what is called the Forum for the Future, which will bring together Foreign and Economic Ministers from the G8 and countries in the region. The inaugural meeting will be held in the autumn.

We also discussed the middle east peace process. We agreed that the basis for progress is still the road map, which sets out the path to the two-state solution. We agreed that the Quartet should meet in the region before the end of this month, and that it should now come up with a specific set of actions to restore momentum on the road map. These should cover political reform of the Palestinian Administration, a security plan and an economic plan. Taken together, all these various initiatives amount to a vision of a middle east that is no longer a source of instability and extremism, but of increasingly more democratic states which respect different religious faiths and human rights and can live peacefully within the world community.

On the final day of the summit we concentrated on Africa, and leaders from Ghana, Nigeria, Senegal, South Africa, Algeria and Uganda joined us. African issues are now a well-established part of the G8 agenda. We agreed a number of new measures. We have to ensure that where there is a conflict in Africa, we have the peacekeeping ability to back up and support a political settlement. So the G8 made a commitment to ensure that up to 75,000 peacekeeping troops will be trained and ready to be deployed on peacekeeping operations by 2010. The UK intends to train, directly or indirectly, some 17,000 African troops in that period.

We discussed the grave humanitarian and political crisis in Sudan, which my right hon. Friend the Secretary of State for International Development visited last week. The UK is the second largest donor to Sudan, giving £36.5 million this year alone. The G8 pledged assistance in ending the conflict and bringing humanitarian assistance to those in need, and we agreed to work together to help the UN lead the international effort to avert a major humanitarian disaster.

We also agreed a new initiative to extend AIDS vaccine research, confirmed the polio eradication target and agreed on new measures to help to break the vicious cycle of famine and food insecurity in the horn of Africa. The heavily indebted poor countries initiative has given welcome relief from the crushing burden of debt that has held back so many of the poorest countries. We have already agreed some $70 billion of debt relief for 27 countries, 23 of which are in Africa. We reaffirmed our commitment to implement and to finance that initiative fully. We agreed to work with all parties concerned to extend the initiative from the end of this year to the end of 2006. That agreement then opens the door for another 10 countries to benefit from more than $30 billion of debt relief. That will free up vital resources that can be spent on health and education and the eradication of poverty.

This series of initiatives confirms the growing importance of Africa for all of us in the G8. The UK alone will spend some £1 billion in Africa next financial year. A major part of the agenda for our G8 summit next year will be the work of the Commission for Africa that we have established. The commission will report back next spring with a series of agreed recommendations for action, and we will then work with the rest of the G8 to take them forward.

The other major part of the agenda for the UK presidency of the G8 in 2005 will be climate change. We need to make progress with the ratification of Kyoto, but we also need to look beyond Kyoto and its 2012 time frame.

[The Prime Minister]

We held an extensive discussion of the world economy. We agreed on the need for further structural reforms in our economies to accelerate growth. We discussed the current level of oil prices, notably the recent pledge by the Organisation of Petroleum Exporting Countries to increase production.

On trade, there was broad agreement to press ahead with the Doha development round. We called on all parties to take the measures necessary to get the round moving forward. The benefits are clear: substantially reducing trade barriers could boost global income by some $500 billion a year, with most of that going to developing countries.

On non-proliferation, we adopted an action plan that builds on and enhances the existing global non-proliferation regime. We recognised the need to strengthen controls on the transfer of nuclear enrichment and reprocessing technology, and we agreed to have new measures in place before next year's summit.

The G8 was originally created to discuss economic issues. Of course we still do that, but increasingly the focus has moved towards issues of international solidarity. That is because it is clear that in an interdependent world, what blights or enhances one part of the world affects the other parts, too. It is morally right that we extend democracy, cut poverty, remove the causes of conflict and instability, and bring the hope of advancement to all nations; but it is also now clearly in our enlightened self-interest. If global terrorism and the proliferation of chemical, biological and nuclear weapons are the new security threat we face, we recognise that it cannot be defeated by security measures alone. Political freedom and rising prosperity, as much as force of arms, will be our ultimate shield: this year's G8 recognised that reality. We look forward to deepening it under British chairmanship next year.

Mr. Michael Howard (Folkestone and Hythe) (Con): I join the Prime Minister in expressing my condolences and those of all Conservative Members to the families of the two British contractors who were killed in Iraq this morning.

I welcome wholeheartedly the unanimous vote of the Security Council on UN resolution 1546. The challenge now is to translate that into tangible results on the ground, so may I ask the Prime Minister about the resolution's likely practical effects? Last month, he said that, while operational control of our troops in Iraq after 30 June must remain with British commanders, final political control over their deployment will be a matter for the Iraqi Government. Does that remain the position? Is it the position for United States forces, too? What are the implications for the new international consensus on security in Iraq? Are there any prospects of other UN members, including Arab states, agreeing to provide troops? What is the latest position in respect of NATO, especially its role in training troops?

The G8 leaders pledged to "work together" on the cancellation of Iraqi debt. How is that to be taken forward in the light of the reported differences between the US and France on the matter? What is the British Government's position?

The G8 also focused on wider middle east questions. I welcome its recognition of the importance of Israeli-Palestinian issues, especially its endorsement of the role of the Quartet. The G8 also agreed what is now called the "Partnership with the Broader Middle East" initiative but neither Egypt nor Saudi Arabia chose to attend the discussion. What progress has been made on encouraging regional leaders to take part in that initiative?

We welcome the new action agreed against the proliferation of weapons of mass destruction. The G8 said that it deplored Iran's behaviour over nuclear weapons and urged it to comply with its commitments. The UK has laid great emphasis on the closeness of its links with the Government of Iran. What are the Government doing, in conjunction with their European allies, to persuade the Government of Iran to do what is required of nuclear powers: co-operate fully with the International Atomic Energy Agency?

We also welcome the strengthening of co-operation on global counter-terrorism, with the specific focus on the security of international travel. Significant progress has been made on that since September 11 but is it not extraordinary that, eight years after I, as Home Secretary, attended a major G8 conference in Paris on terrorism, not all the items agreed then have yet been implemented?

We welcome the acceleration of efforts to develop a vaccine for the scourge of HIV, with more than 40 million people suffering from HIV/AIDS. More than half are in sub-Saharan Africa.

We welcome the formal extension, however limited, of the HIPC debt relief initiative, but does the Prime Minister agree that current procedures on debt relief remain bureaucratic and slow and fail the countries and the people they were designed to help? Do we not need to target aid to reduce poverty and achieve maximum value for every pound that we spend? Is it not the case that British aid is far superior in that respect—and in almost every respect—to European Union aid? Is there not an overwhelming case—*[Interruption.]* It is rather important for the people who benefit from the aid. Is there not an overwhelming case for giving much more of our aid bilaterally rather than through the EU?

Is it not the case, as the G8 said, that

"trade liberalisation is key to boosting global prosperity"?

What help are the British Government giving to ensure that the Doha round gets back on track in the way that the G8 envisaged?

I wish finally to ask two specific questions about regions in Africa. First, I share the horror that is felt in all parts of the House about the recent developments in Darfur and welcome the extra £15 million in UK assistance that was announced last week. If Government bombing occurs in Darfur, should not the Security Council authorise a no-fly zone to protect the civilian population and consult those states with the capacity to enforce such a restriction to urge them to do so?

Secondly, what discussions on Zimbabwe took place at the G8? Will the Prime Minister explain why the limited sanctions that are in place do not prevent the pro-Mugabe fund-raising visit to Britain of the governor of the Reserve Bank of Zimbabwe? Does that

not illustrate the need for an urgent tightening of targeted EU sanctions to include, in the words of the Movement for Democratic Change in Zimbabwe,

"all individuals who play a leading role in perpetuating the illegitimate rule of Mugabe"?

Is that not an excellent illustration of the need for Britain to demonstrate clear and firm leadership, in the G8 and elsewhere, in working with the international community to help to achieve the objectives of peace and stability to which we are all committed?

The Prime Minister: On the latter two points, we work closely with the MDC on the measures that we should take in respect of Zimbabwe, although I am afraid that these measures and sanctions, although we have them in place, are of limited effect on the Mugabe regime. We must be realistic about that. It is still important that we give every chance to, and make every effort to try to help, those in south Africa—the southern part of Africa—to put pressure for change on the Mugabe regime, because there is no salvation for the people of Zimbabwe until that regime is changed.

In respect of Darfur, I shall look into the issue of the no-fly zone that the right hon. and learned Gentleman raised. I cannot give him an answer on it now. UK assistance has been increased substantially, and we are also taking a leading role in political efforts to try to ensure that the nascent peace deal that has been worked out at the moment, with the agreement to suspend all hostilities, is actually carried through. It is going to be extremely important for us to keep up every pressure on the various parties to make sure that that happens. We are co-ordinating our approach very closely with the United States and the European Union.

Let me deal one by one with the right hon. and learned Gentleman's earlier points. On the UN Security Council resolution, it is quite clear that political control and sovereign decision making are with the Iraqi Government. That is our position, it is the position of the United States and it was repeated by everyone at the G8. I think that that is necessary, quite apart from anything else, to ensure that the Iraqi people understand that they now have both the power and the responsibility to take those decisions, and that we are there in support. That will help, and indeed is helping, to settle the situation in Iraq—not in the sense that we will not then have these bombings and killings, because these people will carry on, as the Prime Minister of Iraq said today. What is obvious, however, is that people inside Iraq are increasingly seeing those people not as people who are fighting coalition forces but as people who are the enemies of Iraq and its progress.

I do not believe that we will see further troops come through NATO, but I hope that if the new Iraqi Government wish it, we will see assistance with training provided for the Iraqi security forces, including the army.

We should take the issue of Iraqi debt forward through the Paris Club. The difference between us, America and some other countries on the one hand, and France and others on the other, is to do with the percentage of debt that is to be written off. Discussion on that is still going on. We want a high proportion of the debt written off, and at the moment negotiation is taking place under the umbrella that there should be a substantial reduction in debt. How substantial that will be is still a matter of discussion. However, I have no doubt that there will be significant moves forward in that direction.

In respect of the greater middle east initiative, I hope that people do not take it from the absence of Saudi Arabia and Egypt that they are against the initiative. They are not, and that was made clear by both their Governments. It is important to emphasise, however, that this initiative—the desire to bring a greater degree of democracy, human rights and political freedom to people in the middle east—arises from the discussions that those countries themselves are having. We are not seeking to impose a solution from the outside, but seeking to work with reform-minded people in the region. The idea is to get to the point where three things are happening in the middle east: where there is a stable, democratic Iraq, which will obviously be a huge force for good in that region and in the wider world; where there is momentum back in the middle east peace process; and where Governments in the middle east as a whole are moving towards political reforms that will bring about greater participation by people and a greater degree of democracy.

On Iran, we are working with our EU allies to make sure that Iran fully complies with the IAEA recommendations, and we shall continue to do so. I accept that there is more to do on proliferation, but we have come a long way in that regard.

Obviously the British Government have given a considerable lead on HIPC and debt relief over the past few years, I am pleased to say. There are always issues to do with bureaucracy, but we are trying to iron them out. We have now agreed to extend the decision point, which means that by the end of this some $100 billion of debt will have been wiped out. That is having a huge impact in Africa. Let me give just one or two examples. Tanzania has now attained gender parity in primary schools, and has increased the number of children in primary schools by more than 50 per cent. It has built more than 1,000 new schools and more than 31,000 new classrooms. If progress continues on target, it will meet the universal basic education millennium development goal by 2006, nine years early. Uganda has managed to increase its social expenditure by over 40 per cent. as a direct result of the debt relief measures that we have been leading.

I agree that our bilateral aid is very effective. That is why this Government have dramatically increased bilateral aid for the poorest countries in the world. I might point out that after years of aid falling as a proportion of GDP, it has risen under this Government. We will obviously work constructively with our European partners—as I am sure the right hon. and learned Gentleman wishes to do—to improve the workings of the European programme.

The Doha round is one of the most important issues that will face us over the next six months. It is imperative that we secure the round that we started. The G8 had a full discussion on this, and I think there is an acceptance of the huge importance of agricultural reform in the developed world if progress is to be made.

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): I want to associate my right hon. and hon. Friends with the expressions of condolence with the two British citizens who were killed in Iraq so tragically earlier today.

Still on the subject of Iraq, may I ask whether the Prime Minister acknowledges that despite the welcome progress now being achieved in both the delivery and content of the further UN resolution, it was clear from the summit's discussions that significant international decisions must still arise from the original invasion and its bloody aftermath?

The Prime Minister has confirmed that the NATO proposal floated by President Bush has effectively been shelved, and indeed that President Bush himself went on to describe it as unrealistic. Was it not perhaps a bit unrealistic of him to imagine that a suggestion that had clearly not involved much advance preparation with other countries would find favour?

Given what he has already said, will the Prime Minister give a little more detail of the current thinking on bringing into Iraq troops from other countries, particularly Muslim countries? Is planning in hand with that aim in mind?

As for the tragedy in Sudan, do the British Government consider what is taking place there to be, frankly, nothing more than ethnic cleansing? What steps does the Prime Minister think can be taken beyond the phrasing of the communiqué itself to address what is the most pressing humanitarian tragedy in the world today?

As the Prime Minister knows, many people are frustrated about the lack of progress—painstaking progress—that is being achieved on aid spending, welcome though it is. In the context of the UK and his own Government's spending review for 2005 and beyond, does he intend to set a feasible and achievable timetable for the British Government to meet the UN's 0.7 per cent. GDP target? Has the Chancellor given thought to that?

Can the Prime Minister clarify a slight ambiguity in his reference to Kyoto? He said:

> "We need to make progress with the ratification of Kyoto, but we also need to look beyond Kyoto and its 2012 time frame."

Has he effectively given up on the position of the United States in the middle of all of this, or does he retain any residual hope that the Bush Administration can be made to see sense and recognise their international obligations?

Finally, on Iraq, at the European Union summit in a few days' time—I appreciate that there are certain other items on the agenda—will the Prime Minister take any opportunity to explore the EU's contribution to the work of the Quartet in respect of the middle east peace plan?

The Prime Minister: The divisions over the original decision about the conflict in Iraq remain, I imagine—of course they do—but what is important is that the international community has come together to support the new resolution. As was pointed out in a very forceful intervention by the new President of Iraq—I wish people could have heard it—the great thing is that they are discussing in Iraq how they are to hold elections. The sheer impact of their having for the first time the ability to come together and discuss a democratic future for Iraq has been tremendous in its power within Iraq and for the Iraqi people. In our meeting he said that, whatever differences there have been, people should recognise that only a tiny number of people in Iraq are anything other than delighted that they have been liberated from Saddam.

It is unfair to describe the original American proposal on NATO as a proposal for NATO troops—the idea was always that they should be helping with training. There may still be disagreement about that, I do not know, but I do not think so, provided that the Iraqi Government wish it to happen.

Whether troops from Muslim countries go to Iraq is primarily a matter for the new Iraqi Government, as they will have to make any such request, but the single best thing—I hope that some proposals for this can be set out in the coming weeks—is for the Iraqis themselves to take over their own security capability. They have plans afoot in the police and the civil defence, as well as in relation to the army. Their view, again as explained by the President of Iraq, is very simple: they do not want any foreign troops on their soil; they know that they need them for the present, but they want to have their own capability to run their own country as soon as possible, and that is what we should help them to do.

On Sudan, the two things that we need are pressure for the political settlement to hold, and indeed to develop, and humanitarian co-ordination. That is why my right hon. Friend the Secretary of State for International Development went out to Sudan a short time ago.

We remain committed to the ultimate goals on the UN aid target.

We certainly need to ratify Kyoto. Again, to be fair, the problem is not simply with the Bush Administration. I think I am right in saying that the Senate voted 100 to nothing on the treaty, so there is quite a lot of work to do to get that position to change, and not just with the Administration. However, we strongly support Kyoto and I hope that we can find a way of re-engaging people in a dialogue, to ensure not only that the treaty is ratified but that there is progress on the issue of climate change.

Finally, I do not know whether we will discuss the involvement of Europe as part of the Quartet in the middle east peace process at the forthcoming European Council formally, but I have no doubt that we will do so at the margins.

Sir Stuart Bell (Middlesbrough) (Lab): The House will welcome the emphasis given to African affairs at the G8 conference, as well as the emphasis that the Prime Minister, the Leader of the Opposition and the Liberal leader have placed on Darfur. Is he aware that Mr. Andrew Natsios, the American Government's top aid official, has predicted that 300,000 people may die in western Sudan as a result of disease and malnutrition? I welcome the Prime Minister's statement and the political effort that he will make, but can he ensure that Darfur does not fall off any radar screen and that the humanitarian tragedy that could come about will be averted?

The Prime Minister: I think I can give my hon. Friend that assurance. The G8 issued a specific statement on

Darfur and the crisis in Sudan. We and the United States—and, I believe, the European Union—will keep a very strong focus on this indeed.

Sir Peter Tapsell (Louth and Horncastle) (Con): At the G8 summit in Georgia, did the Prime Minister apologise to the other Heads of Government for giving them false information to justify the original attack on Iraq?

The Prime Minister: No, I did not.

Joyce Quin (Gateshead, East and Washington, West) (Lab): My right hon. Friend mentioned non-proliferation. How seriously is the G8 taking that issue, and will he give us details of the action plan that was referred to?

The Prime Minister: The main part of the action is to ensure that in respect of civil nuclear power we are not exporting equipment, or allowing equipment to be traded, to countries where we think there may be a risk of its being used to create a nuclear weapons capability. We have also agreed certain measures to ensure that we can interdict properly the supply of materials that could, for example, be used in the enrichment process. We have learned quite a lot from trying to re-engage Libya and Iran with the international community on this issue.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Did the Prime Minister have a chance to talk with the President about the original intelligence information that he received before advising the House to go to war? Will he tell us a little about the intelligence information that he had about the way in which Saddam Hussein abused human rights in his own country, and the number of people whose death that led to?

The Prime Minister: The answer to the first question is that no, we did not have a discussion about that. In respect of the second question, we have already found the mass graves of some 300,000 people in Iraq—although most people regard that as only a fraction of the number of people who died. There were several million refugees from Iraq, and the new Prime Minister of Iraq fled to this country, where he was subject to an assassination attempt by Saddam's Government. The single best way of dealing with the issue is if the people of Iraq are allowed to speak about exactly what life was like, and what it is like to have their freedom now.

Claire Ward (Watford) (Lab): I welcome the Quartet's continued commitment to the road map. What assistance does my right hon. Friend expect the Government to be able to give to the Palestinian Administration to ensure that they can take part effectively in the negotiations, with more resources and strength?

The Prime Minister: Although it is too early to tell, I think that there is a possibility of making progress in the middle east again. I know that it sounds very much like a matter of process that the Quartet is to hold a further meeting, but after that meeting it is to produce an action plan to tie in with the disengagement from the Gaza strip and part of the west bank that the Israeli Government are proposing. We shall help with those proposals on the political, the economic and the security side. Although, as I say, at present things still look very bleak in the middle east, none the less an awful lot of work is going on underneath the surface, and I hope within the next few weeks to have more to say about that, perhaps of a more optimistic nature.

Mr. John Redwood (Wokingham) (Con): Did the Prime Minister take advantage of the opportunity to tell our partners in the European Union that are also in the G8 that in view of the well-forecast outburst of majority Eurosceptic opinion, Britain will not be able to sign the draft constitution?

The Prime Minister: I have to say no to that question as well.

Mr. Tam Dalyell (Linlithgow) (Lab): In Question 9 to the Foreign Secretary tomorrow, I shall ask about the position of Tariq Aziz. Some very wicked people were put on trial at Nuremberg, and whatever anybody may think, surely there is a right to trial. What is the position in relation to the International Red Cross, which is apparently saying that unless certain individuals are charged before 30 June, they should go free? What do the British Government think about that?

The Prime Minister: Our thinking is that in the end it has to be for the Iraqis to decide what process they want to adhere to. We are working closely with them in the formation of the Iraqi tribunal to ensure that it respects the rights of any of those people. It is important that if any of them goes on trial in Iraq, that is done in a way that the international community accepts is a valid constitutional and legal process.

Mr. Dalyell: It is a legal limbo.

The Prime Minister: It is necessarily, I am afraid, a somewhat anomalous situation at the moment, but following 30 June it will be important to recognise that the Iraqi Government will have control of that process. I think that there is a clear view among the Iraqi leadership that it is important to demonstrate to the world, in a sense, how different the legal and constitutional process will be under them than it would have been under Saddam.

Dr. Vincent Cable (Twickenham) (LD): Is not the G8 an increasingly incongruous group that excludes the world's second biggest economy—China—and the world's fifth biggest economy and largest democracy, which is India? Are there plans to review membership under British chairmanship?

The Prime Minister: The hon. Gentleman is right, in the sense that that is anomalous, which is why there are attempts to involve China and India—and, indeed, others—in how we draw up the agenda for our discussion. The difficulty, which is a bit like that with the United Nations Security Council, is that although everyone can agree in principle to reform, the question then is agreeing in practice which countries will come in and which will not. On that point, we do not yet have consensus, let us say.

David Winnick (Walsall, North) (Lab): Did my right hon. Friend have the opportunity to tell President Bush that while terrorism is undoubtedly the greatest danger facing us all, it is important that when prisoners are held—in Baghdad or particularly in Guantanamo—they are not subject to torture or to the other forms of abuse that were apparently authorised at the most senior levels of the US Administration, not only because it is wrong in itself and in conflict with our principles, but, no less, because it is a tremendous propaganda weapon for the terrorist?

The Prime Minister: I cannot comment on the level of authorisation, and my hon. Friend will know that there is a dispute about that. But I can say absolutely and unequivocally that so far as this country is concerned—I believe that this is the position of the United States Administration—the Geneva conventions should apply in full to any situation such as this, and that we have to make sure that anybody who is in our custody is treated properly and fairly and in accordance with basic human decency.

Tony Baldry (Banbury) (Con): Everything that the Prime Minister said about Africa is very welcome, but the crux is whether there will be sufficient development aid to enable Africa to meet the millennium development goals by 2015. During the G8 discussions, was he able to persuade any other G8 Heads to sign up to the UK's proposals for the international financing facility?

The Prime Minister: We did have a discussion on the international financing facility. There is no agreement on it as yet, but I hope that during the year we can take forward such proposals, because, as the hon. Gentleman rightly implies, that would help in reaching the millennium development goals. There is another thing that is important to add. The African leaders made the point very forcefully that alongside the narrow question of development assistance, they want to see conflict prevention, better governance and action on HIV/AIDS and other health issues.

Kali Mountford (Colne Valley) (Lab): My right hon. Friend has put on the record in the House today the shared consensus view of a modern, democratic and federal Iraq. In his discussions, did he also consider the evidence from my hon. Friend the Member for Cynon Valley (Ann Clwyd) of emerging secular governance at a local level? Is it not true that the growth of such local democracy can give us confidence that the Iraqi people are themselves able to choose their own Government, and do we not need a clear timetable for them to do so?

The Prime Minister: My hon. Friend is absolutely right. It is worth pointing out that there have been some 40 local elections in Iraq up to now, although they have not received much publicity. It is interesting to note that the parties elected have almost always been secular parties, so the fear that people would want some form of religious fundamentalism seems to have been deeply misplaced. The Iraqi President said most forcefully—indeed, other Arab leaders around the table echoed this point—that sometimes there is a sense in parts of the western debate that the Arab world is unable to cope with the responsibility of democracy. He simply pointed out how wrong that was, as did the President of Afghanistan, who said that more than 3 million people have registered to vote in the Afghan elections since September. Obviously, it is hoped that that figure can be increased to the 10 million required.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): The right hon. Gentleman has spoken of the importance that he attaches to extending the rule of law and the principles of good government elsewhere in the middle east and in Africa. Did he suggest to President Bush that he might set a good example by extending to the detainees in Guantanamo bay the protection and privileges afforded by United States domestic law?

The Prime Minister: It is important that we ensure that those who are detained in Guantanamo bay are detained properly and in accordance with proper conditions. That is one of the reasons why we are in discussion with the American Government about how we resolve not merely the position of those British citizens who are still detained, but that of others, too. I hope that, in the not too distant future, it will be resolved satisfactorily.

Alan Howarth (Newport, East) (Lab): In discussions about Darfur, was there acceptance that international law needs to be reformed in order better to reflect contemporary realities and to enable early intervention to avert humanitarian—and, indeed, security—disasters? Will the Government pursue that vigorously within the United Nations?

The Prime Minister: Both points are well taken and I think that one of the major discussions that we must have in the international community—we can help to stimulate it with the G8 chairmanship next year—is how to ensure that we spot the problems sooner, co-ordinate the action better and ensure that the politics and the humanitarian aid are put on the same path. Sudan is another classic example of where the international community could see the problem building, but did not have the necessary machinery to take action swiftly enough.

Norman Baker (Lewes) (LD): On climate change, when the UK has the presidency of the G8, what strategy will the Prime Minister adopt to deal with fast-rising carbon emissions—resulting from fossil fuel generation—from China and, indeed, with emissions stemming from the international aviation sector?

The Prime Minister: We need to pursue both issues by trying to make sure that we encourage greater fuel efficiency, greater energy efficiency and emissions trading. We must build on what is in the Kyoto protocol. Even if it is ratified, it will amount only to keeping emissions more or less steady—perhaps with a 1 or 2 per cent. reduction—whereas it is estimated that by the year 2050 we need a 60 per cent. reduction in greenhouse gas emissions. That is why I say that we have to take this further. One area where we are able to work with countries such as China and with America is in the development of science and technology as a means of trying to deal with this issue.

Mr. Gordon Prentice (Pendle) (Lab): My right hon. Friend told us that democratic reform in the middle east must come from within. With that very important qualification, will he tell us when he expects to see a democratic Saudi Arabia?

The Prime Minister: I do not know is the answer, and it is the answer that my hon. Friend would expect me to give. What I do know is that there is recognition by the Saudi Government and the House of Saud of the need for reform, but the reform process must be managed in such a way that it leads to the betterment of Saudi Arabia, its people and the region, and there are obvious pitfalls that have to be avoided.

Mr. John Wilkinson (Ruislip-Northwood) (Con): In rightly paying tribute to the two British contractors so tragically killed earlier today in Iraq, will the Prime Minister also reflect on the personnel of Médecins sans Frontières in Afghanistan, who also lost their lives not so long ago, and the serious security situation there in the run-up to the critically important elections in September? In discussions with the Afghan leadership and others in Savannah, did the NATO countries produce any proposals to increase NATO forces in Afghanistan and enhance the training of Afghan personnel?

The Prime Minister: Yes, and I hope that, at the NATO summit next month, we will be able to set those plans out. As the President of Afghanistan said, huge progress has been made in the country—there is no doubt about that with 2.5 million people returning, 30 per cent. economic growth last year and 20 per cent. this year—but there is a continuing problem with remnants of the Taliban or al-Qaeda who carry out attacks on aid workers and others who are trying to help the country. The security situation is less serious but is not totally dissimilar in its nature to what is happening in Iraq. I believe that NATO has to do more and that we need to extend the provincial reconstruction teams throughout the whole of the country to make sure that good security exists not just in Kabul, but outside it as well. I hope that we will be able to make significant progress on that at the NATO summit and that I will be able to report back to the House accordingly.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I thank my right hon. Friend for the positive tone of his report of the G8 summit. Does he agree that terrorism masked as religious zealotry, whether in the middle east or elsewhere, or thinly veiled xenophobia here or elsewhere in Europe will, far from providing solutions to many of these problems, combine to create further problems?

The Prime Minister: I am sure that my hon. Friend is right. A clear link exists between the terrorism that we see in Afghanistan and in Iraq. It is terrorism whose purpose is to produce chaos that denies political progress. That is why we must be resolute in dealing with it, wherever it takes place. In the end, the people who are engaged in those terrorist acts are determined to try to make real some theory about a clash of religious cultures or civilisations, whereas it is obvious that the vast majority of people—whether in the middle east or in this country—want to live side by side in peace.

Dr. Jenny Tonge (Richmond Park) (LD): Does the Prime Minister agree that the road map to peace in the middle east is a somewhat dog-eared document? In fact, the dog appears to have eaten part of it after Israel's unilateral and brutal action in Gaza. Will the Prime Minister tell us why he will not consider a suspension of the EU-Israel association agreement until progress is made, as recommended by the Foreign Affairs Committee?

The Prime Minister: I shall tell the hon. Lady why. I do not agree with her about the road map. It is not that it is dog-eared because it has been pored over too much: it has been pored over too little. Before the road map can work, the precondition for it—the first phase—is that security measures be taken on the Palestinian side and mirrored on the Israeli side. We have not reached that point yet, because the Palestinian side does not, unfortunately, have the capability to take those measures. That is why it is important that the Quartet is able to help to build the infrastructure on the Palestinian side to make sure that it can do—and be seen to do—its level best to prevent terrorism.

I also say to the hon. Lady that I always think that it is wrong if people mention only one side of the pain in the conflict. We have made our criticisms of Israeli policy in relation to the reprisals that have occurred, but she could also have mentioned, for example, the shooting dead by terrorists of a pregnant woman and her three children for no other reason than that they were Israelis. We must understand that pain is caused on both sides and we should not start threatening suspension of association agreements but help to get a viable security and political plan in place that can make a difference.

Mr. Tom Clarke (Coatbridge and Chryston) (Lab): Will my right hon. Friend accept that he has widespread support in the House on two issues with regard to Africa—not only for what the Government have said but for what they have done? For example, the statement on Darfur last week by my right hon. Friend the Secretary of State for International Development was seen as excellent and proactive.

Given what my right hon. Friend the Prime Minister said at the press conference on debt, is he committed to the debt write-offs for Africa that we have rightly been considering for some time? Will he continue to take that view as he chairs the G8 and at the next meeting of the International Monetary Fund and the World Bank?

The Prime Minister: Yes, we will do our best to make progress on the debt write-offs, which we obviously support. It is important to see that progress in the context of the Commission for Africa, and we hope that it will also deal with the other issues. I should have said earlier that the issue on which the African leaders expressed the strongest views was trade and access to markets. The aid and assistance they receive is fine, but they feel that they could do so much more if they had

[The Prime Minister]

access to our markets. That is the other issue on which we must concentrate strongly. I also agree with my right hon. Friend in respect of the Sudan.

Mr. John Randall (Uxbridge) (Con): What discussions did the Prime Minister have about the present situation in Kosovo?

The Prime Minister: We did not specifically discuss Kosovo, although I discussed it in the margins of the G8. We continue to work to ensure that there is some forward plan for Kosovo that has some chance of acceptance. We watch what is happening there at present with some concern, but the European Union in particular is focused on ensuring that our efforts are successful. Although the issue was not discussed round the table, it was certainly discussed in the margins.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I very much welcome efforts to revive the road map, but what steps will be taken to prevent them from being undermined by Iran and Syria through their continued practical support for terrorist groups dedicated to the destruction not just of the peace initiative but of the state of Israel?

The Prime Minister: That, of course, is one very important part of the road map. One of the important things is that people actually read the road map; it is a lot spoken about but often not much studied. The road map makes it clear that a vital precondition of getting into the right security dialogue, which is what phase 1 of the road map is about, is that all support for terrorist groups from countries in the region stops. We have to make that very, very clear to them and I hope that part of the Quartet plan will be specifically to put pressure on countries surrounding Israel and in the middle east to ensure that that happens; otherwise it will be very difficult to build confidence in Israel that the plan has a chance of success.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Is not democracy stronger when it grows from inside a nation? If the G8 feel that they need to give a nudge to the middle east to develop it, what will they do to build up the infrastructure and the democratic will that are required? Democracy, as the Prime Minister will be pleased to hear, is not just about elections; it is about the whole running of civil society.

The Prime Minister: It is, of course, about those things, but the greater middle east initiative is not simply about democracy; it is also about fostering business investment and proper commercial and legal systems in the countries concerned. It is true that, ultimately, it is for people within to decide that they want democracy, but occasionally that can be helped from the outside and that is what we seek to do.

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush) (Lab): In relation to all those matters, but especially to the environment and world trade, which is now negotiated between trading blocs and large nations, did my right hon. Friend give any thought to how desperately seriously our influence would be undermined if we were no longer seen to be a committed member of the European Union?

The Prime Minister: I always give thought to that proposition and I believe that it is obviously right—the stronger and more influential we are in Europe, the easier it is to ensure that Europe speaks with one voice on those issues. Of course, the change in EU policy in relation to the trade round is a very important part of getting the trade round started again; it does not stop with Europe but it certainly must include Europe.

Keith Vaz (Leicester, East) (Lab): I welcome the presence at the summit of the seven Arab leaders, in particular with respect to Yemen; I know that the Prime Minister met the President of Yemen. The country has fought against terrorism but is still desperately poor. What financial support are the G8 proposing to give countries such as Yemen, and will my right hon. Friend ensure that that important initiative is continued and enhanced under the British chairmanship.

The Prime Minister: We will continue it and, I hope, build on it. A meeting of the Forum for the Future will take place in the middle east in the autumn. The idea will be that specific requests are made to us for help and assistance, some of which may be financial and some may be practical and political. It is worth pointing out that the one thing that is clear in the middle east today is that countries, whatever their background and history, recognise that extremist fanaticism based on a perversion of the true faith of Islam is the threat that they face in common and that they need to tackle it by a mixture of political and democratic reform, as well as economic reform. We should be prepared to help them in that, as the one thing I am sure of is that, whatever security measures we take, we will not be able to deal with the problem unless we also deal with its root causes.

Mr. Neil Gerrard (Walthamstow) (Lab): On the problems of Africa, was there any discussion at the G8 about increasing commitments to the global health fund and about specific assistance to the World Health Organisation, to ensure that its target of having 3 million people on antiretroviral drugs by 2005, which is only next year, is met?

The Prime Minister: Yes, there was a discussion about that and we have recommitted ourselves to ensuring it. There was also recognition that we need better co-ordination of the global effort on HIV/AIDS, as many of the countries facing that crisis often have a range of different donors and the aid is not co-ordinated as it should be. We have agreed to take that forward in our chairmanship.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): On the question of world stability and the connection with nuclear non-proliferation, does my right hon. Friend agree that there is a need for those countries in the G8 group that have nuclear weapons to reduce their arsenals? If there is failure in this respect, it could encourage those countries that have not yet got nuclear weapons to strive further to obtain nuclear weaponry. Will he say whether the discussions were

extended to include a call for a ban on further nuclear testing and whether that would extend to the American testing of nuclear bunker-busting weapons?

The Prime Minister: This country is certainly a signatory to the relevant conventions, and we abide by them. There is a sense in which all of us want to see multilateral reductions in nuclear weapons, but I do not think that it is the existence of those nuclear weapons in the hands of the developed world that is the primary driver of this issue. I think that it has more to do with the regional position of particular countries, but it is a very serious question. It is important that we look particularly at how we can strengthen the International Atomic Energy Agency and the work that it does.

Mr. Parmjit Dhanda (Gloucester) (Lab): I welcome what my right hon. Friend has said about Iraqi debt relief, but will he impress as strongly as he can on both the French and Russian Governments the need to ensure that the level of debt relief is significant? At the moment, Iraq is burdened by about £120 billion worth of debt so, if the relief is significant, it will make a real difference to normal men, women and children in Iraq.

The Prime Minister: My hon. Friend is absolutely right. Everyone understands that it is important that we make progress, as the debts run up by Iraq were enormous and tragic. With its oil production, it is potentially a wealthy country. However, we are working hard on this issue with the other countries in the Paris Club.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Prime Minister aware that the only way he can hand out money to Sudan—some £36 million—to Tanzania and to many other African countries and the 27 that he referred to is if we are running the economy and are not skint? That is the opposite of what it was many years ago when the Tory party was in power.

On the road map to peace, however, when the Prime Minister bumped into Chirac and Schröder at the G8, did he happen to talk about the road map to peace inside the European Union? First it was a constitution, then it went missing and then they brought it back again. Can I suggest that when he goes across there in the next couple of days, one of things that could be got out of the way—some things are difficult to shift—is that constitution? Tell them to bury it in the long grass—chuck it in the political dustbin. It is causing embarrassment. If they cannot get a road map to peace in the European Union, how can these big-wigs talk about peace in the middle east?

The Prime Minister: I will certainly bear that in mind.

Orders of the Day

Domestic Violence, Crime and Victims Bill *[Lords]*

[Relevant documents: The Third Report, HC 252, and the Fourth Report, HC 303, of Session 2003–04 from the Joint Committee on Human Rights, on the Committee's continuing scrutiny of Bills.]

Order for Second Reading read.

4.28 pm

The Secretary of State for the Home Department (Mr. David Blunkett): I beg to move, That the Bill be now read a Second time.

There has been a degree of unanimity and consensus around the proposals in the Bill which I strongly welcome and intend to foster this afternoon. I thank Members in all parties in the House and beyond for their support and co-operation and pay tribute to my ministerial colleagues in the Home Office team and to my right hon. and learned Friend the Solicitor-General for the tremendous work that they have done and will continue to do in a cross-party, no-party approach to the issue.

This debate follows the consultation paper and the statement earlier this year and the debate in the House of Lords. I am in a privileged position to be able to bring forward long overdue changes to put in place the biggest overhaul of domestic violence legislation in several decades and to be able to bring forward proposals and support for victims which, again, I think all of us agree are both justifiable and long overdue. That is part of a careful balance that we wish to develop to respond to major challenges and the unacceptable nature of past social norms. Such behaviour was tolerated in years gone by, often condoned, and certainly pushed under the carpet. At the same time, we must demand that people take responsibility for their actions and that peer groups, families and neighbourhoods are not tolerant of the intolerable.

Our Criminal Justice Acts, sentencing legislation and the Sexual Offences Act 2003 endeavour to put the victim first, thus changing the balance of the system in favour of those who are most affected and putting law-abiding citizens at the forefront of what we are attempting to do. They also aim to change culture, so, as we said at the time of the consultation, young men should no longer think it acceptable to commit violence against women. As can be seen from recent surveys, women no longer think that it is tolerable to have the intolerable inflicted on them, yet they can be afraid to come forward, bear witness, and get something done about it.

Lynne Jones (Birmingham, Selly Oak) (Lab): I welcome the Government's determination to ensure that victims of domestic violence get the support and protection that they need, as is exemplified by the Bill. Will my right hon. Friend consider whether improvements could be made by adopting recommendations proposed by the Women's National Commission? May I especially highlight the plight of victims of domestic violence who are subject to immigration control? Will the Government consider

[Lynne Jones]

making an exemption to the no-recourse-to-public-funds rule in such cases so that people may receive the support that they need with housing and living costs in women's refuges, and so that eventually, hopefully, money may be recovered from the victims' sponsors?

Mr. Blunkett: I said when I made my statement that we are deeply aware of, and sympathetic to, those who suffer domestic violence and are captured due to the way in which they were brought into the country or because they acted as a sponsor. Although we are mindful of the need for robust controls so that we do not create a loophole that could be opened by those who may cleverly exploit even sensible alterations to the system, we need to support such individuals. We must do that by increasing resources for refuges and the availability of funding for people at the time they try to get help. The Under-Secretary of State for the Home Department, my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins), will address that matter over the next few weeks and months. He will be able to say more in Committee about how we may help individuals without helping exploiters to find new routes by which they may cause other people misery.

It is important to understand the extent of domestic violence in terms of overall violence. When we talk about domestic violence, we are not talking about the low-level violent activity that constitutes the bulk of violence recorded in the statistics. Domestic violence accounts for almost one in five of the total incidents of violence. Much of it is deep-seated and born of aggression, and it leads to considerable emotional and physical damage to individuals. That is why the consensus behind the need to recognise and respond to that problem has been welcome, although we must support the victims of all crime, of course. The Bill will support victims of domestic violence by building on measures that have already been implemented. We have created rights that did not exist and put in place resources that were not available seven years ago, which meant that the infinitesimal contribution for victims in general was substantially expanded. I shall say more about the victims' fund later and how we can develop it so that it makes a worthwhile contribution to linking what we are doing on a number of things. For instance, alcohol was mentioned in Home Office questions. There is no question whatsoever but that a very high proportion of domestic violence is not necessarily caused, but is fostered and accelerated, by the misuse of alcohol. What we do in relation to that part of our agenda on education and moderation will make an important contribution.

The preparation for parenting in schools and colleges is a critical element, with 30 per cent. of domestic violence victims experiencing the start of that violence during pregnancy. An understanding by men of parenting issues—a basic understanding of their responsibilities—is therefore crucial to reducing domestic violence at that stage when love and care are desired and needed more than ever. That is also part of changing a wider culture of sheer selfishness. It plays into, and is crucial to, the equality agenda, not simply in terms of structures, but in terms of changing equality in practice, so that people accept both responsibility and duty with respect to how they address each other.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Does my right hon. Friend intend to instruct the crime reduction partnerships to draw up a strategy on how they intend to tackle domestic violence so that it covers all those things that he just mentioned?

Mr. Blunkett: I congratulate my hon. Friend on the part he has played as chairman of his crime reduction partnership and on his involvement in a prolonged effort to get joined-up thinking on local action. As one in five violent acts take place in the home and the domestic situation, when we ask crime reduction partnerships to adopt a programme on violence as a whole—developed nationally but implemented and adapted locally—we will expect them to accept that fundamental to the joined-up programme is the recognition that domestic violence has a prominent place in the strategy.

We have outlined three parts to that strategy. Obviously, one of them is prevention, and the way in which the education information campaign and a change in culture can play their part. Another is the protection and justice elements, which mean protecting people by intervening and by changing the law. We want to change the perception of what is acceptable and people's willingness to come forward when affected by domestic violence.

The third part of the strategy is the support element, which affects the ability to bring people to justice and to gain justice generally, in terms of both protecting people and of enabling people to escape, rather than feeling captured, as they so often were from an economic and a social and family perspective. Deterring, tackling root causes wherever we can, sending the right signals and ensuring that enforcement is in place all form part of the programme.

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): In rightly pursuing the cultural change that would make all forms of violence unacceptable in our society, does my right hon. Friend think it important for the Government to support changes that outlaw the ancient defence of reasonable chastisement and give children the same protection from violence under the law as is enjoyed by adults?

Mr. Blunkett: My right hon. Friend the Minister for Children is, of course, in a dialogue on that issue. My hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) is assiduous in making his views known and in pressing on the problem. He has undoubtedly achieved much in drawing people's attention to it, including that of my right hon. Friend.

My own view is that of course we must protect, but we must build in responsibility in the family, to engineer and direct the relationships rather than allowing responsibility to lie solely with the Government. In relation to domestic violence and familial homicide and actions around that, which touch on the most obvious and terrible end of violence to children, we want to ensure that where we need to intervene—we certainly need to do so in such cases—we do so from the point of

view of the three elements of prevention, protection and support, and by engaging with the legislation in order to provide proper enforcement, which I shall come to in a moment.

I want to stress, because it is really important, that the Government cannot do this alone. It is not the responsibility solely of Government. Whether considering the abuse of children or their chastisement, the matter should not rest with legislation or direction. It has to rest with the acceptable teaching of parenting—how to bring order and discipline into the family to create a framework for life that does not involve us constantly having to intervene in family relationships.

Mrs. Anne Campbell (Cambridge) (Lab): Will my right hon. Friend look at the funding for services for children and particularly those who have been traumatised by domestic violence? Cambridge Women's Aid, which runs some excellent groups to deal with the problem, has told me that it feels that such services are very underfunded. I would be grateful if he investigated that.

Mr. Blunkett: There is a considerable problem over funding the right services with the right kind of urgent response. That is true—we are endeavouring to address it jointly with my right hon. Friend the Secretary of State for Health—in respect of the emotional needs of children who are affected by trauma. That obviously relates to domestic violence cases, as it does to murder or considerable abuse in the family more broadly. Early intervention and the quick and effective provision of services can make the most enormous difference to the life chances of children—rather than their returning to the trauma throughout the rest of their lives. There is a cross-Government, cross-departmental and agency issue that needs to be addressed not simply in my hon. Friend's constituency but across the country. My right hon. Friend the Secretary of State for Health is addressing it urgently.

The pilot scheme "No Witness, No Justice" is working well. The £36 million provided over three years is money well spent, and it is linked to ensuring that, as with the 44,000 more offences brought to justice over the past year, people have greater confidence in the services and are prepared to use them. The £70 million going this year into delivering the domestic violence strategy is a start in ensuring that there are services not simply for those affected by domestic violence but for victims of rape and sexual assault. I have been to a number of centres recently where a joined-up service is being provided, and I hope that we shall see that across the country in due course.

Let me say where we are on the victim's fund, which takes us into the broader issue of how to assist victims. My hon. Friend inadvertently led me into that; I did not plan that with her. We need desperately to add to the £650 million plus that goes into broader services for victims. We have the £30 million going into Victim Support, which of course celebrates its 30th anniversary this year. That compares with the £11.7 million that went into the organisation seven years ago. I think that the start that we are making by establishing a new victim's fund in addition to those contributions will be welcomed by everyone. A sum of £4 million from asset recovery will be made available immediately to kick-start the new fund. A great deal more can be done to recover criminal assets and invest them in the community, not least in victim and witness support. The consultation ended on 12 January, and I want to set out the way in which we will proceed.

We will, of course, press ahead with administrative efficiencies and the streamlining of the Criminal Injuries Compensation Authority. We could save money by operating the fund more efficiently, then invest it more effectively. It would make sense to combine lower-level awards. At the moment, it costs as much to administer some awards as to deliver them. We intend to legislate to empower the authority to recover money from offenders, and seek to link that to new powers in the legislation that we shall shortly introduce to set up the serious organised crime agency. We will improve the enforcement of compensation orders which, at present, are not linked to fines, so we cannot use powers in the Courts Act 2003 to enforce collection. That does not make sense, so we want to introduce corrections legislation, and intend to press ahead with surcharges on both criminal convictions and fixed-penalty notices.

We expect people who are committed to custody to pay a minimum of £30 in a levy or surcharge, but that depends on whether we can use the Proceeds of Crime Act 2002. We will change the regulations on earnings of people in prison to make that possible. In addition, we will levy a contribution from people who are subject to fines. Substantial fines of more than £1,000 will be subject to a £30 surcharge, and fines under £1,000 to a £15 surcharge. There would be a £10 surcharge on fixed penalty notices. There has been considerable lobbying in relation to criminal, as opposed to civil, fixed penalty notices for drivers. There is no proposed surcharge for parking offences, which are a civil offence.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con) *rose—*

Mr. David Heath (Somerton and Frome) (LD) *rose—*

Mr. Blunkett: I am happy to take questions, but things will be clearer if I can finish my point first.

Following the consultation, we accept that it would be wrong for low-level first-time offences to be subject to a surcharge. Helpfully, the Department for Transport will shortly consult on changes in the points system for fixed penalty notices. The new system will be introduced in 2006, which is when we will consider introducing a levy of £10 on fixed penalty notices for serious repeat offenders, as opposed to general fixed penalty notices. We will link the levy to the higher number of points added to people's licences, so the system will be fair to everybody. We should bear in mind the fact that 10 people are killed on the road every day and more than 40,000 are injured every year. Driving is a perfectly reasonable activity, but vehicles can become deadly weapons in the hands of those who misuse them, taking lives and harming the well-being of others. I shall give way to the hon. Member for Chesham and Amersham (Mrs. Gillan) now, and then to the hon. Member for Somerton and Frome (Mr. Heath).

Mrs. Gillan: I apologise to the right hon. Gentleman—I was trying to wait until he got to the end of the passage. He is introducing major changes to the Bill at the eleventh hour, and that in itself is a difficult matter. As he envisages that the victims' support fund will rely on fines, can he explain to the House how that will work? I believe that in 2002–03 only 55 per cent. of fines were paid on time, and many fines were not paid at all.

Mr. Blunkett: That is correct. I am pleased that the Under-Secretary of State for Constitutional Affairs, my hon. Friend the Member for Shipley (Mr. Leslie), has joined us. He is welcome, not least because he reminded me—I have extraordinarily good hearing on the left side—that we have now reached a figure of 75 per cent., and there is a major programme in place to enhance that still further. I welcome the substantial progress that he and his colleagues have made in this important area. We would all agree that the previous situation was unacceptable. If we are to make fines work—there are substantial recommendations from all quarters that we should—enforcement is critical. Along with the other measures that I have described, it will help us to reach a total of £25 million initially for the victims fund, which will be widely welcomed.

I promise that there will be proper time for the Standing Committee to examine the amendments. We will make sure that Opposition parties have the details to enable that to be done. Obviously, questions may be asked. We can introduce some of the measures without legislation, but it is only fair to spell out on Second Reading what we intend to do, rather than leave that to the Committee stage. In view of the interest shown these days in the Committee stage, particularly of non-controversial Bills, that would have been an abuse of Parliament. I am doing my best.

Mr. Heath: I welcome the fact that we will have good notice. The Committee stage will soon be upon us, so I hope we will have almost immediate notice of the Government's intentions.

I welcome the Home Secretary's remarks. He has listened to some of the reservations that were expressed when he first announced the proposals—that those who pay for the support of victims of muggings should be muggers, not motorists. He has listened to that and I pay tribute to him for having done so.

Mr. Blunkett: I hope that this is the beginning of an entirely new approach by the Liberal Democrats. I welcome that, having given them a good kicking—but, as the polls last Thursday suggest, not a good enough kicking—as regards their attitude to antisocial behaviour. *[Interruption.]* I am not afraid to mention that. As the hon. Gentleman said, we all need to listen and learn.

Let me deal with some of the consultation items that we do not intend to proceed with, so that we have everything nice and clear for the Committee stage. For example, with reference to making employers liable for compensating employees criminally injured in the course of duty, we were approached by the TUC, the CBI, the Federation of Small Businesses and many others with a request that we did not pursue that. They pointed out that good work was being undertaken to secure a better way forward.

I pay tribute to both sides of industry, including the Union of Shop, Distributive and Allied Workers, for their good work in that regard. I also pay tribute to those who have been working with us to see how they can contribute to prevention in the wider sense by releasing staff to become special constables. A number of retail outlets are now doing that, working with the police on training. That can help in the workplace and in the wider community. Therefore, we have decided not to proceed with the original proposal.

As my right hon. Friend, or rather, the Under-Secretary of State for the Home Department, my hon. Friend the Member for Wythenshawe and Sale, East—I promoted him—indicated during Home Office questions, we do not intend to proceed with the withdrawal of payments for emotional damage and trauma suffered by railway staff as a result of suicides on the railways. Neither do we intend to remove from the scheme those who are accidentally injured while taking exceptional risk. We decided that we needed to discourage the current trend towards greater caution and instead reward those who are prepared to set that aside in the interests of helping others. I believe that that, too, will be welcome.

I shall move fairly quickly through the clauses because hon. Members are familiar with them and may intervene if they feel that we have erred. I shall deal first with the clauses on domestic violence, which it is sensible to take together. Clauses 1 to 4 deal with the civil law, which we discussed at considerable length throughout the consultation and which has been debated in the House of Lords. Clause 1 widens the scope for breaching non-molestation and occupation orders and makes that a criminal offence. It provides for arrest without warrant for breaches and for the new five-year sentence. The clauses covering equality of treatment between the sexes, including relationships of significant duration, have been widely welcomed and fit in with other changes to the law that we are in the process of introducing.

Clause 7 deals with domestic violence and homicide reviews, the drawing together of the agencies, and the changing systems that are necessary for prevention. Clause 8 makes common assault an arrestable offence—most people thought, wrongly, that it already was—and links with clause 1. Clause 10 provides for restraining orders.

Clause 5 contains wider measures on a matter that I mentioned earlier. It is a difficult issue that has become close to my heart as I have tried to find a way of dealing with it—namely, familial homicide in relation to what I call, following the days when I dealt with the poll tax, joint and several liability. People have been able literally to get away with murder because under existing law it is impossible to carry through action against someone who simply will not name the other person involved and claims that they did not do it. That applies not only to children, but to elderly and vulnerable adults. I do not intend to be controversial, but in due course we will have to ask the House to overturn the Lords amendment. It must not be possible for people to get away with it by having their case adjourned halfway through because it was not possible to prove at the beginning whether the charge was murder or a lesser offence. It should be possible to change the charge to allow for a conviction rather than a technical knockout by the defence. We have to determine the person's guilt, not allow them to

get away with it because the charge as initially put could not be proved. We must ensure that we get that right in Committee. Our proposals have gained widespread support in the judiciary.

Andrew Selous (South-West Bedfordshire) (Con): Can the Home Secretary explain why the Bill would not cover a case involving abuse where a brother and sister live together?

Mr. Blunkett: It is very rare for me to have to say that my homework does not enable me to answer the question, but in this case I cannot. I will write to the hon. Gentleman and ensure that we get a definitive answer in Committee, because waffling would not be helpful at this stage. Of course, we are considering circumstances whereby more than person in the household commits a crime in relation to a third or subsequent person. It is in that context that I am unable to answer the question.

Mr. Dominic Grieve (Beaconsfield) (Con): I want to revert to the Home Secretary's comments on his anxieties about the Lords amendments on familial homicide. It is a difficult subject, but one of the anxieties expressed in the House of Lords was that the Government's original drafting of the measure meant shifting the burden of proof and the implied possibility of being convicted of murder on the basis of silence and that that would breach the Human Rights Act 1998. I should be grateful for the Home Secretary's comments because I thought that such an anxiety led to the amendments that were tabled in another place. Clearly, the Committee must consider the matter carefully to ascertain whether the Government's original proposals comply with the Act.

Mr. Blunkett: We believe that they do. Although, when making a charge of homicide, one obviously wants a conviction of murder, it is reasonable to prove that the individual committed a lesser offence if the murder charge clearly will not stick.

A second Lords amendment related to condoning murder in circumstances in which the person condoning may have believed that they were at risk. That is a delicate matter, but, in Committee, we want to explore restoring the procedures that are crucial to ensuring that people could not use such risk as an excuse. As with domestic violence, we want people to escape rather than remain in circumstances whereby a child is put to death and someone is compliant with it through remaining in the situation and being afraid.

Mr. John Bercow (Buckingham) (Con): I suspect that my question will be easier to answer, but no less relevant than that of my hon. Friend the Member for South-West Bedfordshire (Andrew Selous). I welcome the proposed equality of treatment between married and cohabiting couples on the simple principle that the issue at stake is the protection of vulnerable individuals. Will the Home Secretary enlighten me about the significance of the reference in clause 4 to relationships of non-cohabiting couples being "of significant duration"? I hope that that will not prove to be an exacting criterion or threshold. It would appear to undermine the important principle that the measure has embraced.

Mr. Blunkett: It is designed to show that there is a stable relationship and therefore comes within the scope of the Bill, given its concentration on domestic violence, rather than other forms of abuse, which other aspects of the law tackle.

Let me be helpful to hon. Members. One of the advantages of being in government rather than in opposition is that one receives messages on occasions such as this afternoon's debate. I have received a message, not through some hidden earpiece, but when I gave way my hon. Friend the Under-Secretary received a message, which he communicated to me. The Bill covers all members of a household who are over 16, including brothers and sisters.

Mr. Bercow: Instant gratification.

Mr. Blunkett: No, I am in favour not of hedonism and instant gratification of any sort but of considered messages, whose suitability to convey I can weigh up.

Mr. Bercow: Within minutes.

Mr. Blunkett: Indeed.

Mr. Dawson: I believe that the only under-16s in a household who would be caught by the Bill are children who are also parents of a child who dies. Is my right hon. Friend entirely comfortable that the concept of parental responsibility in relation to those children is sufficient to warrant their being brought into serious criminal proceedings?

Mr. Blunkett: We are dealing with culpability. There is already an understanding of the responsibility that those of different ages bear and the legal system allows us to tackle that. In other words, a conviction is sought. The punishment, and how those individuals are dealt with, are then commensurate with and balanced by their age. That is how we seek to deal with such circumstances, for which we have different forms of penalty and approach, including through the youth courts. We can deal with that in a sensitive and sensible way.

Mr. Grieve: The hon. Member for Lancaster and Wyre (Mr. Dawson) raises an important point, which we can look at more closely in Committee. The offence referred to is one of negligence, or at least offers the opportunity of a conviction on the basis of negligence. The age selected for the start of culpability is 16. Is that too low or too high? I should be interested if the Home Secretary wanted to amplify why 16 was selected, as opposed to 18, for example.

Mr. Blunkett: In the sex offences legislation that we introduced we established a pattern determined by an individual's age, and 16 was seen as a significant and appropriate age in that legislation—which was debated and agreed in the House with much unanimity. We are applying similar tests in relation to this legislation. I should be happy, however, for that to be debated, examined and tested in Committee, and my hon. Friend

[Mr. Blunkett]

the Under-Secretary will, in his usual fashion, ensure that common sense prevails if people have doubts and concerns about the matter. We should bear it in mind—I refer back to the question raised by my hon. Friend the Member for Lancaster and Wyre—that in circumstances where parents are under 16, it is presumed that they are in a household with adults over 16 who supervise and support them. Therefore, on this specific aspect of familial homicide, there will be others in the household who also stand responsibility and duty.

Clauses 12 to 16 bring in powers that were pressed for by Members from all sections of the House during the passage of the Criminal Justice Act 2003, but which we were not able to deal with then because we had not received the appropriate advice from the Law Commission and others on multiple offending and how to deal with it. I am glad that we have been able to use this Bill to introduce those powers. We promised that we would do so at the time—last November, I seem to remember—and we are able to fulfil that pledge now. There is an issue about vulnerable adults and whether there will have to be two juries rather than one, but that can be dealt with in Committee. I do not intend to hold up the House with that today, because many hon. Members want to speak. Clauses 17 and 18 make technical changes, which do not need to hold us up today.

That brings us to part 3—clauses 21 to 33—which is the element of the Bill that deals with victim support. It includes the code of practice that we are putting on a statutory footing, the independent commissioner who will champion victims, the victims advisory panel, which will be made statutory, and various stages of amendments, to which I have already referred substantially, that will build up the victims fund. There is also an issue in part 3 about giving the victims of mentally disordered offenders the same rights as victims of other violent offences. That will be widely welcomed outside the House. I pay tribute to the Zito trust for its work on that and many other aspects of a difficult field of policy. I know that my right hon. Friend the Secretary of State for Health will press separately on that matter through the draft mental health Bill and the consultation on it.

Mrs. Gillan: On a point of information, will the right hon. Gentleman confirm that he is planning to reinstate the old clause 18 from the original Bill?

Mr. Blunkett: It is our intention to reintroduce the principle. If, in negotiations with Opposition parties, minor changes are proposed to what was clause 18, which we can take on board, we will be happy to do so. We want to ensure that we get our intended objective, rather than merely getting the words that we first thought of—if that makes sense.

Lady Hermon (North Down) (UUP) *rose—*

Mr. Blunkett: I thought that the hon. Lady might want to intervene.

Lady Hermon: Will the Home Secretary take a moment to explain what justification there is for the creation of two tiers of victims in the United Kingdom? Those in England and Wales will have recourse to the new victims commissioner, unlike those in Northern Ireland—although we have a substantial number of victims for a variety of serious reasons.

Mr. Blunkett: The hon. Lady is assiduous in ensuring that our attention is drawn to the different legislation applying to Northern Ireland. I was about to say that measures relating to victims of mentally disordered offenders applied to Northern Ireland, but the hon. Lady is right to say that there are different provisions in other parts of the Bill. My hon. Friend the Under-Secretary will be happy to meet her, and will also meet the commissioner, to establish whether coterminosity can enable victims in the United Kingdom to be treated on a similar basis.

This is genuinely one of those occasions on which we have the good will of everyone and can make a difference by using the parliamentary process. Because there is consensus on the issue and because we are seeking to implement common sense, it is inevitable that we shall not receive much publicity. People will not learn about this side of politics—about those who work together day after day in Committee, behind the scenes, changing law and making a difference to lives. I appeal to those in the Press Gallery to help us shed a bit of light—*[Laughter.]* I appeal to both of them to help us shed a bit of light on how democracy can work in the best interests of our people, how we can bring about a just and fair society, and how we can change the culture to one of respect and responsibility.

Ms Sally Keeble (Northampton, North) (Lab): Will my right hon. Friend give way?

Mr. Blunkett: Just in time.

Ms Keeble: Does my right hon. Friend agree that a key part of that culture change is accepting that perpetrators can change and control their behaviour? Is it not important to fund and develop perpetrators' programmes, such as the one in my town, if we are to change the culture and the general approach to domestic violence?

Mr. Blunkett: I know of my hon. Friend's interest in the subject and I know of the project she has mentioned. It is making a valuable contribution. In the end, of course, we must change the behaviour of those with whom we are dealing; otherwise, they are highly likely to become prolific repeat offenders who cause misery to others.

One of the tragedies of domestic violence, which is true of victims of violence more generally, is the way in which people move from one circumstance of tragedy to another. There is a wider desire, and a wider need, to ensure that we overcome the problem rather than merely enabling people to escape from their circumstances, crucial though that is. Being able to work with close colleagues who have battered away at this for many years sometimes makes the job of Home Secretary worthwhile, and I am proud to have been able to move the motion for Second Reading.

5.13 pm

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): I am delighted to open for the Opposition. As the Home Secretary said, this subject is important to all parties in the House. I trust that it will show the House working at its best, and those who serve on the Committee doing the same.

It has taken nearly six months for the Bill to reach the House, and Conservative Members have awaited it with eager anticipation. As we finally welcome it, it seems to us that the gestation has lasted a long time. There is no doubt that the subject transcends party politics. We consider the Bill so important that both the shadow Minister for Women and the shadow Attorney-General will join my Committee, and I understand that the Home Secretary considers it important enough to field three Ministers. We all look forward to constructive discussions.

I pay especial tribute to my colleague Baroness Anelay for the sterling work that she did in steering the Bill through the other place and for some of the reshaping that was achieved there. I was therefore sorry in some ways to hear that the Home Secretary intends to reverse all those changes, but his speech today gave me some hope. Rather than a reversal, I would call it a refinement. I hope that we will be able to work together. A reversal could reflect a wider intention to reject all the helpful suggestions from the Opposition, and indeed from Government Back Benchers and the numerous organisations that are deeply concerned about the Bill.

I hope that, in the light of the seriousness of the subject, my colleagues and I will be able to work very constructively on the issues in Committee and send an even better piece of legislation to the statute book than the one that we are starting with today.

In 2001, it was estimated that there were 12.9 million incidents of domestic violence against women in the United Kingdom, and 2.5 million against men. Currently, in the United Kingdom, two women are killed at the hands of current or former partners every week; 62 per cent. of domestic violence incidents are reported to end in injury; and in 81 per cent. the victim is a woman. Countless women and men experience the horror of domestic violence, and it is said that one in four women will experience it at some point in their lives. That means that there will undoubtedly be women known to each and every one of us, and perhaps men as well, who will have endured domestic violence without our ever knowing that it has happened to them.

Many live in a climate of fear and intimidation. The testimony of people who have endured systematic abuse at the hands of their partners over a long period is both harrowing and humbling. Domestic violence also has an impact on employment: among women suffering domestic violence last year, about 21 per cent. took time off work, and of the men and women suffering it, 2 per cent. lost their jobs.

Furthermore, tens of thousands of children experience the sheer horror of violence in the home. The trauma is incalculable. Many children who watch a parent being abused may go on to become abusers themselves. This makes tackling domestic violence an even greater priority, as the hon. Member for Cambridge (Mrs. Campbell) said.

Domestic violence is like few other crimes. It is an emotional and psychological attack, as well as a physical one. On average, women are subject to physical attack on dozens of occasions before reporting it to the police. It is a crime that is kept secret from other family members and closest friends. It can take years to recover from it, and some people never do.

In a recent survey conducted for the British crime survey, 31 per cent. of female victims and 63 per cent. of male victims had told no one other than the survey about the worst incidents of domestic violence that they had suffered in the year before the survey was taken.

There can never be an excuse for domestic violence. We cannot allow alcohol, stress or poverty, or culture, to be used to excuse the use of violence as a means of domination or control. I hope that the Bill will help to redress the injustice that many now face. We support its objectives, but we should acknowledge at the outset, as the Secretary of State did, that tackling domestic violence is not simply about legislation: much of it is about changing attitudes.

Too many people still seem to think that domestic violence is in some circumstances acceptable. Too many seem to think that the victim may somehow have deserved it. Many who experience domestic violence also blame themselves. In fact, 64 per cent. of women and 94 per cent. of men who were subject to domestic violence last year did not even think that what had happened to them was a crime.

Too many people still think that the woman is responsible too, if she stays in the home despite being abused. How often have we heard people ask, "Why didn't she leave?" as if leaving one's home and children were an easy step to take. On the reverse side of the coin, some people think that a woman is deeply irresponsible if she leaves children at home and flees to a hostel to escape violence. She is damned if she does and damned if she does not.

Those outdated attitudes need to be changed, but we cannot legislate to change minds; that requires more education and more public awareness. The more domestic violence is discussed in the open, the more light will be shed on an issue that has traditionally remained behind closed doors—one of the last great taboos in our society.

Tackling domestic violence effectively means involving the police. There are plenty of examples of good practice in today's police force, and I pay tribute particularly to the Metropolitan police and the Association of Chief Police Officers for their work in improving the training for police officers responding to domestic violence. I also pay tribute to my local Thames Valley police, who constantly face domestic incidents that require sensitive handling. The idea that violence in the home can be dismissed as "just a domestic" is coming to an end, and I hope that we will be able to find ways in the Bill to empower the police to deal with domestic violence even better.

Many of the organisations at the sharp end of domestic violence have welcomed part 1 of the Bill, but many issues need addressing, such as the concerns of the Women's National Commission that were referred to by the hon. Member for Birmingham, Selly Oak (Lynne Jones), who is no longer in her place, and the concerns of the Southall Black Sisters about ethnic minority women

[Mrs. Cheryl Gillan]

subject to immigration control, and their recourse to public funds. Issues have also been raised by Women's Aid, which has proposals to allow for the automatic granting of a non-molestation order where violence is being used or threatened, whenever an occupation order is being granted. We will want to examine that part of the Bill in detail, including exploring a potential definition of domestic violence.

Some of the most complex measures are in the provisions on familial homicide. There is near universal agreement that that subject needs to be addressed. Research undertaken over three years by the National Society for the Prevention of Cruelty to Children found that every week no fewer than three children under 10 were killed or suffered serious injury. In 61 per cent. of the investigations that reached a conclusion there was no prosecution, and in the cases that resulted in a conviction for a criminal offence, only a fraction resulted in a conviction for homicide, wounding or causing grievous bodily harm.

Clearly, injustices are taking place and the need for reform is accepted throughout the legal profession. Indeed, the provisions in the Bill follow from the Law Commission's proposals published last year. Nobody doubts the Government's good intentions, but good intentions do not necessarily make fine laws, and we will want to examine the provisions more closely in Committee, especially where the Government's proposals diverge from those of the Law Commission. In particular, we shall need to be reassured that the Bill is compatible with human rights legislation.

The Government have made it clear that they intend to restore the provisions on multiple offending, but we made it clear during the passage of the Criminal Justice Act 2003 that we were prepared to accept the idea that a jury may try a sample of cases. We agree that sentencing should be possible on the basis of specimen counts, but we must be vigilant in ensuring that that is not an attempt to erode jury trial by the back door, after the failure to do that openly last year.

I understand that the Government also intend to restore the former clause 18 on fitness to plead, which was removed in the other place. The clause took away from the jury the decision whether the defendant was fit to be tried, leaving that decision for the judge alone. The Government seem determined to remove lay people from the administration of justice. Last week, they tried to do that with the asylum tribunals, for no apparent good reason, and last year they tried to do it with long complex fraud trials, but on every occasion we defeated them.

We remain unconvinced by the argument that judges should be able to decide unfitness to plead. The consequences of being declared unfit to plead could be a person being locked up under a hospital order without any time restriction, so we shall examine very carefully the Government's attempt to reinstate clause 18.

Let me move on to part 3. The victims charter was first published in 1990 under a Conservative Government and was widely recognised as a major step towards victims starting to get better treatment. Victim Support has been advocating the right for victims to be entitled to reliable support for some years, and it welcomes those measures in the Bill, as I do. However, confidence in the criminal justice system is low. Very few victims see their offender brought to justice, and victim satisfaction with the police went down from 68 per cent. in 1994 to 59 per cent. in 2002–03. Some people will not even report crime—as victim or witness—because of fear of reprisals, or because of disengagement from the system.

We will want to examine the effectiveness of the code of practice and the role of the commissioner, but I now understand that the Government intend to table a series of amendments on support for victims of crime, so we shall want in particular to examine the provisions relating to surcharges on criminal convictions.

As the court system cannot currently enforce the existing fine system, is there not a danger that the compensation orders will bite on the generally law-abiding, leaving the real criminals to escape? As I said, despite the new and improved figures from the Under-Secretary of State for Constitutional Affairs, just 55 per cent. of fines were paid on time and collected in 2002–03—*[Interruption.]* He brushes that to one side, but it is obviously a pivotal part of this new policy.

It really was unacceptable for the Home Office to announce a truncated consultation period on these proposals after the Bill received its Second Reading in the other place. To be truthful, it beggars belief that the Home Office has only just decided how to proceed, and that we shall now receive a raft of amendments at such a late stage, some of which might well be controversial. I hope that the Minister can tell us in the wind-up exactly when we can expect sight of those amendments. That is an important issue, given that proceedings in Committee are due to start as soon as 22 June. This is not a sensible way to legislate, and the Secretary of State knows exactly what I mean.

As I made clear at the outset, we support the principle behind the Bill, and I do not intend to ask my colleagues to vote against Second Reading tonight. However, some valuable and constructive work could be done in Committee to improve it, so I reserve the Opposition's right to vote against the Bill on Third Reading if the Government do not listen to our sincerely held concerns during its legislative passage. So far, they appear to have listened a little, and we hope that the Secretary of State and his Ministers will listen a lot more. I am very pleased to support Second Reading of this Bill.

5.27 pm

Mrs. Barbara Roche (Hornsey and Wood Green) (Lab): I qualified as a barrister in 1977, and as many Members will know, back then, on becoming a barrister one was not allowed to earn any money for the first six months—and rightly so, as I certainly knew nothing then. Since then, the system has improved somewhat through sponsorships and scholarships. In my second six months I was allowed to earn money, and during that period I was fortunate to be in chambers that gave me quite a lot of work, much of which was to do with domestic violence. I was given such work because it was not regarded as important, and it certainly was not the sort of work that more senior barristers and members of chambers would do. It was the work that nobody else wanted, so the most recently qualified member of chambers would be sent along, and would probably turn up in court having got the papers that morning or the night before.

I was very young and although I would not need a white wig now, I certainly did then, and mine was a very new wig indeed. I was representing women—and it was women—who were in the most difficult of circumstances, and indelibly fixed in my mind is one of my very first appearances. I went to the county court to represent a woman in respect of a non-molestation and ouster application. She had been the victim of severe domestic violence, but the judge made an instant judgment about her and her character and morals. He said, in open court, "I won't have your client behaving like a slut." He attached conditions to the order and it eventually ended up in the Court of Appeal. That is an illustration of how the courts, the judiciary and the system treated women in those cases.

Not long after that, I went to work in, and helped to run, a law centre in London. We had a number of cases of domestic violence. At that time, not many firms of solicitors wanted to take on those cases. I recall a case in that law centre where we had found a refuge space for a woman and we were going to court, but she returned to a violent husband who murdered her. That case was not unusual and it happens every week in our country.

Today, some years later, the position has changed. I anticipate that we will have a consensual debate today—an adult and a grown-up debate in which we can treat the issue seriously and view it with the importance that it deserves. For a long time, though, we could not have such a discussion—certainly not in the country at large and, if we are absolutely honest, not in this place.

When I entered the House in 1992, I was lucky to be chosen to sit on the Home Affairs Committee and one of our first reports was on domestic violence. I have just refreshed my memory of the conclusions that it drew. I argued in that Committee that we should work to produce a report on domestic violence, but some of my colleagues wanted instead to produce a report on car boot sales. Nevertheless, we produced the report on domestic violence and the House has certainly made progress on the issue.

It is not just the House that has changed; many other agencies and services have also changed. The police service, for example, is now radically different from the one that we used to know. I recall how it used to be in the early days of the domestic violence units when only a couple of police officers in those units knew what they were doing and were sympathetic. I am not saying that policing is perfect now; of course it is not. In the main, however, a change of culture has occurred among the police. Anyone who travels around to speak to people working in the area of women's aid will know that they have extremely good relationships with their local police officers. That is a tremendous step forward.

However, many women and children in our society remain in an appalling position. The figures on the number of women who are victims of domestic violence are staggering. I have to say that, if those figures were reversed and it were the men in our society who were dying at the same rate, there would probably be a national inquiry. For far too long, domestic violence has been treated as if it were somehow an issue of concern for women only—a women's issue. It is not. It is an issue for men and women. It is one of the most vital criminal justice issues in our society.

I warmly welcome the Bill. It is a very important step forward. The fact that we can have a debate in which all parties of the House make a constructive contribution is a vital aspect of progress. However, we still need to deal with some other issues, and we must use legislation to deal with some of the matters that are so important to tackling domestic violence. Of course the legislation is vital, but we must use it as a way to change the culture by adopting measures that go alongside it. There are problems for women whose immigration status is uncertain, especially in connection with the recourse to public funds rule. That issue has been raised many times over the years, as the hon. Member for Chesham and Amersham (Mrs. Gillan) rightly said, by Southall Black Sisters. In fact, it was raised in the Home Affairs Committee report that I mentioned a moment ago, because that group came to give evidence to the Committee, and I remember advocating that it should do so. That remains a major issue, but it could be overcome.

We must also face the issue of legal aid, because there are problems with some firms of solicitors being unable to take on domestic violence cases. I had such a case recently in my constituency. The thresholds for qualification are also a problem that will have to be looked at.

We must also ensure that the Government's approach to domestic violence is truly joined-up. That is why it is good to see so many different Departments taking part. When I was responsible for homelessness, among other issues, I put some of our budget into tackling domestic violence and into support for the 24-hour hotline, because we know that domestic violence is a major driver of homelessness. Any council housing department will confirm that. A proper, joined-up approach is vital.

We must also ensure that refuge provision is not patchy. Some parts of the country have a surplus of housing stock and it is easier for women and families to find other accommodation, but it can be much more difficult in other areas. We need to support organisations such as Women's Aid and Refuge. I take this opportunity to pay tribute to the people who work in those organisations. I felt very privileged when I had the chance to tour those organisations, and I found it amazing how long the people working there had spent doing so. It was not unusual to find women who had worked there for 15, 20, 25 or 30 years. One remarkable organisation was run by a mother-and-daughter team who had put in untold years of work, at not very high pay, completely devoted to public service. That is public service at the highest level. People can suffer burn-out in providing such a service, but it was especially pleasing to meet women who had been through domestic violence and then come back to those organisations to work as advisers and counsellors.

My final point concerns education. We need to ensure that we educate children to realise at a very young age that domestic violence is wrong. The provision of domestic violence education in schools is patchy. In some areas, local education authorities and schools have incorporated the issue into the curriculum, but others have not. We need to make much more progress in that area. Girls and young women need to know that they do

[Mrs. Barbara Roche]

not have to put up with domestic violence. Boys and young men need to know that decent men do not behave in that way. That is why we need to think of different ideas for getting to people. When we had the idea of putting advertisements for women's aid in black cabs in London, it was looked on by some as extraordinary, but everybody wants to have a say in pointing out that domestic violence is wrong. It is important that we think of non-traditional methods of getting over that message about domestic violence.

Domestic violence knows no particular social groups; it has no socio-economic barrier—it is there and we must overcome it. Although I am not complacent, I feel more confident than ever before that we are on the way to tackling domestic violence. However, it will require not only the Bill but a great deal of hard work and effort to ensure that we have measures alongside it to bring it to fruition.

5.40 pm

Mr. David Heath (Somerton and Frome) (LD): I warmly welcome the Bill, and we have already heard three extremely constructive speeches in its support. It has been eagerly awaited; it seemed to take an intolerable time to come from the other end of the Corridor, but it was eagerly awaited before that because we had hoped for legislation in the last Session. Nevertheless, it is more important for the measure to be right than early; as previous speakers said, domestic violence is undoubtedly a major issue for our criminal justice system, as is the support of victims and witnesses, so we need constructive legislation to deal with it.

When we talk about domestic violence, we are talking principally about violence of men on women, but not exclusively; it is equally important to remember that domestic violence can be directed against men and against children, who are often the inadvertent victims of domestic violence against another individual, usually their mother. There is also abuse of people who are vulnerable through age or infirmity.

I am about to say something that I rarely say to the Home Secretary: he has introduced a Home Office Bill that may not, I fear, go quite far enough. I do not suppose I shall ever say those words again. My fear has been recognised by practitioners in the field, many of whom, as the right hon. Gentleman is aware, were keen to brief us of their concerns about both the commissions and omissions of the Bill. I share with the hon. Member for Hornsey and Wood Green (Mrs. Roche) admiration for those who work in associations dealing with domestic violence issues and with victim support; they do an admirable job, often with little credit, so if we can make some redress for that it will be worth doing. They have expressed disappointment that the Bill does not deal with some of the aspects that they wanted it to cover. It will be the job of those of us who serve on the Standing Committee to set out some of their proposals—not to wreck the Bill, but to improve it. We want not to undermine the Bill but to ensure that it does its job in the most effective way.

Domestic violence has been around for a long time—we should not see it as a new phenomenon. Recently, I attended a production of "Oliver!" by Frome operatic society and it occurred to me that Bill Sykes is the archetype of an abuser—the domestic abuse of his partner ended up with familial homicide. Such fictional archetypes make us realise the prevalence of violence in domestic relationships; it has been with us for a long time and, sadly, is still prevalent.

I entirely agree with the Home Secretary when he said—I think that the hon. Member for Chesham and Amersham (Mrs. Gillan) agreed—that this problem could not be cured entirely by statute. We should not pretend that it could. A cultural change is needed in many ways to deal with a public culture of acceptance or tolerance of abusive behaviour within a relationship. I do not accept such tolerance, and I hope that no Member of House would accept it either. Sometimes it is reinforced by cultural stereotypes within a particular youth culture. I am not one of those who say that every ill in this society is down to pop culture, films or anything else. However, when it is possible for reputable record companies to put out records that talk about slapping partners around as if that were normal behaviour or something to be admired, I have serious concerns. I am not a natural censor; I do not want to stop people enjoying the music that they enjoy. However, a degree of responsibility is required.

Sandra Gidley (Romsey) (LD): Does my hon. Friend not think that we as politicians also have a responsibility? Does he share my sense of more than slight dismay that the Home Secretary himself earlier used phraseology such as giving somebody a kicking? I know that that was said in another context, but this is not a subject for jest. Should we not be careful about the language that we use in this place?

Mr. Heath: We all need to be very careful about the language that we use in any circumstances. I do not want to overplay this point, but I believe that we have to make things clear to young people in particular. Surveys have shown that there is an alarming degree of acceptance among young people that domestic violence is somehow okay. We have to counter that through education and exemplary behaviour.

There is an element by which domestic violence is hereditary. I do not mean in terms of a congenital disposition—I do not believe that for a moment—but in terms of learned behaviour. People who are brought up in households in which there is an abusive relationship are more likely to believe that such behaviour is acceptable.

Mr. Dawson: I make the same point that I made to the Home Secretary. How on earth can we send positive messages to young people when it is perfectly permissible under the law for people to assault them?

Mr. Heath: The hon. Gentleman makes his point, and makes it frequently. It is a matter that will be debated in the context of other legislation, and I do not want to confuse two pieces of legislation.

If there is a problem with the public culture, there are also issues with police culture. I accept the fact that the police have improved no end on this issue, but their response is still patchy. The problem is often not the lack of power available to police officers but their willingness

to use the powers that are already available. They may believe that they are acting in the best public interest, but they need better training so that they know how they should respond to a given situation.

There are also problems with the legal culture, and that point was admirably made by the hon. Member for Hornsey and Wood Green in her remarks on the legal profession. Sadly, there is a lingering culture in our courts and legal system that makes it more difficult than it need be for someone to lay a complaint, have it properly investigated and resolved through judicial process. We need a legal culture that sustains and supports the victim far better than the one we have at the moment.

The culture of the victims themselves is also a problem. In a way, it is nonsense to talk about a victims' culture, but there is a feeling among many victims that they do not have the capacity to get themselves out of the situation in which they find themselves. We must find ways, either through the agencies with which we engage or the legislation that we introduce, to reach out to those people and tell them that there is a way in which they can get themselves out of their relationships and that the law and society will support and help them in the future.

Dr. Jenny Tonge (Richmond Park) (LD): My hon. Friend has spoken at length about different cultures and criticised them for allowing things to happen or turning a blind eye, but in supporting what the hon. Member for Lancaster and Wyre (Mr. Dawson) said, surely we must also attack the culture that makes it permissible to smack or beat young children in a family setting.

Mr. Heath: Again, my hon. Friend tries to lure me into a different debate, but I want to maintain my position and talk about the Bill.

I fear that the Government have vastly oversold the Bill. I am not saying that it will not be valuable, but it will not do many of the things that people outside the House—and perhaps even hon. Members—expect after hearing the messages that the Home Secretary and his colleagues put out. They might feel that it will achieve more than it will.

Many practitioners think that criminalising the breach of non-molestation orders will not provide an adequate material solution to the situation that exists. The Home Secretary knows that there are real worries about how civil and criminal court processes will interact. Assurances were given in the other place that it would not be a problem to use the civil court process, even if the criminal court process existed. I hope that that will be the case; it is something that we shall have to tease out of the Under-Secretary in Committee.

I hugely welcome the provision that will extend existing legislation to same-sex couples, although I wonder how that proposal to promote equality will interconnect with the Civil Partnership Bill. We need a clear understanding of the definitions used and the way in which they will work.

I think that every hon. Member will welcome the proposal that common assault be an arrestable offence. Many of us warmly welcome the fact that the Government are addressing cases of familial homicide in which it is impossible to establish clearly which of two people may be responsible. The Law Commission's report was extraordinarily helpful and we also had a good Westminster Hall debate on the subject recently, which was secured by the hon. Member for Brighton, Kemptown (Dr. Turner). I am slightly worried that the Government have chosen some of the Law Commission's proposals and rejected others, but I nevertheless welcome the fact that they are prepared to address the issue. The Under-Secretary will know that domestic homicide reviews are much supported by the Metropolitan police as a valuable addition to the system, but that others have doubts about the value added by the proposal. We shall have to tease out from the Government whether there will be adequate resources to underpin the structures that will be needed to make the system work. We want a proper definition of domestic violence to be incorporated in the Bill, and although that argument has been heard in the other place, we will need to rehearse it.

We will examine the operation of occupation orders and the way in which they will work in practice. We want to know a little more about the central register of occupation or non-molestation orders that Baroness Scotland said would be established. How will that work, what will be its scope, how will it be resourced and how will it be accessed so that it can provide valuable support to law enforcement agencies? There are worries about the use of recovery orders, and I hope that they will be addressed later in the debate.

I repeat the point that has been made about access to public funds by victims of domestic violence who are subject to immigration controls. We have always said that we want something to be done about that, and I thought that the Home Secretary made a helpful suggestion when he said that he might try to find a non-statutory route to achieve the same objective that we want, so we shall listen carefully to what the Under-Secretary says about it in Committee. On criminal procedure, we must consider sample counts, although we are told that the Government intend to reverse the amendment that was made in the other place. They also intend to reverse the amendment passed in another place on unfitness to plead.

I hugely welcome the proposal for a commissioner for victims and witnesses. I hope that that individual will have the widest possible remit and a clear working relationship with children's commissioners. I hope that he or she will be able to deal effectively with the status of vulnerable witnesses. Many of our co-respondents have suggested that a proper advocacy service should be placed within the context of the commissioner for victims and witnesses, which I support. The one thing that would make a huge difference to people would be a properly resourced advocacy service, and the commissioner could provide a useful focal point for it.

Lady Hermon: The hon. Gentleman rightly referred to the widest possible remit for the victims commissioner, so may I rely on his support and that of his colleagues in Committee to ensure that that remit is extended through the code of practice for victims, given that the Northern Ireland Office is currently resisting the

[Lady Hermon]

proposal? Will he assure me that he will support extending the remit of the victims commissioner to Northern Ireland?

Mr. Heath: The hon. Lady knows from experience in Committee that I often support her proposals, and I know of no contrary arguments to her suggestions at the moment. I thought that the Home Secretary gave a guarded, yet positive, response to her earlier intervention, so we shall have to find out what happens in Committee.

Miss Anne Begg (Aberdeen, South) (Lab): Does the hon. Gentleman agree that consideration should be given to whether the victims commissioner and any body subsequently set up should be able to reflect the views of disabled women who are subjected to domestic violence? I hope to catch your eye later, Mr. Deputy Speaker, to make that point because disabled women have specific needs and I am worried that they might not have been considered during previous discussions on the Bill.

Mr. Heath: The hon. Lady makes an admirable suggestion that I shall be happy to support, although I am not sure whether it would be necessary to limit her proposal to disabled women because disabled people of both genders may be subjected to violence. I hope that we will be able to return to that matter.

We are advised that the Government intend to reverse four amendments made in another place. On the "no case to answer" issue, I will listen carefully to what the Under-Secretary says because I do not think that our opinions are especially far apart. We all understand that human rights are paramount, but, equally, we want a competent trial process. We might be able to reach a consensus on a process with adequate safeguards that would achieve the Government's objective. I am open to a constructive debate on the matter.

I have less sympathy with the Government's case on the other three amendments that they intend to reverse. The Home Secretary said that citing domestic violence as a mitigating factor for a reasonable inability to prevent violent behaviour was similar to condoning murder or murderous behaviour. That was an unfortunate phrase. When someone is seriously worried about their welfare and perhaps the welfare of the dependent children, it is wrong to say that that concern condones inappropriate behaviour. I hope that the courts will have the capacity to take the incidence of domestic violence into account when determining the appropriateness and, indeed, the reasonableness of the defendant's behaviour. If that is not explicit, the Government should give us strong reasons why because I have yet to hear them.

I do not understand why the Government are attempting to reverse the cross-admissibility in sample counts. It is common sense and what judges will, in any case, do. In that case, why are the Government so insistent that it should not be in the Bill?

Mr. Grieve *rose—*

Mr. Heath: I give way to someone who knows far more about this than I do.

Mr. Grieve: Does the hon. Gentleman agree that if the courts are not to be cross-admissible, it at least raises the suspicion, which I am sure is not justified, that the Government are trying to achieve something quite different from their stated objective at the outset? That is why the other place and I—and, I suspect, the hon. Gentleman—have some anxiety on the issue.

Mr. Heath: I agree entirely; one can come to no other reasonable conclusion because the case is proven. We must again wait to see on what grounds the Minister chooses to explain his desire to reverse the amendment.

On fitness to plead, I agree with the hon. Member for Chesham and Amersham (Mrs. Gillan) that it is yet another erosion of the role of the jury. The measure is not necessary and is inappropriate. We should resist any attempt to put the provision back into the Bill.

We heard about the one addition that the Home Secretary wishes to make. I have no further comment on that other than to say that I welcome the fact that he has listened. We want to consider the detail and I hope that we will be able to support what is being proposed as an appropriate source for the victims' fund.

I finish by asking two direct questions on things that might be in the Bill. One should be included, but I can understand why the other might not be, although I want the Minister to confirm that that is the case. The first is the problem of contempt of court, which was brought to the House's attention via the case before Mr. Justice Munby, on which the Solicitor-General fairly recently made a statement. It seems that sharing information with an elected Member of the House would be construed as a contempt of court. The Bill is an appropriate vehicle to deal with that difficulty. Will the Minister consider whether a form of words could be included at a later stage to deal with a situation that will cause many problems to many hon. Members and their constituents if it is not corrected?

The second question is whether the Minister intends to legislate in any way on the partial defence of provocation. We have the Law Commission proposals, which are being consulted on, and that process will be completed in due course. I believe, again, that the Bill is an appropriate legislative vehicle for such a measure. I suspect that he may not agree and will want to wait a little longer. Perhaps he can share his intentions with the House. That does not mean to say that we will not necessarily test the proposals within the context of the Bill, but at least we will know where the Government stand.

The Bill is useful. It could do much more to support victims of domestic violence and victims and witnesses generally. That is what we will attempt to achieve in Committee and at later stages. Nothing that I have said in criticism of the content or the omissions should be interpreted as anything other than full-hearted support for the Government's intent behind this valuable Bill.

6.4 pm

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): I, too, welcome the Bill, the first major piece of legislation for some 30 years on domestic violence issues. It rightly puts the focus on victims at the heart of the issue.

The Bill has been welcomed by groups, organisations and my constituents as trying to address an extremely complex problem that brings so much heartache and distress to so many children, parents and families. This process of debate and discussion gives us a real opportunity to address the many issues and to strengthen the protection for all victims.

As chair of the all-party group on Voice, which focuses on issues concerning learning-disabled adults, a number of issues concern me. I want to devote my speech to looking at things from the perspective of adults with learning disabilities. My starting point is that adults with learning disabilities have the same rights as all adults and that, wherever possible, those should be protected in mainstream legislation. We have an opportunity to put that protection in place in this Bill rather than in other Bills that will come before the House in the near future, such as the mental capacity Bill or the mental health Bill. We should consider how this Bill can put that protection in place.

Violence against, and the neglect and ill treatment of, women and men with learning difficulties in their own homes is horrifyingly widespread. Perpetrators are too often not brought to justice, which is a scandal and something that must be tackled. The Bill allows us the opportunity to do that.

On the specifics, I am concerned that the definition of vulnerable adult differs from that which has been in use for some time for adults with learning disabilities under the Department of Health Guidance "No Secrets". I understand that the issue is complex because the Bill seeks to deal with a wider range of issues, but it is important and needs further discussion. The Bill identifies a vulnerable adult as someone over the age of 16, whereas "No Secrets" identifies them as over the age of 18. There are issues of compatibility with other legislation to consider. It is possible for someone to be the perpetrator of an offence at the age of 16. However, given that child protection legislation goes up to the age of 18, it would seem more appropriate that children are deemed to be under 18, not 16.

Clause 7 deals with domestic homicide reviews. How does that fit with the requirements in child protection guidance, as set out in chapter 8 of "Working Together: Giving children and young people a say", in which a child who is killed has to be the subject of an inter-agency review? Fortunately it is rare for someone aged 16 or 17 to commit such an act, but if they did, to which guidance or legislation would they be subject? How would the process work? I am not saying that we cannot overcome those problems, but we must consider them. My preference is to have the vulnerable adult as someone who is over the age of 18. People between the ages of 16 and 18 should be deemed to be children and covered by relevant legislation.

I am also concerned about the current definition of vulnerable as set out in clause 5(7). Old age, physical or mental disability or illness do not in themselves make people vulnerable. I have been in helpful correspondence with the Minister on the matter and understand that it is not intended for that to be the only way in which vulnerability is ascertained. However, it suggests to me that there is a need to define vulnerability in addition to the specific attributes.

I also understand that the courts need leeway in judging whether someone is vulnerable. I am concerned that without a clearer definition, or at least a move towards that, there will be only judgments to rely on in determining someone's vulnerability, and that that will not lead to consistency.

The offence in clause 5 of causing or allowing the death of a child or a vulnerable adult is very welcome. I understand entirely that the provisions have been framed to deal with concerns that have been around for many years that two adults can deny having been involved in the death of a child, and nobody is held accountable or brought to justice as a result. I would like consideration to be given to the Bill also covering cases where somebody is seriously injured but not killed. That could be dealt with by the inclusion of a specific offence of causing or allowing serious harm to a child or a vulnerable adult. That would push forward the issue and identify just how serious it is.

Several hon. Members have said that domestic violence has not been given the status that it should be given. We are talking about violence in the home; it could not be more serious. We need to consider the matter seriously. Including such an offence in the Bill rather than trying to deal with the abuse and neglect of people with learning disabilities through other legislation or guidance would be beneficial, because it would recognise that they are people first. All such legislation and guidance is to be welcomed, but wherever possible we should aspire to making such provision in mainstream legislation.

I also want to talk about the definition of households. It seems that I have become a little caught up with the definitions in the Bill, but that needs to be the nature of our discussion because we should have overall aims that we can all sign up to. The current definition is not clear about which premises it includes. There have been many changes in practice concerning learning-disabled adults over the past 20 or 30 years, and they now live in a range of settings, which is very welcome and in line with the Government's aim of enabling such people to live as full and as independent a life as they can. I want to be assured that all learning-disabled adults are covered by the legislation wherever they live. That would require inclusion in the definition of residential homes. I know that there is legislation about care standards and the like, but whether people have protection by right or purely on the basis of where they live merits consideration again.

Even more important is the issue of other supported accommodation for learning-disabled adults. Again, that can encompass a range of settings—just, indeed, as it does for everybody else. Sometimes such accommodation is a group home with some carer support living in; other times it is a group home with no carer support and only people coming in from time to time. It can also be an individual living in a flat in a complex where support is provided. Protection of learning-disabled adults could be improved by the specific inclusion in the Bill of carers. That would ensure

[Ms Meg Munn]

the inclusion of learning-disabled adults who had been abused by someone who had responsibility for their support or care but did not live with them.

Hon. Members on both sides of the House will know of horrific examples of abuse and that the ability to explain and to talk about one's experience is often so important to achieving a conviction. We know how hard it is for people without a disability to talk about having been the subject of domestic violence. How much harder is it for those who face the difficulties of a disability? The most vulnerable people are the most at risk, and we should consider whether we can do more to offer protection. By adding the words "or is a paid carer or volunteer" to clause 5(5), we might be able to achieve that. I urge the Minister particularly to consider supported accommodation.

I know that there is a view that adults in such accommodation receive professional support, but the standard of it varies enormously depending on the capability of the residents. I am concerned that the Bill does not provide protection when the person giving the help and support is the abuser. It is important to bear in mind the fact that physical abuse is almost invariably preceded by some form of mental abuse or cruelty, which isolates the victim and prevents them from seeking help. That happens within marital or cohabiting relationships in the home, and it also occurs when people are abused by their professional or voluntary carer. We must recognise that. While the Bill is before us we have the opportunity to address that complex and difficult issue.

The creation of the commissioner is an enormously welcome move. It will ensure that there is someone who focuses on the victim and is able to speak for them. I would like the inclusion of a requirement to consider diversity. My hon. Friend the Member for Aberdeen, South (Miss Begg) described the importance of disabled women. We have an opportunity in considering that to consider strengthening the protection of learning-disabled adults. I would like a specific requirement to oversee care settings as well as domestic ones. I am pleased that the Minister has assured me that equality and diversity will feature prominently in the commissioner's terms of reference, even though they will not be defined specifically in the legislation, but we need to bear in mind how difficult it is for people who have a disability, particularly a learning disability, to get justice. Ensuring that the commissioner plays such a role would be most welcome.

As has been said, this debate is not just about legislation; it is about changing culture and attitudes and what we do. How we implement the legislation when it finally comes through is also enormously important. It is important that the police are made fully aware that the legislation refers and applies equally to people with learning disabilities. Victims do not always see themselves as such. One hon. Member—I cannot remember who—gave some statistics that showed that people do not necessarily recognise that they have been the victim of the crime of domestic violence, so it is important that the police who act in such situations take that message fully on board.

There has been concern about whether the definitions of domestic violence used by the police and by the Crown Prosecution Service are the same. The hon. Member for Chesham and Amersham (Mrs. Gillan) raised the difficult issue of whether there should be a specific, agreed definition of domestic violence in the Bill. I accept that that might not be desirable, because it would not allow for change over time in response to changing circumstances, but there is concern that there are different definitions around and that that might even be reflected in different police forces. I am assured that the Association of Chief Police Officers uses a clear definition and that that should be used by all police forces. The Bill provides the opportunity to change practice through tight implementation plans in order to achieve consistency across all police forces.

This is an excellent Bill with many strong points. I welcome the work of the Home Office both in putting it together and in supporting the organisations that provide help for victims of domestic violence, although there is always more to do. I am sure that by working with all interested parties who want a strong and protective piece of legislation it will be possible to achieve a law that will protect more people and make it clear that domestic violence is violence and is not acceptable.

6.20 pm

Tim Loughton (East Worthing and Shoreham) (Con): I am delighted to speak in support of the Bill. I hope that it has been worth the wait because, as the hon. Member for Somerton and Frome (Mr. Heath) said, it has been a long time coming. The Bill received its Second Reading in the other place on 15 December last year, and was brought to the Commons from the Lords almost three months ago.

I declare an interest as a patron of the Brighton women's refuge near my constituency in Sussex. I recently visited the Adur district women's refuge in my constituency to see the excellent work that it does in difficult, cramped circumstances on tight budget, and was impressed by the support that it offers many of my constituents. It could offer support to many more, if it had the resources to do so. It operates a floating support housing scheme, and helps people to access services such as GPs, benefits, social and health care, and legal advice. Most important of all, it gives information in a safe and sympathetic environment, as it was lucky enough to be given premises by the local authority and is housed in the Adur civic centre.

Too many such projects and refuges rely on the vagaries of local authority finances and the budgets available in a particular year. Occasionally they receive lottery funding, but they should receive mainstream funding because the number of victims of domestic violence does not fluctuate with the economy, or according to how much council tax or the local authority budget has gone up or down in a given year. We must therefore look again at the way in which many of those essential projects are funded.

As many hon. Members have said, this is not so much about the minutiae and details of the legislation, but about changing cultures and attitudes. It should be commonplace and acceptable to talk about the problem of domestic violence, and we should encourage and coax

out of the shadows people who do not want to admit or acknowledge that they are the victims of domestic violence. It is a very welcome subject and an important Bill, and I am glad that we could support it in another place.

Domestic violence has been a crime in the United Kingdom since 1861, yet two women a week are still killed in England and Wales as a result of domestic violence. Women, as we have heard, are predominantly the victims of domestic violence, which is thought to account for about a quarter of violent crime. It has been estimated that in the past year police attended more than 500,000 million domestic violence calls, which represents a big cost to the police budget. A response to a single incident is estimated to cost more than £1,027. It is important that the police respond and that the scale of that response is not a financial judgment.

The criticism has been made that many domestic violence officers, who do an excellent job—I have met and worked with them in my own constituency—spend a great deal of time seeking information instead of responding to it. Domestic violence does not feature in many Government targets and is not a registered performance indicator, so inevitably it has a lower priority, as is the case with many other things that are subject to the target mentality. Some 62 per cent. of reported domestic violence incidents end in injury, with 18 per cent. requiring medical attention. Those at greatest risk, as we have heard, are women aged 16 to 29. Most alarming of all, as I recently learned, is that domestic violence often starts or escalates when women are pregnant—a time when they need the most support but are also the most vulnerable to potential abusers. Many partners walk out on pregnant women.

A woman is assaulted, on average, 35 times before she flees to safety. She may go to up to 10 different agencies before she gets the help that she needs. It is extremely frustrating for refuges when women are passed around different agencies—a streamlined one-stop-shop approach is needed to provide help at the crucial time when somebody has made the decision to leave home, is on the verge of making such a decision, or desperately needs help to stay in her own home, where she may be under attack. Despite that, however, we have more animal sanctuary places in this country than places in women's refuges. It is estimated that there are 40,000 women staying in refuges, which every year provide accommodation for 23,000 children and 110,000 people in need of refuge support services. We therefore need to treat the problem more seriously.

We have all, I am sure, dealt with constituency cases involving victims of domestic violence. I have dealt with a number in recent months—the problem seems to be on the increase. It is never a straightforward case of a wife being beaten up or physically assaulted by her partner or husband. Usually, the focus is the psychological intimidation that she experiences, even after she has split up with her partner and non-molestation orders have been secured following considerable angst, stress and legal expense. Women can still be abused, and are subject to devious forms of stalking. Former partners may retain house keys, enter premises, rifle through possessions, then disappear. An abuser may move into accommodation close to the home where his former partner lives, hang around the restaurants and schools that she uses or the schools attended by the children. Such psychological intimidation or stalking can be much more dangerous and threatening than the physical act of being beaten up.

Mr. Dawson: I agree with everything that the hon. Gentleman has said. Is he concerned about the number of contact orders issued to violent fathers with a record of domestic violence, and does he think that we need to take action in the Bill to ensure that contact orders and residence orders are only made when children's safety can be guaranteed?

Tim Loughton: I am grateful to the hon. Gentleman who, for once, has not mentioned smacking. He makes a perfectly legitimate point, about which we can have a separate debate, and shall no doubt do so under the auspices of the Children Bill. We need to do a great deal to improve the whole contact process. I am in favour of an assumption of shared parenting contact wherever possible, but clearly where there is a serious risk of harm to the children we need to take suitable precautions to limit, bar or control the contact of non-resident parents at contact centres and so on. The process is extremely complicated—the hon. Gentleman and I agree about much of the problem, and we need to look at ways of solving it.

Many of our constituents who bring cases of domestic violence to our surgeries are frustrated by the lack of effective police action. It is not a case of police officers lacking the will to do something—they are sympathetic to the victim, and many of them, as I have said, do an excellent job—but of it being difficult to pin something on the abusers, who are often devious in the way in which they push the threshold of the law to the limit. Therefore, it is essential that the Bill initiates a joined-up approach among agencies, including the police, the courts, the various health agencies and, because of the stress caused to those involved, housing agencies—one of the most important practical problems for a woman fleeing the home is for her and the children to find alternative accommodation from already strained local authority housing lists—as well as schools and the agencies dealing with alcohol abuse.

I shall concentrate now on the effects on children. There is rather an absence of references to children in the Bill, but they are an important element of the problem we are discussing. Every day, thousands of children witness cruelty and violence behind closed doors. More than a third of children of domestic violence survivors are aware of what is going on. The figure rises to more than half if the woman has suffered repeated violence. There are clear links between domestic violence and child abuse. It may become a generational phenomenon. Hon. Members spoke earlier about a learned attitude, and there is evidence to suggest that if children see parents being physically abused, that behaviour can be replicated in the school playground.

In a recent survey, 27 per cent. of mothers said that violent partners had also physically assaulted their children. That must be psychologically traumatic for children at a sensitive stage of their development. There are implications for the Children Bill, which is currently in another place and will come to this House before long. A significant determining factor for an abused woman leaving an abusive partner is the fear of having

[Tim Loughton]

her children taken away from her by social services. We need greater understanding and a better service from social services to reassure an abused woman that her children will be safe if she takes herself to a place of safety where the children can go as well, and that there will not be an assumption that she has somehow become a bad parent and that her children therefore need to be taken into care. That is an important aspect.

There are further implications for the Children Bill arising from the need to share information about domestic violence. I should be interested to hear from the Minister what discussions he has had with the Minister for Children in that regard for the forthcoming Children Bill. I particularly welcome the terms of the Domestic Violence, Crime and Victims Bill in relation to familial murder—

Sandra Gidley: Will the hon. Gentleman give way?

Tim Loughton: In a moment—and the thorny issue of joint enterprise, on which I have campaigned for many years and on which I introduced a ten-minute Bill last year.

Sandra Gidley: The hon. Gentleman has moved on a little from the point on which I intended to comment. He mentioned the Children Bill and access to information. There are growing concerns that the provisions to ease access to information for professionals could make it easier for a violent parent to access the information, and that safeguards are needed to make sure that that does not happen. Is that the hon. Gentleman's understanding, and does he wish to comment further?

Tim Loughton: The Children Bill is currently going through the House of Lords. There are serious concerns about the formulation of clause 8, which I think is the one to which the hon. Lady was referring, and which deals with data sharing. I have some serious concerns about it because it appears to present a blank cheque to the Government to the extent of producing a surrogate ID card for children through the back door.

I am in favour of data sharing. That was clearly the message that came out of the Climbié report, and that is the way we must move ahead. But that can be done only with the relevant safety checks and balances to determine how appropriate information is input into the system and, more importantly, who has access to it. I am sure that the Government would not countenance any system, and we would not give it our support, if there were any question that information about vulnerable children could be accessed by people who might abuse those children.

The hon. Lady may be alarmed, but she can rest assured that the Conservative Opposition will make sure that the Government do not try and sneak in anything like that, if they were so minded. I am sure that they are not, but there is an awful lot of detail missing from that part of the Children Bill, and we will want to be substantially reassured before we give it our support.

I return to the topic of joint enterprise. I have an interest in that first, in my role as the shadow Children's Minister; secondly, because I introduced a ten-minute Bill about joint enterprise last year; and thirdly, because of a constituency case. It was the case of a four-year-old constituent of mine, John Smith, who on Christmas Eve 1999 died in hospital from 54 marks on his body at the hands of his prospective adoptive parents, Simon and Michelle McWilliam. Each subsequently denied that they had struck the fatal blow. A charge of murder or even manslaughter could therefore not be brought against either of them and they were both convicted of the lesser charge of cruelty to a child, for which they received an eight-year sentence. That was murder in anything but name. The couple got away with murder, literally.

Too many other cases like that are happening. There is a loophole in the law that will, I hope, at last be addressed by clauses 5 and 6. I wholeheartedly congratulate the Government on having responded to that. The Justice for John campaign in my constituency, arising from the case of John Smith, lobbied long and hard for that, with my support. It will be a testament to that horribly abused child that at last we are getting a change in the law, which hopefully will deter people from thinking that they can get away with it. Too many of the cases of the 80 or so children a year who die at the hands of their carers or parents do not result in the prosecution of those people.

Of those 80 children, half are under the age of one. Contrast that with a halving in the number of children who have died as a result of accidents since the 1970s. Babies are five times more likely to be killed than any other age group, and the prosecution rates are very low. As the Law Commission showed, 61 per cent. of investigations that reached a conclusion resulted in no prosecution for any offence at all—and of those that did result in conviction, only a few were for the serious charges of murder or manslaughter. That was the subject of the excellent NSPCC report, "Which of you did it?", which was greatly informed by a Sussex policeman, Detective Inspector Martin Bacon, who has done so much work on joint enterprise and child killing. I welcome the reforms in the law.

There are a few small points relating to concerns about the way in which the Bill has been drafted, or which might be added to the Bill. I wholeheartedly share the concerns of the hon. Member for Sheffield, Heeley (Ms Munn) about the age definitions of children in the various parts of the Bill and the grey areas that that causes.

Various outside bodies are concerned about ethnic minorities and asylum seekers, especially women who are subject to domestic violence and whose right to stay in the UK is largely dependent on remaining with the abuser. We must get a little smarter when dealing with ethnic minorities and asylum seekers who are being abused.

There are problems with the definition of domestic violence, as the hon. Lady said. We need consistency between the police, the Crown Prosecution Service and social services. There are a couple of further points that relate to the Children Bill as well. How will the proposal for a register of civil orders to allow police to check for outstanding orders against an alleged offender interact with the database proposed in the Children Bill? Surely that is an essential piece of information that needs to be

available to the appropriate agencies, under the auspices of the director of children's services, to ensure that children are not vulnerable in that respect.

How will the commissioner for victims and witnesses interact with the children's commissioner proposed in the Children Bill? Which commissioner will promote the welfare of child victims? Unless those inconsistencies are straightened out at an early stage, they may fall between two stools.

Another technicality that may have been addressed elsewhere, but has been mentioned to me, is highly topical given that we have just been through a series of elections. Some women wish to exercise their vote, but remain anonymous on the electoral roll because they are staying in a refuge where they do not want an abuser to find them, or have moved to a new address that is a little distant from their original home address and similarly do not want to be tracked down. Are there measures to ensure that those women are entitled to exercise their right to vote without compromising their safety? Have the Government considered taking that into account?

Finally, I echo the comments of my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) regarding the mental capacity measures in the Bill. I hope that the Government will think again about reversing the amendments that were made in another place. In the matter of unfitness to plead, it is right that the decision should remain with the jury. The Government have not made the case for changing that. Such a decision is a matter of public interest, and a jury has the competence to make that decision. A decision that someone is unfit to plead can have draconian results, such as a hospital order without time restrictions. That is as the law stands now—the changes that the Government propose in the draft Mental Capacity Bill, which has been knocking around for two years without any sign of becoming legislation, provide even greater powers to lock up people whose behaviour certain other people do not like. It is essential that there are proper checks and balances over who is deemed unfit. I strongly urge the Government to reconsider that and to consult more widely than before with mental health charities and other organisations, because the Bill has serious implications for those suffering from mental health problems.

Notwithstanding those small points, it is right that the House should give the Bill its support. It is also right that the Government should be scrutinised in relation to the amendments that they are trying to overturn, some of which would improve the Bill. The Bill is long overdue, but its time has finally come. I hope that Members of all parties will give it their constructive support to ensure that, when it eventually becomes law, it will be even better than the version that we are scrutinising today.

6.43 pm

Judy Mallaber (Amber Valley) (Lab): Like other hon. Members, I welcome the Bill. I am afraid that I must start with a minor point of disagreement with the hon. Member for Somerton and Frome (Mr. Heath), who said that the Bill had been oversold. Other mechanisms are required to deal with the issue—legislation is only one part of it—but we should not accept that the Bill has been oversold. At last, after all these years, there has been such a change of culture in the way in which the subject is considered that the House is seriously identifying it as a crime that is unacceptable and cannot be tolerated. That in itself is deeply significant.

When I go to the annual general meeting of the local east Derbyshire domestic violence forum this Thursday, the Bill will be welcomed because several of its measures deal with issues highlighted by forum members in a consultation that I encouraged them to undertake. The same applies to proposals that were made following a consultation that we organised with the Derbyshire-wide forum, when we sat down for a day with Women's Aid and victims to go through the issues that they wanted us to take up on their behalf.

Several of the legal changes in the Bill were mentioned in the course of both consultations. Making the breach of a non-molestation order an arrestable and criminal offence will be broadly welcomed. When a perpetrator comes to someone's home in the middle of the night and is threatening, the victim will feel safer in the knowledge that the police have greater powers to arrest that person and take them away. The importance of making common assault an arrestable offence has been emphasised to me by local police officers who deal with cases of domestic violence and who reckon that people are assaulted 35 times before they go to the police. They will welcome the ability to arrest someone on suspicion of assault without a warrant.

The Bill has been a long time coming, but that is partly because it has been through a huge amount of consultation. That is important, because the issue has to be subject to detailed and ongoing work by all the agencies in our community and a wide range of people. The Bill is just one element of what needs to be done.

I welcome the code of practice, which will ensure that victims have the advice, information and support that they need to deal with the criminal justice system. I also welcome the victims' fund and the commissioner for victims and witnesses. However, I want to highlight a couple of concerns that my local domestic abuse forums have particularly emphasised and which may not be given enough support. I hope that they will be taken on board in developing the code of practice and ensuring that the necessary resources are put in.

First, the local and Derbyshire-wide forums strongly highlighted the lack of facilities and resources for counselling. One of my main local counsellors is a woman who operates through Victim Support and is being taken on board, with some funding, by our community safety partnership specifically to co-ordinate and develop counselling services. She told me that victims need life coaching from the moment they agree to seek help. They need to be taken right through the criminal justice process, which can last for a long time, and sometimes to be assisted over a lifetime. Yet many counselling services offer only a limited number of sessions.

That issue arose many times during the consultations with local victims that we organised as part of the consultation exercise. I could give one quote after another from women saying that they needed advice. One woman said:

"The only problem I face is the isolation and loneliness of not being part of the family."

[Judy Mallaber]

She said that the refuge staff had been very supportive, but continued:

"I think a woman who has experienced this abuse should be designated a personal mentor, counsellor who has been through the situation herself, maybe for the rest of her life."

Another woman said:

"After two years on my own I still think about what it was like. Talking about it helps. I have a support worker but I would like to see her more often."

Counsellors can legitimise the victim's experience by telling them that they were not at fault and talking them through it.

Another woman said that she discovered a huge amount of support when she went to seek it. However, she then said:

"A key reason for my never seeking help in the years before was my conviction that no-one would even start to believe me—to everyone else he was a charming, attractive fireman."

Such support cannot be provided in only a few counselling sessions. A little help in going through the process is not enough. We need to ensure that that point is taken seriously and that the code of practice, the help that we provide and the necessary resources cover the matter.

Mr. Heath: The hon. Lady is making an important point. She said that the experiences that she cites are from a survey covering Derbyshire. Was the point made about the difficulties for people in rural communities, who live a long way from support structures? They can feel even more isolated, if that is possible, than someone in an urban setting, where at least there are refuges and structures that they can consult.

Judy Mallaber: There is a specific problem in rural areas, and one of the programmes in Derbyshire concentrates on villages and what we can do there, but similar problems arise in urban areas. A woman who now lives in London but previously lived in one of the towns in my constituency came to see me with her mother and sister. She had suffered the most appalling emotional and psychological abuse for many years and had never talked to anybody, including her family. She had not found it possible to raise the matter. She did everything that her husband said—she would not open the cupboard that contained the cheque books or do anything that he told her she could not do. She was isolated in an urban environment. One can be as lonely there as in a village or rural area, although I accept that specific problems apply in rural areas.

Support for perpetrators to deal with offending behaviour was also highlighted locally. Last week, I spoke to one of our local police officers who deals with the matter and was told that victims often say that they are not happy or confident about taking up and pursuing their abuser if they feel that they cannot get help for their partners who are abusing them. It can be important for the victim to feel that some help is available for the perpetrator to deal with offending behaviour. Little such help is currently available; a huge gap in services has been identified. I hope that taking people through the criminal justice system, providing continuing counselling and dealing with offenders' behaviour will be taken on board. These measures are a critical part of finding a legislative system and support services that will help victims, and help perpetrators to deal with their offending behaviour.

One project at the university of Derby—Prevention of Domestic Abuse—was originally funded through lottery money, but now continues solely because of an academic, who is using it as a project and getting psychology students to provide assistance. Provision is hit and miss, and such services are unavailable in other parts of the county. I am sure that that is happening elsewhere. A couple of national pilot programmes have been set up, but only in the Prison Service and the probation service. I should be interested to know their outcome. They do not tackle the problem of people who have not yet been convicted; nor do they consider the possibility of a victim seeking help if she knew that assistance was available for her abuser to deal with his offending behaviour.

Locally, we are seeking European funding through a Daphne application. We must have more consistent funding and I hope that that will be taken on board when we consider the code of practice and other services.

Training is also crucial. We are developing a protocol locally to ensure that every professional is involved and takes responsibility. All the surveys that have been conducted, the day that we spent with victims and the questionnaires that we persuaded the trade unions to send out on what was being taken up in the workplace, showed that, although there had been a sea change in attitude and despite the wonderful quotes from incredibly supportive people in all the agencies and the police, unsympathetic approaches continue to exist. A huge amount needs to be done. The protocol that is being developed in our area provides that every professional should take responsibility. In the next couple of weeks, training sessions will be held for 100 of our local professionals, for example, police officers, social workers and teachers in east Derbyshire. That is important.

I look forward to hearing what the code of practice will include and how the Under-Secretary envisages that the supplementary services, which the commissioner would presumably examine, will be taken on board. The Bill contains much that is important and valuable, but it should be supplemented by a range of other services.

I want briefly to mention a subject that was raised earlier: the amendments tabled in another place on repeat offences. I have not examined the legal position in detail and I do not pretend to understand the legal arguments, but I plead with those who intend to support the Lords amendments to reconsider carefully. One main reason given for the relevant provision is internet pornography. I have examined that issue and I recently contributed to a debate in Westminster Hall on the subject.

It is difficult seriously to tackle the crime of child pornography on the internet when one is considering only a few cases. A man in Lincolnshire was sentenced to five years' imprisonment for downloading 450,000 images. When they started some years ago, the police were chasing perhaps 12 pieces of child pornography in their area, but they now chase hundreds, thousands and millions. Every one of the 450,000 images involved a

child being abused, yet there is a sneaking suspicion that it is difficult for current legislation to exert its full force because of the scale of the crimes.

Tim Loughton: I concur with the hon. Lady's comments. I recently spent an afternoon in the paedophile unit at Scotland Yard and saw cases of literally hundreds of thousands of images that had been downloaded. It is so easy to do—as easy as downloading a record track on to an MP3. The other problem is the enormous shortage of forensic technical officers who can get the kit together to analyse all the stuff. It is essential to make that easier when abuse is clearly taking place on a large scale.

Judy Mallaber: I understand that new technical methods may make it possible to scan through all the images and identify them as unacceptable and illegal without having to go through every one. However, we have not yet arrived at the point at which the technology has developed to the extent that courts can accept it as evidence. I urge hon. Members who are keen to accept the Lords' amendments to be careful. Every single image represents a child who has been raped, abused or had something else appalling done to them. The full force of the law needs to be applied. It is not acceptable that, because one cannot get a jury to look at 450,000 images, the case will not be taken sufficiently seriously and the appropriate sentencing will not be carried out.

I welcome the Bill. I look forward to a constructive debate and to our taking up all the issues that need to be covered to ensure that the legislation is underpinned and supplemented by the range of services required to ensure that domestic violence and other crimes are tackled seriously.

6.59 pm

Sandra Gidley (Romsey) (LD): Since we began our debate, 151 instances of domestic violence have probably been reported to the police, if the average is anything to go by. I therefore welcome the Bill's proposals, but the question of whether more could be done has already been asked. Some of what I was going to say has been highlighted already, so I shall just reinforce the points that have been dealt with in some detail.

The first helpful addition would be to include a definition of domestic violence in the Bill. The Home Office has a perfectly adequate definition. I wondered whether having a definition mattered, and what difference it would make, but when I have talked to agencies that deal with this field and try to track what is happening, I have found that the fact that different agencies have different definitions makes it difficult to track through and compare like with like. I fail to see what the opposition is to having a definition. In nearly every Bill that we deal with, we spend the first two or three hours defining concepts in fine detail, so I really do not know why there is no definition here.

Another issue, which has been raised a number of times, is the lack of recourse to public funds for women with an uncertain immigration status who are victims of domestic violence. Many of those women have been sponsored by UK-based spouses or partners, and may not have had much to do with their partner before coming over. Unfortunately some, within a short period of time, become subject to domestic violence. Often, because of language difficulties and other problems, the only network that such women have in this country is the friends and relatives of the family into which they have married, so they literally have nowhere to go and are often forced to remain with an abuser.

Some such women will be eligible to stay, but there is still a period of time in which they cannot have access to money in their own right. It can take months to process an application in their own right, during which time a woman cannot leave because she has no access to money for accommodation or living expenses. There might also be children affected in such cases. This is, fundamentally, a human rights issue, but my understanding is that the Government have resisted change because that would undermine the integrity of the immigration and benefits rule. I urge the Minister to consider ways in which we can get round that. I suggest that he look closely at the whole issue of sponsorship. There are probably ways in many cases in which a woman's living expenses can be recovered from the sponsor without jeopardising her safety. I hope that he will look at that in further detail.

Many groups that have commented on the Bill have called for a community-based domestic violence advocacy service. I am not sure whether that is what the hon. Member for East Worthing and Shoreham (Tim Loughton) was referring to when he mentioned a one-stop shop, but we are probably thinking broadly on the same lines. The thought is that such a service would be cost-effective. In 2000, the cost for the police to respond to a single incident was £1,027. The average cost of an advocacy service has been estimated at £778, a saving of £249 per case.

Vera Baird (Redcar) (Lab): I think that it is the cost of each visit from the police that is £1,027, whereas the cost of an advocacy service attending a client from start to finish would be £778.

Sandra Gidley: I thank the hon. and learned Lady for her intervention; she has far more experience in this field than I have. As we have already heard, 500,000 domestic violence calls were attended by the police last year, so it seems sensible to try to save money. Domestic violence is one crime that has, sadly, a very high repeat rate. Investing resources in each case, in whatever is the most cost-effective way, should in the long run bring down the overall rate.

Why is it so important to have a domestic violence advocacy service? There is a great need for the one-stop shop approach, and many calls are made for that to be delivered by women for women. I was slightly uneasy with that suggestion at first, because there are men who are victims too. However, they are generally not the biggest problem and are not usually in a situation in which they have nowhere to go. I am also assured that men in such circumstances are happy to talk to women. It seems to be necessary for women to have somewhere to go where they can be made aware of their rights, their entitlements and the support that is available for them. This subject is rarely talked about, and most women think that they are going through their problems alone. They often do not want to go public or let people know

[Sandra Gidley]

what is happening because they somehow think that it is their fault. It is not; but that is often the mindset involved.

The biggest omission from the Bill concerns child contact. Is it right that a parent with a proven history of domestic violence can have unsupervised access to their child? The consultation paper "Safety and Justice" said that that would be dealt with in the Children Bill, but it is not dealt with there and it is not dealt with in this Bill. If we are not careful, we will miss two perfect opportunities to do something about this problem once and for all.

Mr. Dawson: I share absolutely the hon. Lady's concern. Does she agree that it also seems utterly unacceptable for residence orders to be given to parents with a record of domestic violence or child abuse?

Sandra Gidley: Yes. The hon. Gentleman has a long record of proactivity in this field, and I have much sympathy with those arguments, which I shall come to in a moment.

The current presumption seems to be that a child is better off if he or she has contact with both parents. I cannot argue with that if both those parents are loving parents, and violence was not a factor in the break-up of a marriage. I could not agree more in those circumstances, and I have sympathy with those—usually fathers—who for various reasons, not their fault, are not allowed as much access to their children as they would like to have. Sadly, however, this is not all a bed of roses—life ain't like that. Research by Women's Aid has shown that in approximately half of domestic violence cases, the man has also abused the child in some way.

Listening to some of the rhetoric that is around these days one gains the impression that contact is often not granted to fathers, but let us look at the statistics. In 1997, 42,000 contact orders were granted; in 2002, 61,356 were granted. We might ask how many were refused, and wonder whether there is a growing trend in that direction, too. Bearing it in mind that a third more contact orders were granted, the statistics for refusal are quite stark. In 1997, 1,850 were refused; in 2002, the number had decreased to 518, which is 0.8 per cent. of cases. Clearly, a significant number of children have contact with a parent who has a known history of violence.

Guidance to the courts on that matter does not seem to be enough because the statistics show that since the court guidance was issued in April 2001 across England and Wales, at least 18 children have been ordered to have contact with fathers who have previously committed schedule 1 offences against children, and 64 children were ordered to have contact with fathers whose behaviour had previously caused the child or another child to be placed on a child protection register. Of those, 21 had unsupervised contact.

We are told that every child matters. I am not sure that those children's best interests were taken into account. The National Society for the Prevention of Cruelty to Children, which has done much work on this, has produced numerous case stories showing the complexity of what the courts and others must handle. In some cases, children have been under considerable pressure to play down certain aspects of behaviour. Children want to please. They want to please both parents, and they want to say the right thing. It is not always possible to obtain the full story of what is going on during the first contact with a child. In one very sad case, pressure was put on a child who had claimed that certain things were happening with the parents. None of the family could believe it, and the whole family put pressure on the child, suggesting that he was imagining it and it could not really have happened. Each of us could probably describe equally heartrending cases.

A disturbing theme in a number of the NSPCC's case studies is the importance that officers in the Children and Family Court Advisory and Support Service appear to ascribe to contact with the father, often against the wishes of the child. The child may say that he or she is scared and frightened, and there are examples of that. Perhaps the Minister will tell us whether the suitability of CAFCASS officers for the task has been reviewed. As I have said, children's wishes and needs are often complex.

There are other vulnerable groups to consider. I welcome clause 5, which creates the offence of familial homicide—

"Causing or allowing the death of a child or vulnerable adult".

It closes a legal loophole that allows each parent to say, "It was not me" or to stay silent, thus preventing a case from being made.

Not just children and not just women are affected. Action on Elder Abuse began campaigning for clause 5 after a lady called Margaret Panting, aged 78, died at the hands of her family in Sheffield. I understand that she was a constituent of the Home Secretary, and that he has taken a close interest in the case. There is a real need for the clause. Statistics from Action on Elder Abuse show that two thirds of such abuse takes place in private households, and that 44 per cent. of identified abusers are family members. Of the identified abusers, just under half are sons and daughters, and a quarter are spouses. It is only rarely that a hands-on carer causes the abuse. Because people often think of carers in this context, I want to make it absolutely clear that I am not talking about them.

Despite the need for clause 5, however, I am not entirely sure that the current definition of a vulnerable adult is satisfactory. I am not convinced that we should define vulnerability in terms of age alone. That needs to be pursued in Committee.

A potential scenario in the clause gives cause for concern. There is an assumption that in a case involving a husband and wife, both partners are equally culpable. To an extent, that assumption ignores the nature of domestic violence. It is insidious. We tend to focus on physical violence, but a strong characteristic of these cases is the belittling of women. There is psychological abuse. A woman will reach a stage at which, although not exactly cowering in a corner, she adopts protective behaviour in order not to attract violent behaviour, and her self-esteem is shattered. It takes a long time for women to recover from that.

In such circumstances a woman may be terrified of saying something, and pointing the finger of blame. When such a woman is herself a victim, is it fair to put

her in the dock beside her partner? The last thing I want to do is create a loophole—a defence allowing people who clearly have not been victims of domestic violence to say, "I was terrified that he was going to beat me up." Nevertheless, I feel that we must recognise a type of behaviour that is not unusual and make allowances for it.

Mr. Heath: We would expect a court to have particular regard to the extent to which the defendant had been subjected to domestic violence or was in fear of being subjected to it. Our noble Friends tabled an amendment to that effect, which the Government apparently intend to remove.

Sandra Gidley: I urge the Minister to think long and hard. If that amendment is indeed to be removed, is there another way in which attention can be drawn to what is a very real problem?

Vera Baird: I understand why such action has been advocated. My only concern about it is that there are other ways of putting pressure on people to stay quiet, to join in or to deny to the police that either party committed any offence. What about pressures such as duress and the withholding of money? My fear is that, by implication, the term "domestic violence" could almost exclude many other means of exerting pressure.

Sandra Gidley: I understand that the courts have some discretion. I am sure that the Committee will spend a long time trying to get it right, and I hope that the hon. and learned Lady will be on the Committee, because I know she often has useful insights into thorny questions of this kind. I hope she accepts the spirit in which I make my comment.

My hon. Friend the Member for Somerton and Frome (Mr. Heath) mentioned the particularly thorny issue of fitness to plead, a subject dealt with comprehensively by the hon. Member for East Worthing and Shoreham. Mind believes that the proposed changes

"will lead to an increase in unwarranted deprivation of liberty and an unfair criminalisation of people who are not of proven criminal liability."

I am sure that that too will be explored further in Committee.

We have reached this point after some time. What has been happening is welcome, but while welcoming the Bill to an extent, Davina James-Hanman of the Greater London Domestic Violence Project says:

"The changes will not, however, deliver the results that the Government wants. The current system fails through a lack of consistent implementation not through a lack of legislation."

I hope we will improve the Bill, but I also hope that the Minister will give thought and impetus to further and more consistent implementation. I hope we will improve the Bill, but I also hope that the Minister will give thought and impetus to further and more consistent implementation.

7.18 pm

Mrs. Ann Cryer (Keighley) (Lab): I want to discuss the possibility of including in this excellent and welcome Bill a new and specific criminal offence of forcing to marry, which is a dreadful aspect of domestic violence. First, however, let me say to the hon. Member for Romsey (Sandra Gidley) that I have had dealings with young ladies who have been brought in at a very young age, married, subjected to domestic violence and, in two cases, thrown out on the street. As she says, they often have no one to turn to—their parents and family are 10,000 miles away, and may not have much sympathy in any case, because in their community the woman is always wrong. I have had 100 per cent. success using the domestic violence concession in those five cases. It has taken three or four weeks to avail them of the concession, allowing public funds to be allocated. Everything can be improved on, but it is my experience that those women have benefited from the concession.

In February 1999, I raised in the House the subject of forced marriages. Since then, a great deal of work has been done: we have had the working group on forced marriages, the tireless work of the community liaison unit of the Foreign and Commonwealth Office, and guidelines for social workers and police officers. More importantly, many people who denied the very existence of forced marriages at that time now publicly denounce the practice. There has been a sea change in attitudes. At least now we can openly discuss a subject that was for too long taboo. I applaud the achievements of the Government and the police—especially West Yorkshire police: they may have come well down the league tables, but as far as many Asian women in my constituency are concerned, they really are wonderful. The team led by Martin Baines, with the help of Phillip Balmforth, is truly second to none.There has also been help from the Home and Foreign Offices, and from consular staff around the world, which has had an enormously positive impact.

Despite that progress, the fact remains that young girls are still being forced into marriage every day, and there has been an increase rather than a diminution in the number of cases, perhaps because of increasing interest in the subject or an increase in the number of young people who are now of the traditional marriageable age—or possibly it is simply because the good work done to date has concentrated only on the effects of forced marriages, as opposed to their causes. It is perhaps a case of closing the gate after the horse has bolted.

On average, my constituency office deals with a case of forced marriage every week. I happen to know that my two Bradford colleagues, who have large ethnic communities in their constituencies, deal with approximately two a week. The community liaison unit at the Foreign Office handles between 250 and 300 cases a year, as do Southall Black Sisters, and West Yorkshire police had 52 reported cases in the first half of this year.

I have, I am sad to say, lost count of the number of desperate stories I have heard of the plight of British girls, and to a much lesser extent boys, some as young as 14 or 15, who have been forced to marry someone, often thousands of miles from home, with whom they are completely incompatible.

I remember well the case of Noreen—not her real name—who was forced at the age of 14 to travel to Bangladesh to attend a family wedding, only to find on arrival that it was her own. She objected, but the

[Mrs. Ann Cryer]

psychological and emotional pressures from the family, and the physical pressure from her grandmother, ensured that she went along with it. Subsequently, she was told that she could not return to the UK until she was pregnant and "happy" with her husband. Desperate to return home to Keighley, 14-year-old Noreen complied with the family's wishes.

Three months after the wedding, pregnant, and with her education disrupted, Noreen was allowed to return home on the understanding that she agreed to sponsor her husband's application for entry to the UK as a spouse. Her son is now 15 months old, and her husband has made an application for leave to remain in the UK as a spouse. The pressure from her family and the threat of repercussions if she failed to comply were so great that she was forced, initially, to agree to sponsor that application. However, even at her tender age, with a young child, she has finally decided to divorce her husband, stay his application for leave to enter, and live with her boyfriend, whom she met at school, and his family. She has paid the price for her honesty. She has been disowned by her family, deprived of all contact with her brothers and sisters, and lives in fear of retribution from the family.

Why, in the 21st century, are we prepared to allow the rights and lives of young people to be abused in such horrific ways? How can we possibly sit back and allow the rights of women to be ignored, with young British girls relegated to the category of an item for sale or a convenience that can be used as a means to get round immigration legislation?

In the case of Noreen and many others, there is not only the threat or the reality of physical violence. All too often, they are haunted by the spectre of an honour killing—an extreme aspect of the psychological and emotional pressure and blackmail brought to bear so heavily on the victim.

Education certainly has a crucial role to play in our attempt to eradicate this abuse of human rights and breach of child protection. Given that the number of forced marriages continues unabated, legislation is urgently required. This Bill gives us the chance to do something now. An amendment to make coercing or aiding and abetting someone into forced marriage a specific criminal offence in its own right is long overdue. A clear definition of forced marriage, incorporating not only the physical threat to the victim but taking account of the psychological and emotional intimidation that can be suffered is vital.

I am sure that many will suggest that the criminal law already makes adequate provision for those abusing their children in such ways. The laws of assault, child abduction and false imprisonment are generally cited, but despite the existence of those laws, the practice of forced marriage continues. The aim of a new and specific offence criminalising coercing or aiding and abetting someone into forced marriage is not to bring about mass prosecutions of otherwise law-abiding citizens. Rather, it is an attempt to send out a clear and decisive message: forced marriage is not only un-Islamic but illegal.

Why introduce a criminal law when we are not expecting many prosecutions? It is a question of changing hearts and minds regarding unacceptable practices. The House passed legislation some time ago criminalising the driver or passenger of a vehicle without a seat belt. I cannot be sure of the exact figure, but I would suspect that the number of prosecutions for non-compliance over the past few years has been very small. That does not diminish in any way its value in terms of road safety.

A new law would give a victim of forced marriage, at a time of considerable pressure, the comfort of knowing unequivocally that she is in the right and those applying the pressure are categorically in the wrong.

Mr. Grieve: I have been listening carefully to what the hon. Lady has to say on a very difficult problem. Is not the difficulty with her interesting proposal that it still puts the onus on the individual victim to be willing to give evidence, probably against her parents, so it might be unlikely to be effective? Does she agree that it is an irony that at one time the primary purpose rule was operated, sometimes imperfectly, to provide a deterrent to such forced marriage being used as a mechanism to allow immigration to the United Kingdom, but that that is now gone?

Mrs. Cryer: I would prefer not to discuss the primary purpose rule at this point—I could go on about it for quite some time, but I was not a Member of Parliament when it was being used, so I cannot comment on it. However, my late husband was a Member of Parliament at the time, and I know that he had some problems with it. There were problems, and that is why it was removed, but I agree that that did open to a certain extent the floodgates to the problems that I am dealing with. I also agree that it would be difficult to get young girls to come forward to give evidence against their parents that could well put them in prison, but we need to do this as a shot across the bows. No, we shall not have many prosecutions, but the very existence of a criminal law on that subject would be helpful to us when we try to help those girls.

Mr. Grieve: There is one area in which we have already made some progress. As a result of the Sexual Offences Act 2003, for the purposes of coming back into this country, and for sexual relations to take place, we do not recognise marriages under the age of 16 that have been carried out abroad—a matter on which hon. Members on both sides of the House combined. That may go some way towards solving some of the problems that the hon. Lady has identified.

Mrs. Cryer: In the case of Noreen, the police knew what was going on, but no charges were brought; the grandparents were involved, and they were not charged with anything. I still feel that a specific criminal offence would assist such girls.

Mr. Dawson: My hon. Friend is making a powerful case, and I support what she proposes. Is she aware of the use of care proceedings by local authorities in such cases?

Mrs. Cryer: Yes I am, and I appreciate what my hon. Friend is saying—but I cannot explain how very difficult it is for girls who are brought back traumatised. It takes them all their time and effort to come to see me, and they

come through the back door, because they are terrified that somebody from their community might see them. For some reason, both the young girls and their families in the Asian community in Keighley seem to regard social services as a sort of monster. I have never understood that, because I have no evidence that they have been dealt with unfairly, but they do seem to be terrified of social services, so I do not think that it is an option for those girls to seek help as my hon. Friend suggests.

To continue: the weight of English law is clearly on the side of the victim—or should we pay lip service to political correctitude and parental choice, however misguided, and leave the law unchanged? I am not attempting to point the finger at any particular group or community; I can only act on the information that I am given in my constituency work. I do not go out to find such horrific cases; they are brought to me.

It would give me the greatest pleasure if representatives from the communities in which forced marriage affects a minority were able to raise the issues themselves. The day when the words of a white, middle-aged, middle-class old-fashioned socialist can be replaced by those of an Asian woman in this House will be the day when I will no longer need to raise such issues. Were those communities prepared to take the lead on these issues themselves, there would be no need for a change in the law. Regrettably, not only in my constituency but in many northern towns and cities, I see no sign of that lead being taken. Instead, traditional patriarchal views seem to dominate and be of paramount importance, rather than the rights and the equality of women.

I am not having a go at any particular religion or community, and I am aware that the Koran is as explicit as the Bible in its support for gender equality. For example, Sura 3:195 says:

"And your Lord replied, 'I shall never cause the deeds of any of you to be lost, male or female, you are of each other'".

Clearly, this is a question not of religion but of culture—or, more correctly, of the use of and reliance on perceived cultural values to excuse behaviour that we in the 21st century rejected years ago. For us to do nothing would, through our inactivity, sanction abuses of human rights, and young people would continue to suffer as a result of outdated and unacceptable perceived cultural traditions.

I do not suggest for one minute that a new law criminalising the coercion, aiding or abetting of a forced marriage would solve the problems of forced marriage overnight. It would, however, be a major step forward. This may be more properly discussed on another occasion, but I would also like to see new legislation in line with the law in Denmark, in which a minimum age for people from outside the European Union who enter Denmark as spouses has been established. The Danes have specified the age of 24; I would be happy with 21. Likewise, ensuring that British citizens could not act as sponsors until they reached that age would give additional protection to the vulnerable. It would also give them time to complete their education.

Whatever improvements there have been since 1999, clearly they are insufficient to deter some parents from subjecting their children to a marriage that they do not want, and which devastates their lives.

This Government have had the courage to meet the challenge of domestic violence head on. Many victims, and professionals who deal with the consequences every day, will thank us for our boldness. However, I hope that the Government will also consider extending the protection of the Bill to young people whose rights are being daily abused by enforced marriage.

7.36 pm

Andrew Selous (South-West Bedfordshire) (Con): It is always a pleasure to listen to the hon. Member for Keighley (Mrs. Cryer), who speaks with great wisdom, insight and compassion about the issues that she finds in her community. The extent of the problem of domestic violence has been well outlined by everyone who has spoken so far. It is appalling that there are between half a million and three quarters of a million domestic violence offences every year. I understand that a quarter of women and one sixth of men are likely to find themselves subject to domestic violence at some point in their lives.

We have already heard several times that there are two deaths a week from domestic violence, and that 22 per cent. of all violent crime relates to domestic violence. Those are shocking statistics that rightly shame and concern all of us in the House, wherever we sit within it. Like many hon. Members, I have had the privilege of going around a women's refuge in my constituency, and I pay tribute to the staff of South Bedfordshire women's aid, who do an excellent job. They do not always have the funding or the facilities that they would like, but they provide an extremely important service at a critical and distressing time in the lives of many of my female constituents.

I spoke to some of the staff there earlier today and they asked me to make several points in the debate. The constituency that I represent is partly a rural area, and they said that there is still a strong feeling among many people that domestic violence is not something that would happen in "our village", or "our town". The subject tends to be under cover, and I hope that this debate, and the publicity that we can give it in our constituencies, will give people the courage to realise that, sadly, the problem is widespread, and encourage them to go forward, seek help and contact the police as soon as possible.

Another question raised by the lady to whom I spoke in the South Bedfordshire women's aid refuge was: where can men go? Women have been the focus of the debate, rightly, as I understand that 81 per cent. of the victims of domestic violence are women—but that means that almost 20 per cent. of victims are men. A gentleman came to one of my constituency surgeries not so long ago—a strong, healthy man—and broke down in tears in front of me when he described the distress and sheer terror that he felt because of the woman with whom he was living.

We have talked of taboo subjects, and I venture to suggest that domestic violence against men is even more of a taboo subject than domestic violence against women. However, we should be aware that it does exist, and we should encourage men not to suffer it and to seek relevant help.

Vera Baird: I agree very strongly with what the hon. Gentleman said, in that it is probably harder for men than for women to complain about domestic violence, particularly in situations such as he is describing. However, it is important to note that most domestic violence against men—although clearly not in the case he describes—is by men on men: by fathers on sons, brothers on brothers, sons on fathers and gay men on other gay men. The joint inspectorates of constabulary and the Crown Prosecution Service, which conducted a thematic inquiry into domestic violence, found a female to male domestic violence level of only 1.5 per cent.

Andrew Selous: I am most grateful to the hon. and learned Lady, who has informed our debates throughout. I was merely highlighting the fact that men are also victims, rather than trying to argue that any particular group causes these problems. This is a very real question that we should be aware of in designing these services. Who of us in this Chamber today has any facility for men in that situation? So far as I am aware, there is certainly no South Bedfordshire men's aid for the 20 per cent. or so of men who are victims of domestic violence.

I should also like to pay tribute to Bedfordshire police, and in particular to Chief Superintendent Ivor Twydell, who used to be the superintendent of central division, which covers my constituency. He organised a conference on domestic violence not so long ago, and I know that he has a personal commitment to this issue. It was he who first told me that Bedfordshire police estimate that, typically, some 28 different assaults have to be made on a woman before she is prepared to come forward and do something about it. That is a truly shocking statistic, and I am pleased to note that one of Bedfordshire police's objectives for this year is to increase the arrest rate in cases of proven domestic violence.

I want briefly to express a few concerns about the Bill as drafted. Like all who have spoken, I recognise its importance and hope that it is passed, but I look forward to hearing from the Home Secretary about the sibling relationship aspect, and I am most grateful to know that a letter will be forthcoming on that subject. Like one or two other Members, I am worried about convictions going ahead without a jury trial on remaining counts if an initial sample count has reduced a sentence. I note that the Bar Council has expressed concern about that issue. I am also worried about the issuing of restraining or non-molestation orders against acquitted suspects, and I hope that that issue will be considered in Committee. We are talking about very serious offences, and we must have the assurance of proper and due process of law to make sure that when such penalties are imposed, we are absolutely happy that justice has been done. That is very important indeed.

Many Members have rightly said that this whole subject is about tackling a culture that regards domestic violence as acceptable, and about making it clear that our society is not prepared to accept it. However, I want to focus the remainder of my remarks on pointing out that that is too low an ambition. We should do far more than simply change the culture, so that domestic violence is no longer acceptable. We should focus on what we can do to ensure that domestic violence does not happen in the first place, because as with all things, prevention has got to be better than cure.

In considering the origins of domestic violence, we must first pay tribute to those parents who engage in the long, hard slog of disciplining their children in a loving way, to make sure that they resolve disputes with brothers, sisters and friends in a non-violent way. That is a very tough job, whether one's children are aged between three and eight, or older. It is a very long, hard, tough slog, and I pay tribute to all parents who engage in that process, and who, through the love of their children, are prepared to discipline them and to make them realise that hands and feet are not the things with which to resolve arguments. If we as a country can establish that principle with young children, we will go a long way towards making sure that there are fewer victims of domestic violence in future. Doing so is very important indeed.

Of course, it is absolutely vital that there is no tolerance whatever of bullying in schools. South Bedfordshire schools are generally excellent, but from time to time people come to my advice surgeries and tell me stories that really do worry me. I am not sure that the school or local education authority in question has always acted with quite as much speed or concern as the parents and children had a right to expect.

It is also very important that we encourage our children to communicate. I was concerned to learn that David Bell, the chief inspector of schools, thinks that the nation's five-year-olds are less able to speak and to communicate than in previous generations, and perhaps slightly less articulate generally. This issue is terribly important, because if people are unable to communicate properly, the likelihood of their expressing themselves physically, rather than verbally, can increase.

My worries were reinforced following a conversation with the former chief inspector of prisons, General Sir David Ramsbotham. When he was chief inspector, a prison governor told him that if he had to get rid of all his staff, the last people to leave through the gate would be the speech therapists. He was pulled up short by that comment. Many prison inmates have never really learned the ability to communicate properly, and a lot of them are in prison because they have resorted to violence—in many cases, domestic violence. We need to teach people in prison the ability to communicate properly, and we should acknowledge the constructive role that speech therapists play in that regard.

Domestic violence, as we know, arises primarily out of broken family relationships. Sadly, this country fares very badly in that regard. We are the divorce capital of Europe, with some 40 per cent. of marriages breaking down; indeed, the figure for broken cohabiting relationships is even higher. Of course, it is by no means the case that all broken relationships lead to violence, but we can say that violence is very largely a product of broken relationships. That said, domestic violence is also often alcohol or drug-induced.

On prevention in cases where domestic violence has already happened, I was very interested to learn from the Assistant Secretary of State, who visited the UK just before Christmas, of the preventive work undertaken recently by the United States Department of Health and Human Services. It runs a relationship enhancement course, and on a recent cohort some 90 violent husbands who were first-time offenders for spousal abuse were put through it. As a result, not one was rearrested for the same offence within a year.

However, some 20 per cent.—one in five—who had not been on that programme committed domestic violence again. It would be useful if the Minister contacted the American equivalent of the Department for Work and Pensions to see whether we can learn from those preventive programmes, to make sure that domestic violence reoffending rates come down. Indeed, there are other programmes, such as the alcohol programme, from which we can also learn.

Within the UK, the particular voluntary organisations that I look to with the greatest enthusiasm in respect of their ability to reduce domestic violence in the future are the community family trusts. These are relatively new in the UK and there are only about 17 throughout the whole country. They were established in 1998, but more are on the way. Since their establishment, they have attracted Government and charitable funding. The Government funding has come partly through the marriage and relationship support programme within the Home Office, although it is now been moved to the Department for Education and Skills. I believe that the community family trusts will play a key part in helping us as a nation to develop our relationships better and to learn relationship skills so that there is less domestic violence within the UK.

Community family trusts work with a wide range of professionals within the community—typically registrars, clergy, school heads, primary care trust staff and local authority staff—and they are committed to improving all couple relationships. They are also committed to the promotion of healthy marriages. They work before couples get married, when children arrive and when couples are in danger of splitting up—but not only at that stage. I believe that these groups will play a significant role in helping to reduce domestic violence in the UK.

My plea is for prevention as well as cure. I recognise that the Bill's provisions are important for dealing with domestic violence as and when it occurs, but let us not lose sight of the fact that the best result of all would be to reduce the numbers that have to be dealt with as a result of the Bill.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. May I tell the House that there are about 100 minutes left for debate and eight hon. Members are seeking to catch my eye? Hon. Members can do the maths for themselves and work out how many minutes are appropriate if we are to include all who have been waiting patiently to contribute to the debate.

7.52 pm

Julie Morgan (Cardiff, North) (Lab): I am pleased to contribute to this important debate and delighted that the Bill is finally before us and beginning its passage through the House. I am pleased that the Bill has all-party support, but I am also proud that the Labour Government are introducing the legislation as a matter of priority. I congratulate Ministers on pushing for it to be included in the legislative programme and thank the Solicitor-General for her determination in seeking to get domestic abuse high on the political agenda. We have certainly succeeded in achieving that.

In nearly all the consultations with women that I have had and also in the Government's consultations through the "listening to women" programme, tackling domestic abuse always comes up as a high priority. When the "Safety and Justice" consultation paper came out in June 2003, I held a meeting in my constituency at which nearly 100 people, mostly women, came together to discuss the issues—

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Lady, but the hon. Member for Somerton and Frome (Mr. Heath) is not meant to read newspapers in the Chamber—and photocopies of newspapers are the next best thing.

Julie Morgan: When the 100 people, mainly women, attended my meeting to discuss the Government's proposals, I was struck by the intensity with which they—together with representatives of different agencies that came along—discussed the subject. Given that one in four women suffer from domestic abuse, it is a matter of huge concern to all of us; if we have not suffered from it ourselves, we know of friends and relatives who have been in that position. I have always found that whenever domestic violence is discussed in a small group, workshop or private setting, there is always someone there who says, "This has happened to me." It is important that we take the opportunity presented by the Bill to try to encourage as many people as possible to come forward and talk about their experiences. There has been a taboo on talking about these difficult, intimate problems.

The clear message from the Government in introducing the legislation is that domestic violence is unacceptable and must be tackled. There are ways of tackling it, and it is no longer acceptable to provide excuses. As others have said, it is no longer acceptable to say, "It is only a domestic". This criminal behaviour must be tackled head on: that is the Government's message today.

I would like to talk a little about the experience of domestic abuse in Cardiff. We have discovered there that it is possible to tackle the problem, but that the best way of achieving results is to get all the agencies to work together. That is the key to tackling domestic abuse. We need domestic abuse legislation, but we also need effective multi-agency working. It is essential that proactive advocates work with the victims. We need the legislation, but as many others have said, we also need the work on the ground.

I chair the Cardiff domestic violence forum, which is attended by all the key agencies. Two years ago, the Cardiff women's safety unit was set up with a grant from the Home Office as a pilot project for 12 months. After the first 12 months, because of the unit's success in tackling domestic abuse, the funding continued and was split between the Home Office and the Welsh Assembly. Now the funding has moved over entirely to the Welsh Assembly.

The women's safety unit is a multi-agency group of workers that, most importantly, includes a serving policewoman. That is one of the keys to its success: the police and all the other agencies are working together to tackle the problem. The unit supports victims and their children throughout the entire court process and acts as

[Julie Morgan]

a central point for all the agencies in the area. It trains the relevant agencies, including magistrates, court officials, accident and emergency staff—health is a key sector to be taken into account—midwives and many other agencies.

As a result of working together in Cardiff, there has been a notable improvement in the statistics. We have actually seen how this work has changed the statistics for the better in Cardiff: more crimes are being reported, the number of repeat incidents has gone down, and the number of women withdrawing their cases before reaching the courts has also gone down. One of the reasons for that happening is the support to victims given by the women's safety unit staff: accompanying them to court, promoting a special domestic violence court where all the domestic violence cases are listed together, building up strong links with the Crown Prosecution Service and responding to emergencies.

In common with other hon. Members, I have had women coming into my constituency surgeries in desperate situations, but I have been able to contact the women's safety unit, which often offers an almost immediate appointment or to go to the victims' homes, if necessary. The unit will negotiate over the different legal, housing and benefits issues and it is able to provide the one-stop shop that other hon. Members have mentioned today. That is the sort of response that is needed when we have reached the stage of women reporting a crime.

Several measures in the Bill will further help that safety work. For example, setting up an independent commissioner for victims is bound to contribute to supporting victims. The change in the law to make common assault an arrestable offence will give much more power to the police when they go victims' homes. As I have said already, experience in Cardiff shows that intensive work and intensive intervention can deal with the problem with some degree of success, particularly helping cases to go to court. As other hon. Members have said, what we really want is to stop cases reaching the stage where that is necessary.

In Cardiff, we set up multi-agency risk assessment conferences. An evaluation showed that the monthly meetings provided a focus for sharing information from all the different agencies. As a result of those meetings, action was taken to reduce the harm to high-risk victims. The MARACs deal with only a small number of very high-risk cases—about 20 to 30—working with both victims and their children. They have been successful and, since their establishment in April 2003, have been effective in reducing revictimisation. Six out of 10 women have not had to seek help since that intensive form of help was introduced, and those positive results show the benefits of a multi-agency approach to helping women who experience domestic violence.

Helping those women requires large resources, and most of the work is done by women workers from the women's safety unit. I would like to see a network of such units across Wales and the rest of the UK. There is one in Cardiff and another has been partially set up in Caerphilly. The intensive support needed to address those issues must be available to all victims of domestic abuse in the UK.

Another recommendation in the Bill that I strongly support is the statutory establishment of homicide reviews. We have only had one such review in Wales; most of them have been carried out by the Metropolitan police in London. The one we had in Wales came to some important conclusions. It was jointly chaired by the NSPCC and the police, which felt that that was important as it facilitated the involvement of other agencies and provided a good model.

The review produced some awful and regrettable statistics. Before the death of the woman involved, she had made 27 visits to accident and emergency, and suffered 11 assaults and six unexplained injuries. Her case had not been flagged or tracked, and no routine questioning on domestic abuse took place. Only one health professional sought to refer the victim to another agency, despite her numerous visits to her GP. A lack of training was evident, as has been true for all the reviews so far.

The importance of putting such reviews on a statutory basis is to show that they are not done to blame anyone. We need to find out why such homicides happen and learn the lessons from them. Homicide reviews should also be linked to other reviews. Other hon. Members have mentioned the chapter 8 case reviews for children at risk and reviews of the situation of vulnerable adults. Much of the information will overlap and many of the professionals involved will be the same. Much experience can be built up from those reviews and it is important that the work is not duplicated. The review in south Wales took 18 months and enormous time and effort from the professionals involved. It is important in terms of cost and efficiency that work is not duplicated and that professionals who deal with various vulnerable groups work together. In that way, it would be possible to build up a body of expertise linked to all the various agencies.

It is also important to consider this Bill in connection with the Children Bill. We need a strategy to deal with the child victims of domestic abuse and the men who offend. If one in four is a victim, there must be a lot of offenders. We must create a climate in which men do not become offenders, and that involves education. We also need to offer opportunities for men to seek help for their behaviour voluntarily, through programmes in the community, instead of waiting until they get to court and are made to attend. When I last looked at the number of programmes in prison available for domestic violence offenders, there were only two in the whole of the UK. I hope that the Minister will be able to address that important issue when he replies.

Alcohol abuse has already been mentioned. Sadly, Euro 2004 will mean that the rate of domestic violence will soar. Half of all domestic attacks on women are fuelled by alcohol and, unfortunately, the football competition will increase the amount of alcohol consumed and, therefore, the number of attacks. It happens on Superbowl Sunday in the United States and it will happen in the next three weeks.

I am pleased to support the Bill, which is a huge step forward and recognition of a problem that has been hidden for far too long. I shall be pleased to support the Government tonight.

8.5 pm

Mr. Robert Syms (Poole) (Con): I also welcome the Bill and the way in which the debate has been conducted, with dialogue across the Chamber. I am sometimes suspicious of that, because well-intentioned Bills can go wrong because of too much consensus; a little argument is sometimes necessary. However, I know that my hon. Friends the Members for Chesham and Amersham (Mrs. Gillan) and for Beaconsfield (Mr. Grieve), and indeed the hon. Member for Somerton and Frome (Mr. Heath), all have an eye for detail. I am sure that the propositions in the Bill—many of them very technical—will be tested and we will get the legislation that the country deserves. The problems that we can all foresee will be sorted out so that we end up with a reasonable Bill.

Much of the challenge of addressing domestic violence lies in changing attitudes, and they have changed substantially in my lifetime. Attitudes have changed on what is considered acceptable and what people will report or tell their friends and relatives. We have taken a giant step forward. The point that the hon. Member for Romsey (Sandra Gidley) made about implementing the current law is right. Much of the present law is not used but could help in the fight against domestic violence. One of the greatest strides has been in police attitudes to the topic. As the hon. Member for Hornsey and Wood Green (Mrs. Roche) said, people now know that the police deal much more sensitively with the issue, and that is very helpful.

Domestic violence is a major problem. Between 500,000 and 750,000 incidents occur each year, of which 62 per cent. lead to injury and 18 per cent. require hospital treatment. As we have heard, it can lead to people losing their jobs because they cannot turn up to work. People can suffer for years. Indeed, many people suffer many assaults over the years before they feel that they can come forward, and so we may still only see the tip of the iceberg.

I welcome many of the provisions in the Bill. The introduction of significant new police powers to deal with domestic violence, including making it an arrestable criminal offence to breach non-molestation orders, with a penalty of up to five years in prison, is very good. When people see the courts issue an order, they want to feel protected, and when such orders are breached those responsible must feel the full rigour of the law. In such cases, five years in prison is perfectly appropriate. I also welcome the provision to make common assault an arrestable offence and the amendment of the Protection from Harassment Act 1997 to ensure that victims have a say if an application is made to change a restraining order that protects them from abuse or harassment. People do not always understand why orders have been changed, especially if they were happy with them, and that can lead to further pressure and harassment. I also welcome the strengthening of the civil law on domestic violence so that cohabiting and same-sex couples have the same protection as heterosexual couples. The Bill will also extend the availability of non-molestation orders to couples who have never lived together or been married, and that is important because problems can arise in such circumstances and need to be dealt with.

Like some of my hon. Friends, I still have reservations. If a man is acquitted in a criminal trial, he could still be subject to a yellow card restraining order, and that raises civil liberties issues. I am sure that the Committee will consider that provision in great detail to see whether it would be appropriate.

We heard from the previous speaker of the tremendous importance of multi-agency working between the police, the probation service, local authorities and other statutory agencies. Many have domestic violence forums, but they are not necessarily funded; certainly in Dorset, where our police force is well at the bottom in funding terms, that adds to the burden on the agencies. If the sharing of information reduces problems in the long term, it may save money; as we have heard, visits—perhaps repeated visits—from the police cost an awful lot of money, so information sharing and multi-agency working could represent a saving.

I welcome the setting up of a register for civil orders. Victim Support certainly recognises the importance of that, because sometimes the police and the Crown Prosecution Service are hampered by not having full information.

In 2001, victims' personal statements were introduced and they have become a helpful sentencing tool for judges and magistrates. It is important for their recovery that victims of a crime are asked how it has affected them.

The Home Secretary slightly confused me when he was talking about victims' compensation; indeed, I am a little disappointed that the Government have not yet published their proposals, as it is rather late in the Bill's progress for their publication. There has been some speculation about the tariff system for fines to provide £25 million for the victims' compensation fund. In general, I welcome the principle that those who perpetrate a crime should pay towards compensating the victims, but I have some concerns.

Earlier, the Home Secretary seemed to be setting out a complex and complicated formula whereby there could be a surcharge of £35 on fines of more than £1,000. He said that the system might be income related, but that would build in further complications. He then said that the surcharge probably would not be appropriate for a first offence and that fines of less than £1,000 might incur a £10 surcharge. He also referred to the Department for Transport's review of the points system.

We are getting into a complex system, albeit for laudable reasons, and the Committee will have to spend a lot of time ensuring that we have an understandable system that works and does not become a bureaucratic nightmare. I am glad that the Home Secretary seemed to be ruling out a £35 surcharge on parking tickets, but I remain slightly concerned that, as the Government seem to have many speed cameras in inappropriate places, some of my constituents could face an added charge—like an additional tax—to support the fund. Those proposals need sorting out; we need much more detail about the Government's thinking.

The importance of women's refuges has been mentioned. A refuge was set up in Poole only a couple of years ago. Councillor Elaine Atkinson, of Poole borough council, has been a great advocate and has worked very hard. She and her committee raise money

[Mr. Robert Syms]

for the refuge and do sterling work. A problem in Poole is that we have both some of the most expensive housing in the country and a housing shortage. Somewhere to live or to find refuge is extremely important for victims of domestic violence, and Poole is one of the areas where that is a major constraint on people moving out of their home to get away from domestic violence.

Every week, 40,000 people throughout the country are looking for refuge—a tremendous number. Refuges are important, but funding can be haphazard. We have already heard about the unsung heroes—people who have worked hard over many, many years to keep those important institutions going, but there are not enough of them.

My hon. Friend the Member for South-West Bedfordshire (Andrew Selous) made the interesting point that there were no refuges for men. The problem is probably much smaller, but I had not focused on it.

I have some reservations about a commissioner for victims; it seems a little like gesture politics. No doubt, however, the Committee will look into that matter to determine what the Government are doing. I can certainly think of better ways to spend money.

The measure is important. There is much consensus in the House. Through our work in our constituency surgeries, we all realise the importance of the issue. It does not matter whether we are from poor areas or rich ones; people in all income brackets suffer from domestic violence. It must be tackled, and if we get the legislation right it will make a material difference to many, many hundreds of thousands of our fellow citizens.

8.15 pm

Ann Keen (Brentford and Isleworth) (Lab): The first women's refuge in Britain and, I believe, in the world was set up in Chiswick, in my constituency, by Erin Pizzey. I became familiar with the work of refuges in the early 1980s when I was a nursing tutor at West Middlesex university hospital in my constituency and met Sandra Horley, who is now the chief executive of Refuge. Ever since, we have continued to be friends and to work together. I also take this opportunity to pay tribute to the late Jo Richardson, who was the MP for Barking and did so much in this field when it was difficult to do so.

We are seeing unprecedented political activity on domestic violence. It is more than 30 years since the relevant legislation was given such a far-reaching overhaul—it certainly needed one. As a result, abused women and children will be better protected than ever before. It is amazing to think that throughout three decades they have struggled to make their voices heard, campaigning for changes in the law, public attitudes and society's response to domestic violence. At last, those changes are happening and no one working in the field would deny that it is a most exciting moment.

Many of the organisations that I listen to and work alongside ask whether the Bill and other recent legislation, in particular the Children Bill, go far enough. Can we now tell the woman who calls Refuge's national helpline to stop worrying because there are legal remedies for her and her children that will be implemented by understanding professionals? Can we reassure her that society will comprehend and support any decision she makes about her future?

Many workers in Women's Aid and Refuge would agree that we have made major legislative advances. It is also true that, as has been shown in the Chamber today, there is the political will—and the will of society—to end domestic violence. The voices are stronger than ever before.

At one time, it was acceptable to be a drink-driver, but that is no longer acceptable in our society. I believe that we have now reached the stage when our society is saying that domestic violence is no longer acceptable either.

There are other causes for concern, however. I have a particular interest in the denial of benefits to women with no recourse to public funds. I praise the work of the Hounslow Asian women's refuge in my constituency and of the Southall Black Sisters in the neighbouring constituency. They have done so much for so long, like the late Jo Richardson, at a time when it was not easy to talk about domestic violence in communities such as Southall. I hope that we can make representations and that the Minister will look further into the problems relating to benefits.

We need to integrate policies and services for adult victims with those for their children. From my knowledge of such work, and from the explanations of Refuge, it is clear that domestic violence affects women and children in overlapping ways. It affects them together through the experiences they share; it affects them separately through the experiences they do not share and, perhaps most significantly, it affects them in relation to each other. We must not forget that about 50 per cent. of children are also abused by their mothers' partners.

Absolutely staggering figures have come out from the Department of Health and recently from the Royal College of Midwives. Domestic violence is the biggest single killer of the unborn child. Women at risk from domestic violence are four times more likely to miscarry and four more times more likely to have a low birth-weight baby. Foetal morbidity from violence is more prevalent than from diabetes or pre-eclampsia.

As a nurse in the 1980s, when I was learning the profession, I knew the myths that surround domestic violence. I understood how difficult it was for women to be believed and to leave. However, I was somehow part of that, too. When I worked in an accident and emergency unit, I would care clinically for the woman whom I was asked to look after. The police would come into the unit and ask where the domestic was, and I would reply, "I will take you to her." I would care for her clinically and I hope that I cared for her emotionally, but I also made mistakes. I would say, "Why did you let him do this to you? I wouldn't let this happen to me. Why can't you leave?" As a health professional, I was reinforcing the view that perhaps it was the woman's fault.

I remember, in particular, the husband of a woman with a ruptured spleen. He brought me and all the nurses chocolates and wanted to know which ward his wife was on so that he could visit her after she had been taken from the accident and emergency department. We felt that we did not know quite how to deal with this and we

did not know where to take the problem. We did not want the husband to visit her on the ward, but we knew that that would happen because the police were not involved and no one was dealing with the fact that he had ruptured her spleen. That was the position in the 1980s, but I am pleased to say that today it is a very different story. We all know how to react.

Other Members have raised issues that I was going to mention. It is important that we consider the perspective of health professionals, but we are still not asking women how the abuse happened to them. They are visiting GPs, hospitals and other health professionals, because they might be abusing alcohol or even have suffered the trauma of an overdose. The health professionals may be dealing with other substance misuse, but nobody ever asks about domestic violence. There may be rare cases in which enlightened trusts, hospitals and primary care teams look at ways of dealing with the problem, but that it is still not good enough. When someone says that they have bumped into a door or fallen down the stairs, other questions could be asked about the bruising.

The bruising may also be psychological, especially to the children involved. I am very concerned about their contact with violent fathers. Only the other week, Refuge told me about the case of a child who had witnessed his father shoot his mother in the stomach. On the father's release from prison, he was granted contact with the child and used to whisper in her ear, "I'm going to get you and I'm going to get your mum." We should involve teachers and social workers and everyone in this wonderful multidisciplinary team that we have today. It is much more enlightened and, without question, it will be able to deal with the support system in the Bill and the work of the Metropolitan police. I praise it for the massive change in attitude and training that has taken place.

We cannot be complacent. Teachers must ask themselves why a child is disturbed. Could it be the result of domestic violence? Why is a child truanting? What is going behind the closed doors in the home? Many health workers are privy to what has gone on behind closed doors and, with that responsibility, they must ask the right questions. Health professionals still ask refuge workers and workers in the domestic violence field why the women do not leave, but that is still the nub of the problem. If the professionals are still asking that question, their training means that knowledge and information has not got through.

We need proper funding, so that we can ensure that every refuge and all those in the profession working with women and children do not ever have to turn anybody away because of lack of funds. That requires co-ordination and the implementation of a proper strategy throughout the whole multidisciplinary team. Otherwise, this brilliant Bill will not be implemented. That is my biggest fear.

I commend the Government and every agency that has worked on this issue, but, in particular, I commend the brave women who have come forward, told of their cases and lived through them to go on to a much happier life.

8.25 pm

Lady Hermon (North Down) (UUP): I assure you, Mr. Deputy Speaker, that I have done my maths and will keep my comments short to allow other hon. Members to speak.

I am rather embarrassed, as I believe that I am the only Member of Parliament from Northern Ireland here today. I regret that. Domestic violence is a very serious problem in Northern Ireland and, if the statistics are correct, six people there died as a result of paramilitary violence, but on average six people a year die as a result of domestic violence. If the House were discussing paramilitary violence, I imagine that representatives of the other parties would be present. However, I note with deep regret that they are not present for a debate on domestic violence. As has been said many times before, murder is murder is murder—whether it is the result of paramilitary or domestic violence. The victims were loved by someone and their loss is very sad and should be taken just as seriously whatever the cause.

I welcome the fact that the vast majority of the provisions in the Bill have been extended to Northern Ireland. A fact that is often overlooked in the House is that criminal law is not a devolved issue. Even for the brief time that we had a devolved Assembly and 108 Members sat in Stormont dealing with social security and other devolved issues, criminal law was not among them. Responsibility for criminal law has always remained here at Westminster. Given the results of the Assembly elections last November in which the Democratic Unionist party and Sinn Fein did so well, it is hard to envisage the Assembly rising from the ashes, because that would mean that the First and Deputy First Ministers, who are jointly elected, would come from Sinn Fein and the DUP. It does not take a crystal ball to see that the Assembly will not reconvene until some time in the future, but we live in hope.

While criminal law remains a responsibility of the House, it is a matter of deep concern that, in many aspects, the people of Northern Ireland have been left behind. The legislation on antisocial behaviour that was passed in the House last year did not extend to Northern Ireland. We are only just finishing the consultation on antisocial behaviour orders in Northern Ireland—they are still not available to us. I listened to questions about the implementation and enforcement of ASBOs during Home Office Questions today and thought, "What a luxury to have them." I praise the Home Office for extending the vast majority of the Bill's provisions to Northern Ireland. Domestic violence is a serious problem in Northern Ireland. Last year's police statistics show that reported incidents of domestic violence in Northern Ireland have increased by more than 9 per cent. I emphasise the word "reported" because as all hon. Members who have participated in the debate appreciate, the cases reported to the police represent only the tip of the iceberg, because the vast majority are not reported.

It will have been clear to the Government from my earlier interventions that I am extremely disappointed that the provisions in part 3 of the Bill on the code of practice for victims and the commissioner for victims and witnesses will not be extended to Northern Ireland. The hon. Member for Poole (Mr. Syms) cast doubts on

[Lady Hermon]

the likely effectiveness of the commissioner, but I think that the proposal is good and long overdue. Unfortunately, however, the Northern Ireland Office is currently resisting the extension of the provisions to Northern Ireland, which is totally unjustifiable.

The reason why the Northern Ireland Office is reluctant for the remit of the victims' commissioner to be extended to Northern Ireland lies in the "Review of the Criminal Justice System in Northern Ireland", which was one of two reviews undertaken after the Belfast agreement was signed—of course, the other was the Patten report on policing. The contents of the review are not written in tablets of stone because when it has suited the Government, they have brought forward measures earlier than the review recommended while omitting other measures.

An entire chapter of the review is devoted to victims, and it examined proposals for an advocate for victims in Northern Ireland. It was concerned that because Northern Ireland was a "relatively small jurisdiction"—that is important, because it is a jurisdiction with 1.7 million people—the proposal to have a separate advocate for victims

"might merely serve to diminish the stature and effectiveness of the Criminal Justice Inspectorate"

and cut

"across the responsibilities of the individual criminal justice organisations."

That argument was fairly laudable four years ago when the review was published.

The criminal justice inspectorate, which was cited as the excuse for not having an advocate for victims in Northern Ireland, was established two years ago by the Justice (Northern Ireland) Act 2002, and Mr. Kit Chivers—a good appointment—was appointed as the chief inspector of criminal justice with great fanfare, song and dance and razzmatazz in June 2003. However, on 19 May 2004, at column 1092W of *Hansard*, I asked how often the Secretary of State had met the chief inspector of criminal justice. I received the answer "not yet". The inspectorate is not even up and running, and we do not expect that it will be in operation until the autumn. That is gravely disappointing.

I am perhaps more concerned, however, by something that Baroness Scotland rightly and properly said in the other House, and I am pleased that the Under-Secretary of State for the Home Department, the hon. Member for Wythenshawe and Sale, East (Paul Goggins), who will take the Bill through the Committee, is back in the Chamber to hear this point. Baroness Scotland said:

"I need to be clear that the intention of this legislation is to introduce rights for all victims of crime. We are not looking to create a hierarchy of victims, attaching greater importance to some types of victims than others."—[*Official Report, House of Lords*, 11 March 2004; Vol. 658, c. 1452.]

I tell the Under-Secretary that the substantial majority of people of Northern Ireland voted in a referendum for the Belfast agreement. Clause 1 of the agreement said that the people of Northern Ireland wished to remain part and parcel of the United Kingdom unless, and until, a majority voted otherwise. The people of North Down expect to be treated in exactly the same way as those in North Devon.

Given that Baroness Scotland assured the other House that there would not be a hierarchy of victims, the people of Northern Ireland need not only words, but action. To use a horrible phrase, albeit one that describes the situation accurately, they need joined-up government, rather than enormous amounts of time and money being wasted on truth and reconciliation commissions. Such proposals will not bring justice and truth in Northern Ireland, but a lot of pain will be caused to many people. The way forward for the Government and the many thousands of victims of Northern Ireland would be to extend the Bill—lock, stock and barrel—to Northern Ireland as quickly as possible.

8.34 pm

Huw Irranca-Davies (Ogmore) (Lab): It is always a great privilege and pleasure to follow the hon. Member for North Down (Lady Hermon).

Domestic violence is now the second most common crime in the United Kingdom. The House can take pride in the fact that not only do we have a Government who are introducing this Bill, but we have many hon. Members—I do not count myself among them, not having been here for long—who have consistently, across many years, spoken up for those who do not have a voice for themselves. Such legislation will help to reduce the occurrence of the insidious incidence of domestic violence that can trap and torment adults and children alike into a personal hell, from which many have traditionally seen no escape.

I suggest that we are speaking for those who do not readily have a voice themselves. Let us put that assertion and the bland statistics behind domestic violence in context. It has been mentioned that in each year of the British crime statistics, in excess of 500,000 people will be subject to domestic violence. That means that if we filled the Chamber to capacity with those people every day, and if we debated the subject every day and listened every day to those who suffer from personal abuse, we would finish that debate not next year, not one year hence, not two years hence, but in April 2007. That is the scale of the problem and the challenge that we face. It also shows the scale of the testimonies of despair, pain and hurt that we would hear. Yet that is only the recorded incidence of domestic violence.

We have one afternoon and one evening, yet in this one sitting we can begin to act for the many silent voices that also haunt the Chamber and this country. Those silent voices haunt the pages of the supplementary questionnaire to the British crime survey, which show that more than six out of 10 women and nine out of 10 men who were subjected to domestic violence did not believe that what had happened to them was in any way a crime. On a related issue, there are the silent voices of more than four out of 10 women who have been subjected to rape, as defined by the Criminal Justice and Public Order Act 1994, but who do not conceive of themselves as having been raped. There are also the innocent and reluctant observers of domestic violence—the children who stand by and watch. Those are the silent voices behind the pages of what are merely reported crime statistics.

My wife works in an accident and emergency department of a major south Wales hospital. In addition to the expected and accidental injuries that come

through the doors every hour of the day and night, there are also the unexpected and the non-accidental. One recent study suggested that in one inner city hospital, more than one in three women who entered the doors of the A and E unit had been victims of domestic violence at some point.

The most abused are often women, making up, as has been mentioned, more than eight out of 10 of those who are at the receiving end of domestic violence. However, they are not the only victims. Some men are also abused. Also, children continue to see one parent abusing another. It is believed that nine out of 10 children are in the same room or the next room during attacks on their parents. One in three will try to intervene. The physical scars of domestic violence, and sometimes the deaths through domestic violence, are often just the most obvious and immediate manifestations of such abuse, but the emotional scars and the repercussions on the mental health of those involved—not least the children trapped in the mayhem—are sometimes difficult to see, but equally long lasting and potentially devastating to the individual's whole life.

It would only be right to highlight the fact that many organisations are involved in changing that domestic environment. My hon. Friend the Member for Cardiff, North (Julie Morgan) was one of many who talked of their role in that. Those organisations give options to those who feel that they cannot speak out or escape their predicament and cannot alone build an alternative future. The refuge centres throughout the UK give assistance not only to women, but to families, so that they can begin the path that ends the violence.

Wales has 31 women's aid groups, including one in my constituency, which provide temporary accommodation. Caerphilly has a year-long pilot project—one of two in the UK—that aims to stop domestic violence and, at the same time, deal with the under-reporting of incidents. Only last month, the first all-Wales helpline for victims of domestic violence was launched in Penygroes. The helpline offers confidential information and support for individuals. In the autumn, we begin a programme that deals with the child victims of domestic violence, who are now beginning to show, as one could foretell, disturbing signs of becoming violent and aggressive themselves.

There is an economic cost as well to domestic violence and abuse. According to the manager of the Cardiff women's safety unit, domestic violence is the biggest cause of murder in south Wales and costs society around £1.1 million each year. Although the moral case for ending violence is paramount, the financial case is also compelling.

So we are making steady progress in Wales, but we have much more to do. As we highlight the issue today, I urge anybody who feels that they are in a situation of violence to seek assistance from the many organisations that can help. The Bill will augment that work by helping to diminish the occurrence of violence and by creating the legislative and, most importantly, as other hon. Members have mentioned, the societal climate in which violence in the home is simply not tolerated.

Today we find ourselves in a position to instigate change; the Prime Minister has rightly described the Bill as

"a symbol of our determination to rebalance the whole criminal justice system around the needs of the victim".

I have confidence in the fundamentals of the Bill and in the parameters and guidance that it sets forth for the judicial system. We stand in an enviable position: we have reached a point where we can, if not end, at least sharply reduce the incidence of domestic violence. I think of provisions in the Bill such as the new police powers that make domestic violence an arrestable offence; the penalties of up to five years in prison; the power to issue restraining orders even when the defendant has been acquitted but where the court believes that there is still a risk of abuse; the extension of the civil law to cover same-sex couples in cohabitation; and the new offence of causing or allowing the death of a child or a vulnerable adult. There is so much good in the Bill that the welcome that it has generally received should be no surprise. The changes will strengthen the law so that those who perpetrate the crimes will be punished, while the victims' rights will be restored to where they belong.

The Bill has been welcomed by many working in the field and across the party political spectrum, as we have seen from today's debate, but as any legislation proceeds, there are always calls for fine-tuning or strengthening of the provisions. The Minister will be aware of those concerns. They have been taken up by many organisations and have been reiterated to me by organisations in south Wales, which are hugely supportive of the Bill but which want the Minister to respond sympathetically to the following issues.

First, how can the Bill ensure that there is safe contact with parents and family when a relationship breaks down? Should that need for safe contact be enshrined in legislation? If not, my constituents ask me, how can safe contact be achieved, particularly in the light of evidence that some children may continue to be put at risk by being put into contact with schedule 1 offenders or those on the child protection register, when sometimes such contact is unsupervised—or even by being ordered to reside with parents who have a history of violence? When the Minister responds to the debate, will he confirm that he recognises that danger, and will he demonstrate how it can be avoided if the need for safe contact is not to be enshrined in legislation?

Secondly, will the Minister explain how adequate provision of services for the victims of violence—services such as advocacy, protection and support—is to be achieved across the UK? I recognise that that will entail partnership and multi-agency working, as my hon. Friend the Member for Cardiff, North said, but will the Minister expand on the additional funding recently announced for the crime and disorder reduction partnerships, and confirm that that funding is applicable also to Wales?

Although it is true that domestic violence may never be completely eradicated, this Bill offers the legislative framework that will create a climate in which abuse cannot thrive and will not be tolerated. Given that 120 women and 30 men are killed each year by their partner, what better place than here and what better time than now to help to end the daily torment of thousands of our constituents and of many thousands of women, men and children in every part of the UK, and to put to rest the ghosts of domestic violence that haunt this House and houses throughout the country?

8.44 pm

Vera Baird (Redcar) (Lab): Domestic violence used to be a secret crime committed in the night behind closed doors. It was secret not only because he would not talk about it but because of her shame. It was also private—outsiders who knew or guessed would regard it as a hands-off part of the complex of the couple's emotional relationship. The police took the same view: they thought it was just a "domestic", a nuisance which it was beneath them to attend and which took place, often at the same address, many times.

Those attitudes are not now acceptable from him, the police or her. She needs support, but she must speak out. Domestic violence perpetrators are often serial offenders who leave one battered woman's life in disarray and take up with another. She will therefore serve other women badly by keeping a dark secret. According to the lead of the Association of Chief Police Officers on domestic violence, many domestic violence perpetrators commit other crimes, and it is desirable to bring them to police attention. Considerable damage is done to children who witness domestic violence and even suffer it, because there is a close link between domestic violence and child abuse. For all those reasons, and because women are entitled to live in safety from violence, everyone involved must play a role in ensuring that domestic violence is stamped out.

I therefore welcome the Bill and congratulate the Government on it. It is by no means the first thing that they have done to tackle domestic violence. The list of non-legislative measures is as long as a book, and they have started to change the culture, not least—and I speak approvingly—of the main Opposition party, who did not keep the issue at the forefront of their mind when in government, but have today made some positive proposals. The Bill, however, could be improved. It deals mainly with court proceedings, but few cases are complained about, and fewer reach court. Forty-two per cent. of complainants withdraw their complaint, and the conviction rate is 11 per cent., so there is a need for pre-trial action.

Consider a typical domestic violence complainant in, for instance, Redcar. Redcar and Cleveland women's aid does a fine job on a fine, or thin, budget. Usually in the household, the abuser has the money and, as a rule, is the tenant or owner of the house. He helps with the children, or perhaps his mother helps, so that the woman can go out to work. What will she do for money if she gets rid of him but cannot work? He will have to leave—or worse, she will have to leave, and perhaps go to a refuge. What then? She has never had a tenancy, the children will lose their father, they will be poorer financially, emotionally impoverished and the home will break up. People who regard him as a nice guy are bound to think that it is something that she does that makes him want to beat her up. Can she not just put up with the odd thump, as it has not killed her yet? If, despite all that, the woman makes a complaint, it is imperative that the public authorities pursue it with vigour, yet the joint inspectorate of the Crown Prosecution Service and the police, in a report on domestic violence only a few months ago, made it clear that the police response is patchy and that the CPS interest in those files is sometimes thin. The complainant will not have the personal power to drive the agencies on.

We should remember that the complainant will have been abused about 35 times before she makes a complaint and her self-esteem will have been undermined. It is essential to provide a domestic violence advocacy service to support complainants, overturn the system's lack of enthusiasm and drive the agencies forward. An advocacy system is already operated by specialists at the Redcar and Cleveland branch of Victim Support. Advocates can negotiate on housing—a frequently needed skill, because all too often it is the woman, not the man, who leaves. Alternatively, if she stays, the advocate will help to develop a safety plan, such as changing the locks, arranging for a panic alarm or CCTV—whatever it takes. Advocates can manage benefit entitlements, which change when families break down, and can help to arrange child care and, if necessary, change the child's school. They can make referrals to counselling services, help with the civil courts, and drive on the criminal case. As other Members have said, they are a cheap but important link. Existing UK schemes have shown significant reductions in repeat victimisation, and benefits for the process of family healing after the event. I commend such schemes to the Government, and urge them to consider including provision for one in the Bill.

I shall say no more about women with no recourse to public funds, save to agree that it is a major issue. I shall say no more about contact for domestic violence perpetrators with children, which is an extremely serious issue. I shall say no more about the need for a definition, save that the police and CPS inspectorate pointed out that those two organisations have different definitions of domestic violence. If it is to be monitored properly, there is a need for one. I shall say no more about familial homicide, provisions on which I supported throughout the proceedings on the Criminal Justice Act 2003.

I shall spend the few remaining minutes on the statistic that two women a week are killed by violent partners, and 30 men a year by their battered partners. Many men and women run the defence of provocation. It cuts the conviction from murder to manslaughter, so the sentence is not mandatory life—it becomes discretionary. The Government are undecided whether to change the law on provocation. They should.

In domestic killings, men kill because of anger or sexual jealousy; women usually because of abuse. Provocation means what it says, although in law it is a little more technical than that. Provocation is killing in a sudden and temporary loss of self-control caused by provocation, under which a reasonable person might have reacted in the same way. The point of it is that although the defendant kills and goes too far, his culpability is mitigated by the provocative conduct of the victim.

Originally, that had to be wrongful conduct by the victim, because that is the philosophy behind it, as I have just set out, and it would have turned that philosophy on its head to apply the doctrine in circumstances where the victim had a right or was not wrong to behave as they did. However, there have been cases in which women have been killed and men have said they were provoked to lose their self-control by "nagging". For one man, the final provocation was the way the woman moved the mustard pot across the table. In a case in Leeds, the Crown accepted a plea from a man to provocation

manslaughter when he had killed his wife after she merely told him she was going to leave to go to another man.

We must remember that the behaviour is supposed to be that of a reasonable person, but one might think that it is not. A House of Lords case called Smith four years ago stated that when considering whether a reasonable person might have reacted to the provocation in the same way, all the characteristics of the defendant must be taken into account, including anything that might lower his level of self-control. So the defendant's characteristics are put into the reasonable person, who becomes the defendant, and the question whether a reasonable person might have reacted as the defendant did is completely meaningless. In addition, this defence blames the victim who, in those cases and many others, is entirely blameless, and it causes extra anguish and a sense of injustice to the grieving family.

The typical killing by a battered woman is not from anger and does not fit the sudden and temporary loss of self-control model. Eighty per cent. of such killings take place while the woman is under attack. She runs into the kitchen and turns and stabs the man once with a knife when he is coming for her. There is no defence of killing out of fear or despair that accommodates battered woman in the way that killing out of anger—provocation—accommodates men. However, there is no less emotional or psychological stress if somebody kills after long tolerance of harsh treatment, in desperation, rather than suddenly, in provoked anger.

One might think that that run into the kitchen and the turn-round under attack is self-defence, but it is excessive. To be a defence, self-defence must be proportionate. If a woman is attacked, perhaps only with fists or boots, even though the man is stronger and has used violence before, if she takes a weapon and lashes out a jury will not acquit on self-defence. Excessive or disproportionate self-defence leads to a conviction for murder, not for manslaughter.

Women are defended on two bases—first, that the act was proportionate self-defence, and secondly—if that fails—that it was provocation. However, proportionality in self-defence requires some measurement; some deliberation. Provocation—that is, the attack by the man—requires a sudden and temporary loss of self-control and a lashing out. The two are quite inconsistent. Women do not kill out of anger. Both defences often fail—hence, violent men get away with murder and battered women are convicted of it. The need for a reform of the law is urgent. The Law Commission has made excellent proposals, which I ask the Government to accept. I intend to propose an amendment.

Just before 1 April, clause 12, which attacks trial by jury, went through the Lords. Last year there were Government plans to scrap trial by jury. In November, the Government dropped proposals that would have allowed defendants to choose trial by judge alone. Critics, myself included, argued that that would soon become no choice at all. The Criminal Justice Act 2003 allows judge-alone trials in cases of jury intimidation, but no restriction on jury trial in serious fraud cases will be implemented without a further vote.

Under the new proposals, the process starts with an appeal when a man has been charged on four specimen counts of 17 allegations. The Lord Chief Justice said that he cannot be sentenced for the 17, although they are identical to the four, because they have been neither admitted nor proved—he can be sentenced only for the four and will have to be tried on every count. The Lord Chief Justice said that that need not be unduly burdensome or unmanageable. The Law Commission, on the other hand, said that it was an intractable problem in cases involving hundreds of charges. The Government accepted that and proposed a two-stage trial procedure. The first stage takes place before a judge and jury in the normal way, with specimen counts; then, in the event of a guilty verdict, there is a second stage in which the defendant is tried by a judge alone on any charge that was linked to the specimen counts. It is thought that many will plead guilty at that stage.

Many, including the Bar Council, see the abolition of jury trials as the thin end of the wedge. I confess that I share some of those fears. I see no difficulty in having a second—or, indeed, a third—trial heard by a jury. If the counts are specimens, the relevant evidence will be admissible in the second stage anyway; and if the person has been found guilty, which is admissible under the 2003 Act, it seems pretty likely that there will be guilty pleas on many of them.

However, my main concern relates to what I readily accept are unintended consequences. If a two-tier system of trial becomes law, people will soon be singing the praises of trial by judge alone. There is no doubt that trial by a judge is speedier and cheaper than a full-blown jury trial. People will ask, "Why do we need 10 of these counts to be tried by a jury if the other 190 are being tried by a judge? Let's do them all under a judge." Once again, it will be the beginning of the end for juries.

This is a good Bill, and given the good will that we have seen here tonight it can be better. However, clause 12 is a bad clause that is unconnected with domestic violence or its victims. I hope that the Government will think again on that, but I sincerely congratulate them on the rest of the Bill.

8.57 pm

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): It is a privilege to have the opportunity to take part in the Second Reading of this very important Bill. I commend my right hon. Friend the Home Secretary for his focus on domestic violence and for expressing in the Bill the need to afford adequate protection to its victims.

As we have heard—it hardly needs restating—domestic violence accounts for a quarter of all recorded crime. One in four women experience violence from a partner during their lifetimes. It is a shocking fact that by the time we have begun to discuss the Bill in Committee, another two women may have died as a result of such violence.

We should therefore be pleased that the Government are investing more than £60 million per annum; introducing measures in the Bill to make the breach of non-molestation orders a criminal offence; extending the provisions of part 4 of the Family Law Act 1996 to same-sex or non-cohabiting couples; establishing procedures for holding and undertaking domestic homicide reviews; making common assault an arrestable offence; extending the availability of restraining orders; and supporting the victims of domestic violence—indeed, all victims and witnesses—by establishing a commissioner to serve their interests.

[Mr. Hilton Dawson]

I sincerely hope that during the passage of the Bill there will be no further debate on the relative roles of the commissioner for victims and witnesses and the commissioner for children. It would be hugely to misunderstand the role of the children's commissioner to fail to appreciate that that person will have a fundamentally important task in ensuring that children are able to access all the ordinary avenues of support that are available to them in society. However, to send child victims and witnesses to a children's commissioner, not to the commissioner set up for the purpose, would be to send them down a devalued and child-only cul-de-sac.

I am surprised that such a good Bill does not propose a statutory definition of domestic violence. I wonder how the proposal for a commissioner for victims and witnesses relates to the undoubted need for a national advocacy service for the victims of domestic violence. Like others, I am anxious about the funding and support for refuges. I hope that those important matters can be tackled during the Bill's passage.

We are considering an important measure for children. The Government recognise the appalling impact of their witnessing domestic violence because clause 120 of the Adoption and Children Act 2002 extended the definition of significant harm to include impairment from seeing or hearing the ill treatment of another. It is imperative that the provision is implemented and I understand that that is due to happen in January 2005. I sincerely hope that there will be no delay.

Clause 5 provides for joint liability in cases where a child has died but the prosecution is unable to determine exactly who killed him. That is crucial and I hope that the principles of parental responsibility and that of all adults in the household will be supported. However, it is a significant and serious anomaly that children under 16, who happen to bear responsibility because they are parents at a young age, could be criminally liable when, in so many other ways, they would be perceived as extremely needy children. As my right hon. Friend the Home Secretary acknowledged, many are surely supported by other adults in the house, who could well bear responsibility under the clause.

A great deal of emphasis has rightly been placed on the appalling number of women who are killed in this country as a result of domestic violence. Hon. Members should never forget that one or two children a week are killed by parents or care givers. Three quarters of children on child protection registers have experienced domestic violence. It has not been said in the debate that at least 28 children have been murdered during contact visits in recent years. On Wednesday at 12.45 pm in the Attlee Suite, I shall host an event organised by Women's Aid, which child victims of domestic violence will attend to give incredibly brave testimony about their experiences and to question my hon. Friend the Under-Secretary. I commend him for his willingness to listen to children and I hope that all other hon. Members will join him on that occasion. Listening to children and tackling their issues effectively is an important way in which to tackle fundamental aspects of domestic violence.

In the past few decades, there has been a major cultural shift in our attitudes towards domestic violence. However, we need to be bolder and braver in the Bill if we are to make genuine progress and tackle some of the deepest roots of violence in our society. As I have already said twice, it makes no sense to deplore violence without having the courage to give children the same protection from assault as adults enjoy.

I predict that a change in legislation, which sweeps away the mid-19th century concept of reasonable chastisement, will come soon. I firmly believe that, in only a few years, people will look back on debates in the House and regard it as, at best, quaint that some people objected to removing an objectionable provision, failed to ensure the equal protection from assault of adults and children, and opposed introducing a crucial and significant plank of child protection.

I want to speak about contact. As a father myself, I support the right of children to have good contact with both parents throughout their childhood, but I am appalled by the actions of judges who have ordered and enforced unsupervised contact, and in some cases residence orders, to the benefit of violent, abusive and dangerous men. It seems to me essential that we bring about in this Bill a presumption of no contact unless it can be organised safely and the child wants it.

As a strong supporter of the Government's Green Paper, "Every Child Matters" and their statement to that effect, I cannot believe it appropriate that we should debate a Bill addressing violence, crime and victims without dealing with the national scandal and disgrace—a fact that shames every single Member of this House—of the deaths of 27 children in the custody of the state since 1997. This Bill should recognise the fact that children who commit criminal offences are troubled, needy children who need better looking after rather than locking up. In particular, we should use this opportunity to raise the age of criminal responsibility and to ensure that those few children from whom we actually need to be protected go into care rather than into custody. Those children who have, to our shame and disgrace, committed suicide in custody are some of the most tragic victims of whom one could possibly conceive.

Children are twice as likely as adults to be victims of crime, and this good Bill has the potential to be an excellent one if we really place them at the centre of our concerns. We should look to improve the Bill significantly in the ways that I have suggested, link it with the Children Bill that will be before us in a few weeks and ensure that the policies of the Home Office become firmly grounded in the principles of the Green Paper, "Every Child Matters". Let us, for goodness' sake, have some joined-up government.

We should listen to the children who have been through the devastating experience of domestic violence if we really want a perspective that will help us effectively to counter this dreadful and demeaning feature of our society. Some months ago, a young woman called Chloe came to see me and later sent me a letter and a song—although hon. Members will be relieved that I shall not attempt to perform her excellent song. Chloe perhaps in a preview of Wednesday for my hon. Friend the Minister asks:

"Why do the courts force children to see their dads when they are frightened of them? Why don't the courts make sure that it is safe for mums and children when they know the dads are violent?"

Above all, she asks:

"Who tells the judge off when he don't listen to the children?"

Let us all listen to Chloe.

9.8 pm

Miss Anne Begg (Aberdeen, South) (Lab): I feel at a bit of a disadvantage speaking in this debate because of the expertise that hon. Members on both sides have shown in this subject. Their expertise is wider and much more long standing than anything that I can bring to bear on the debate. I appreciate that the Bill does not apply to Scotland, because it concerns a devolved issue. It applies only to England, to Wales and, if the hon. Member for North Down (Lady Hermon) has her way, wholly to Northern Ireland.

However, I should like to raise one specific issue tonight, to ensure that it does not get lost in the Bill's passage through Committee. It relates to the particular needs and difficulties faced by women or men with physical disabilities, and the ways in which they can deal with suffering at the hands of a partner, husband or wife who is violent to them or neglects them.

The issue had not crossed my radar until a couple of weeks ago, when I was contacted by the Radio 4 programme, "Woman's Hour". It had picked up the fact that an area of policy might be being ignored—that, while domestic violence was being given an airing and this Bill was being dealt with in the House of Lords, the specific plight of disabled women was not being dealt with. Until I spoke to the programme's researchers, I was not aware of the issue. None of my constituents had come to my office to talk about it, and other Members to whom I have spoken say that it is not on their radar either. The researchers said that many people involved in women's aid and running refuges had not considered it.

There is a lack of knowledge about this. There is also the fear that what is already a hidden problem—for domestic violence happens in the privacy of people's homes—has an extra hidden dimension in the shape of what is happening to people with disabilities. I have some expertise in that I know what it is like to be a disabled person, but I can only imagine what it must be like to feel trapped in a violent or difficult relationship with no means of escape.

The aspects of domestic violence have been well covered today, and are well documented; but I found it difficult to discover any research on the incidence of domestic violence involving disabled women and disabled people in general. I know that a conference was held in the UK a few years ago, but I have not been able to establish whether any action has been taken as a result of the issues raised then. The only research I have been able to find comes from north America. A study conducted by Margaret Nosek and Carol Howland in the late 1990s concluded that abuse of women with disabilities was a problem of epidemic proportions. It is difficult to quantify because the research has not been done, and because victims of such domestic violence are probably less likely to speak out than victims of domestic violence who are not disabled. We know how difficult it is for any victim of domestic violence to find the courage to speak out; imagine how much more difficult it must be for someone with a physical disability.

We should also bear it in mind that domestic violence is not always physical. It often starts psychologically. Sometimes a woman's partner undermines her self-worth, shaking her confidence and making her believe that without him she could not survive in society. Even the most confident women, who work or have their own sources of income, can be undermined by that psychological wearing away of their confidence.

Let us imagine a disabled person who, no matter how forward-looking or involved he or she may be, has found it difficult to establish his or her self-worth. Most people become disabled rather than being born disabled. Someone who has become disabled will be trying to cope with what that means, and with self-image and all that it involves. I was a teenager when it became clear to me that I would grow into a disabled adult. It was difficult enough to face that realisation. Imagine a woman in the same position whose partner cannot cope with the knowledge that he has a disabled wife or partner, and who therefore makes it harder for her to get to grips with her disability.

Disabled victims of domestic abuse face particular difficulties not only in trying to alert others but in getting help, even if they manage to do so. They may be living in relative isolation. I understand what others have said about women living in remote areas, but being a disabled person in any community can be isolating. In some cases, the abuser—who may also be the main carer—may restrict freedom and contact with others. If a disabled woman tried to escape the situation, where could she run to? The local women's refuge is unlikely to be wheelchair-friendly—although most disabled people are not necessarily in wheelchairs—and the aids and adaptations available in the home would be unlikely to be available elsewhere.

A disabled person with complex health needs may have built up a complex support network and in particular a relationship with their GP and the local health service providers which they would be reluctant to leave behind in order to escape the violence. If they are reliant on the abuser for the physical help that they need, it may be difficult for them to suggest that the abuser should be the one to leave the home.

We know that non-disabled women victims of domestic violence often have an emotional and perhaps a financial dependence on the perpetrator, but for someone with a disability that dependence may also be physical, which adds an extra dimension. The abuse may also be in the form of the withdrawal of help—not something that is done to someone, as is the case with most incidents of domestic violence, but something that has not been done. For example, someone may not have been washed or properly fed.

It is important to look beyond the definition in the Bill, which refers only to "vulnerable adults". I understand what my hon. Friend the Member for Sheffield, Heeley (Ms Munn) said about people with learning disabilities, who have particular problems, especially if they are in a care home, but most people with physical disabilities are in their own home and may have become disabled later in life, so they would not be classed as vulnerable adults unless their disability was exceptionally severe. A woman could be very able, and holding down a job, while happening to have a physical disability.

[Miss Anne Begg]

The Bill will definitely provide better support for victims, and I welcome the appointment of an independent commissioner mentioned by the hon. Member for Somerton and Frome (Mr. Heath) and many others. It will be important to have someone responsible for victims' health care, housing and social security needs.

I am also attracted to the idea proposed by my hon. and learned Friend the Member for Redcar (Vera Baird) in an Adjournment debate in Westminster Hall on 18 May and again today, of an advocacy service for victims. Such a service could cater directly for the needs of a disabled person, and would be much more effective than the general help given to all victims. I know that Women's Aid and women's refuges try hard to deal with individuals, but I contend that there is an extra dimension for women with a disability. I wanted to speak in the debate so as to ensure that on Second Reading and in Committee those needs would be addressed and taken on board, and we would start to speak about this subject.

As I said, I am talking about double invisibility: domestic violence is invisible; and the violence that has been meted out to disabled women, and the difficulties that they are living with, are hidden problems that need to be addressed. That will happen only if we talk about the issue, if the Government are aware of it, and if Women's Aid and the women's refuges are aware that there is a group of women whom they need to deal with. That applies to all the other agencies as well. As we have heard, women are often passed from pillar to post, from agency to agency, and that too, can be doubly difficult if a person has a disability. I know that I have concentrated on disabled women—the hon. Member for Somerton and Frome pulled me up for that—but I have done so because women are predominantly the victims of such violence. However, that does not preclude men, and I suspect that there may be more men in that position than male victims in the general population, because in such cases the female partner is in a position to withdraw the help that the man so desperately needs.

I urge the Government to remember the group of people whom I do not believe are properly covered by the Bill, and to give due consideration to the suggestion made by my hon. and learned Friend the Member for Redcar about a victims' advocacy service. If they do, we might get properly tailored and directed help to the people who need it.

9.21 pm

Mr. Harry Barnes (North-East Derbyshire) (Lab): It is a privilege to speak in a debate with my hon. Friend the Member for Aberdeen, South (Miss Begg), especially two days running—by which I mean two days running in parliamentary terms. It is appropriate that I seem to be the last speaker before the wind-up speeches from the Front Benches, because what I want to say is merely a footnote to the debate. The serious issues and examples that people have been raising are not part of the area that I wish to cover, except by inference.

I want to flag up a particular concern. Given the time and the nature of the wind-up speeches, I realise that the Minister is unlikely to be able to respond now to what I say, but I hope that it will be considered and that I might receive a letter explaining the Government's position.

When victims of crime, especially victims of domestic crime, have made claims to the authorities about their problems, and when it is decided that, although they might receive some sympathy, no action is to be taken, they should always be given the fullest explanation of why that decision has been taken. If full explanations have to be given, it is more likely that action will be taken.

I realise that in many cases, that may already be provided for in the Bill. There is a code of practice under clause 21, and there will be investigations by the parliamentary commissioner under schedule 4; there are procedures to go through, and one would expect responses to be given. Under schedule 5, there is also a role for the commissioner for victims and witnesses. Unfortunately, as the Bill stands none of that applies to Northern Ireland, but perhaps that could be subject to amendments at a later stage.

The victims charter as updated in 1996 says that where victims have made claims but action is not to be taken, or a case is to be dropped, the police and the Crown Prosecution Service will give an explanation. However, in some cases, especially when Departments are involved, the code of practice on access to Government information can be used to prevent that explanation from being given. Schedule 4(4) points out that the Parliamentary Commissioner will not deal with certain matters. It states that

"the Commissioner shall not conduct an investigation pursuant to a complaint under subsection (1A) of this section in respect of—

(a) action taken by or with the authority of the Secretary of State for the purposes of protecting the security of the State, including action so taken with respect to passports".

Other possible exclusions are mentioned concerning the ruling of the Government and their agencies, and it is exactly those matters that could be subject to the code of practice for access to Government information, to which I referred. That code of practice should itself be subject to the 1996 victims charter and to previous measures, so that explanations are given and people know where they stand. Such pressure for explanation would mean that action was much more likely to be taken to defend victims, including victims of domestic crime, the details of which have been explained fully by other Members.

9.26 pm

Mr. Dominic Grieve (Beaconsfield) (Con): This has been a fascinating debate. It is sometimes said that this Chamber is not very well attended, but I am bound to say that, in my experience, if one can be bothered to sit through six hours of debate one learns a tremendous amount. Today has been no exception, because it has become apparent that many Members from all parts of the House have come along to contribute their experiences, including their constituency experiences, and their knowledge to a difficult topic.

As the Minister is aware, and as my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) said earlier, we welcome the Bill greatly in its generality.

That welcome is genuine and we will do all that we can—as, indeed, our colleagues did in the other place—to co-operate in the Bill's legislative passage and to ensure that, once it is on the statute book, it makes a powerful contribution to dealing with this difficult problem and, we hope, to reducing the incidence of domestic violence as a result.

There have been some fascinating contributions, and although it is perhaps invidious to single out individual speeches, one or two did strike me very forcefully. My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) appositely pointed out that it is extraordinary that we have more animal sanctuaries in this country than refuges for those who suffer domestic violence. That is indeed an extraordinary state of affairs, and I am afraid that it probably highlights the extent to which we have failed to take this problem sufficiently seriously.

The hon. and learned Member for Redcar (Vera Baird)—I listened to her contribution carefully and I shall return to it—made some very powerful points. I wholly support her desire for a review of the law of provocation; indeed, I am also in favour of the simultaneous review of the law of self-defence, because in my view the two need to be looked at together. I fear, however, that the Bill might not be the appropriate place to do that. The subject is a complicated one, and in embarking on such a process at this late stage in the Bill's passage—a Bill that has already been considered extensively elsewhere—we might be doing it a disservice. However, if the Minister wants to look at that issue at a later date, he will undoubtedly have the ready co-operation of Conservatives in trying to achieve a satisfactory outcome.

The hon. and learned Member for Redcar also offered an interesting and trenchant critique of the way in which trial by jury of sample counts only has been inserted in the Bill, a point to which I shall return briefly. I do not entirely share her pessimistic view of the intention behind this change, which I can support in some measure. However, I certainly do share some anxiety about the Government's approach as reflected in the text. I shall want to examine that very carefully in Committee.

My hon. Friend the Member for South-West Bedfordshire (Andrew Selous) made a powerful speech about the fact that men, too, are affected by the phenomenon of domestic violence, which should not be forgotten, irrespective of the context in which it takes place. My hon. Friend the Member for Poole (Mr. Syms) also made a powerful case, demonstrating how attitudes had changed.

I greatly appreciated the contribution of the hon. Member for Aberdeen, South (Miss Begg), who spoke about the experience of disabled people. We know from recent headlines in the press and in one particular case that there is clear evidence that those who are disabled and in a position of dependency on others may suffer serious abuse without it being properly looked into, and I hope that the Bill may make a contribution to dealing with that problem.

I move on now to discuss some of the key issues posed by the Bill and to highlight those areas that seem to require some very careful thought. At the outset, the Government set out to change the law by making breaches of non-molestation orders a criminal offence. We support that aim, but I am anxious that the Government are seeking to overturn some minor changes made in the other place, which sought to ensure that those powers could not be abused in respect of the rights of cohabitants regarding the occupation of property. The Minister may be able to help us; otherwise, we shall have to examine it further in Committee.

Most importantly, as commented on by many hon. Members in the debate, there is the whole question of causing or allowing the death of a child or vulnerable adult. The House will be aware of numerous cases in recent years where it proved impossible to secure a conviction in circumstances where two people were the only two who could possibly have inflicted violence on a child or vulnerable adult. In those cases, one blamed the other, and, because it could not be shown which of the two had committed the offence, both had to be acquitted. The Government have our entire support in seeking to deal with that problem by providing a framework within which it is possible to convict the people who were involved.

The House may wish to bear in mind some problems in the provisions as drafted that might be inevitable in the light of what the Bill is designed to achieve. I do not necessarily complain about it, because it may be difficult to draft the provisions any differently, but clauses 5 and 6 provide for a completely new offence of death by negligence. Those provisions could be applied not only as an alternative to homicide where it was impossible to demonstrate which of two people perpetrated the injuries—the public largely understand that—but could be used where it was simply desired to prosecute someone for having been negligent.

That may not be a bad thing. Under clause 5(1), a parent or adult can be deemed guilty according to certain criteria, whereby he

"was, or ought to have been, aware of the risk mentioned . . . failed to take steps as he could reasonably have been expected to take to protect"

the victim

"from the risk, and . . . the act occurred in circumstances of the kind that"

the defendant

"foresaw or ought to have foreseen."

Doubtless, few in the House would quibble with that. However, it is noteworthy that it does not apply only to the victim's father or mother: it applies to another member of the household, even to one as young as 16 at the time of the act that caused the death. If it involves the mother or father, it could apply, as I read it, to someone under the age of 16. The hon. Member for Keighley (Mrs. Cryer) commented on 14-year-old mothers in her constituency. As drafted, clause 5 provides that, in circumstances where the husband was perpetrating an assault on the child, someone could be committing an offence if they did not report it, even though they were of that age. There are saving provisions in the Bill, because the courts would take into account whether the person had suffered domestic violence and any other circumstances, which would include the age of the person accused.

[Mr. Dominic Grieve]

I highlight those points because we will wish to return to them in Committee. We should be careful not to place in statute provisions that extend further than we originally envisaged. Under clause 5(6), the extent of the negligence could include an attack on a sibling by a young child in the household who was known to have a propensity for misbehaviour. That is a far-reaching provision and I point that out to the Minister to highlight the extent of the change in the law that the Bill will bring about. I hope that we will be able to look at that matter constructively, so that we hit the target we are aiming for and do not legislate in a manner that we did not intend.

The second point of concern was highlighted by the hon. and learned Member for Redcar. The Bill includes provision on specimen counts and trial by jury on sample counts only. That is perfectly appropriate, although it is not specifically related to domestic violence. The hon. and learned Lady and the Home Secretary will remember that last year I argued vociferously at the Dispatch Box against any restriction on the right to trial by jury. I said then that I had read—and, I thought, understood—the Law Commission's proposals on the difficulties that are encountered with indictments on multiple counts. A sample of counts can be tried and, theoretically, if the defendant is convicted, he should be willing to have all the other counts taken into consideration. If he does not, they cannot, under current law, be taken into consideration without his consent. That is the mischief that we seek to tackle, and that is why we take the view that it would be appropriate to try to shorten the process, even if it meant that a judge resolved the issue after sample counts had been tried and convicted before a jury.

We will co-operate with the Government to try to achieve that end, but as originally drafted it appeared that the Bill—perhaps unintentionally—would go much further and lead to a situation in which someone who had been convicted of an offence of a particular type, such as credit card fraud, could be tried by a judge alone on other counts that might relate to a completely separate series of incidents. That was not my intention when I signalled my willingness to co-operate on the issue to the Home Secretary. It is still not my intention and I therefore note with pleasure that after the Bill's passage through the other place it expressly provides, in clause 12(9)(b), that the

"evidence in respect of each count is admissible at the trial of the sample count".

That provides an important and much needed protection.

I am not sure of the Government's position on the issue. It has been rumoured that they intend to reverse that provision and I would regret that. We would be constrained to oppose the deletion of clause 12(9)(b). I hope that we can consider the matter overall, and if the Home Secretary has other ways of approaching the matter by altering the Bill in some other way we will consider them with an open mind. We share the Government's desire to achieve the end I have described and we will work hard with the Minister on that issue. However, we will not allow a situation to arise in which trying a defendant on one count makes it possible to admit a catalogue of other largely unrelated offences to be tried by judge alone. If that is what the Government are trying to do, I regret it and I hope to receive some assurance that that is not the case.

I do not understand why the Government seek to withdraw—I think that is their aim—the question of a person's fitness to plead from decision by a jury. My experience suggests that it is a decision that juries can take easily, in proceedings that take place rapidly but provide, nevertheless, an important reassurance that cuts two ways. The first is that the state will not avoid a trial by locking somebody up, or putting them into a hospital, on the basis that they are insane, to punish them when, in fact, they have not committed an offence and might be perfectly sane. I might describe that as the Soviet Union problem. Secondly, the state might decide to avoid the trial of someone who is palpably guilty of an offence by saying that they are unfit to plead and subsequently releasing them soon thereafter by administrative procedure, or by imposing a community supervision order even though the person should have been tried in the first place.

I do not understand why the Bill, sensibly amended in the other place, cannot be preserved in its current form. I very much hope that the Government will allow it to remain as it is, substantially improved by consideration in the House of Lords.

We now come to what is not yet in the Bill but will be: the victims' fund, which was discussed earlier today. I ask the Minister and the Home Secretary to give us soon details about the provisions for the make-up of the victims' fund. The issue is important for the wider public. I remain without a full understanding of what the Home Secretary envisages. At the Dispatch Box earlier, he gave the impression that certain sorts of offence, such as a first-time speeding offence, would be excluded from the victims' fund levy, but will that apply to someone who is receiving his third fixed penalty speeding notice? Will the differentiation be between the first and the third or whether someone has been summoned to the magistrates court for sentence because it is considered that the circumstances are such that he might be disqualified?

We need some clarity soon. A large number of people in my constituency and elsewhere are deeply dissatisfied with the administration of justice. They see the police, the appointed guardian sheepdogs who should look after them, as incapable of protecting them from predators but extraordinarily efficient at nipping their heels every time they step out of line. My fear is that the Home Secretary's proposal will lead to the problem that the people who pay for the victims' fund will be the generally law-abiding, while the people who never pay a penny will be the serial offenders. That is the risk. Enforcement will be against the softest targets, with the danger of bringing the whole process of the administration of justice into disrepute, which I know is not what the Home Secretary intends. We really need reassurance on that subject.

With those comments, I move from my critique back to my general approval of what the Government are trying to do. Much in the Bill commands support. We shall look carefully at the detail and do our best to improve the measure if necessary. We shall certainly not waste the Committee's time where the job has already been well done. I hope that we end up with an extremely

good piece of legislation, but let us try to ensure that we do not put into the Bill things that we subsequently regret.

9.44 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I am grateful to all hon. Members who have participated in this impressive debate. The contributions on both sides have been well informed and reflected a deep level of concern as well as consensus on the main issues. Tackling domestic violence and providing better support for the victims of crime should be a priority for us all. I certainly welcome the tone and the terms in which this debate has been conducted, as initiated by my right hon. Friend the Home Secretary and reflected in equal measure by the hon. Member for Chesham and Amersham (Mrs. Gillan). As is customary, in his concluding remarks, the hon. Member for Beaconsfield (Mr. Grieve) raised a number of issues which, I am sure, we will return to with great interest in Committee.

We have consulted extensively on the measures in the Bill, in the documents "Safety and Justice" and "Justice for All", and a number of earlier consultations with victims. The measures to tackle familial homicide build on the extensive work of the National Society for the Prevention of Cruelty to Children and the Law Commission. The measures to tackle multiple offending follow directly the commission's recommendations.

This is the biggest overhaul of domestic violence legislation for 30 years, although, as many hon. Members have made clear in the debate, tackling domestic violence is not solely about legislation. As well as bringing in tough new laws to protect victims and prosecute abusers, we need to change attitudes and practices as well as provide emotional and other forms of support.

My hon. Friend the Member for Brentford and Isleworth (Ann Keen) told the House that the first refuge in the world was based in her constituency. She rightfully paid tribute to the pioneers of that work. My hon. Friend the Member for Hornsey and Wood Green (Mrs. Roche) told us about the first case of domestic violence in which she had provided legal representation. She spoke eloquently about how attitudes have changed since then and how the Bill can take us further forward.

My hon. Friend the Member for Sheffield, Heeley (Ms Munn) spoke about the definition of vulnerable adults. She asked whether 16 was the right age to classify someone as an adult in such cases. I have to tell her that the NSPCC and the Law Commission agree that it is the right age, but I have been in correspondence with her and I look forward to further discussions with her on this issue.

My hon. Friend the Member for Cardiff, North (Julie Morgan) talked about the importance of inter-agency working and she told the House about the domestic homicide reviews that have been carried out in Cardiff. We all pay tribute to her work as the chair of the domestic violence forum in Cardiff. My hon. Friend the Member for Amber Valley (Judy Mallaber) spoke eloquently about her local constituency experience. She called for professional training and properly funded support services. The hon. Member for South-West Bedfordshire (Andrew Selous) reminded us that domestic violence affects men as well as women, and he rightly emphasised the need for prevention.

My hon. Friend the Member for Aberdeen, South (Miss Begg) reminded us all of the additional problems that may face disabled people who are subject to domestic violence. I assure her that we are seeking to fill gaps in provision for supporting disabled people.

A number of speakers raised the problems faced by the victims of domestic violence who are still subject to immigration control. The Government recognise that, although the numbers involved are relatively small, these women are in extremely difficult circumstances. We will continue to work across government and with outside organisations to find a long-term solution. Although we want to help the individual women, it is also important that we protect the integrity of the immigration and benefits system.

The Home Office has agreed a one-off grant of £40,000 to Women's Aid to bolster its last-resort fund. These funds are intended to cover the living expenses of women who are making an application for indefinite leave to remain because of domestic violence, and they will help to meet the living costs of those placed in refuges and who cannot be covered by the supporting people arrangements. I am certainly very happy to listen to other practical proposals that may be made in our debates and by the groups that are most closely involved.

Several hon. Members, including the hon. Member for Romsey (Sandra Gidley) and my hon. Friend the Member for Ogmore (Huw Irranca-Davies), raised concerns about child contact. Rather than legislating in favour of mothers or fathers, the Government believe that the current system in which the welfare of the child is the court's paramount concern is right. I look forward to meeting my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) on Wednesday and, especially, to meeting Chloe, about whom he told us. I hope that I will have a convincing answer for Chloe. However, I must tell my hon. Friend that any presumption in favour of either parent would mean that a child's welfare was no longer the decisive factor, which would fetter a court's discretion to decide each case on its merits.

The Government recognise that domestic violence is a key issue, which is why we are introducing new forms for section 8 applications, which relate to contact and residence. The forms will allow domestic violence to be cited at the start of proceedings so that judges are aware of that throughout. We believe that those measures and our ongoing investment in additional supervised contact centres are the best way to ensure that child contact arrangements are safe for everyone.

Several hon. Members talked about advocacy—indeed my hon. and learned Friend the Member for Redcar (Vera Baird) talked eloquently about the matter. The crime reduction programme has already funded several projects to assess the effectiveness of different kinds of advocacy, outreach and support measures. The results of the pilot schemes are due in the summer. I tell my hon. Friend the Member for Ogmore that the crime reduction programme does indeed cover Wales.

In the meantime, the police and the Crown Prosecution Service are working to provide victims with the support that they need so that they feel able to

[Paul Goggins]

support prosecutions. It was gratifying to hear support from hon. Members on both sides of the House for the way in which the modern police service is addressing the matter more constructively than it did in the past.

Several hon. Members, including my hon. Friend the Member for Lancaster and Wyre, argued for a statutory definition of domestic violence. Although that might seem like a good idea at first sight, we take the view that it would be difficult to create a statutory definition that would reflect the full breadth of domestic violence while being easy to keep up to date. However, the Government acknowledge that there are worries about the different non-statutory definitions of domestic violence that are used by different agencies, so we are working with partners towards a single working definition.

Several hon. Members mentioned provocation, including the hon. Member for Somerton and Frome (Mr. Heath) and my hon. and learned Friend the Member for Redcar. It is an important and far-reaching issue. We need to be confident that provocation will be dealt with fairly and consistently when it is either a partial defence to murder or a mitigating factor during sentencing. That is why we asked the Sentencing Advisory Panel to examine sentences for manslaughter in cases of provocation and the Law Commission to examine the partial defence. The panel has issued a helpful consultation document, as has the Law Commission. The commission's work has, in particular, confirmed how complex this area of law is. We will need to consider the final recommendations carefully, so it would be premature to try to legislate before the work is completed. I welcome the fact that the hon. Member for Beaconsfield indicated that, when we are ready to tackle the issue, he will be more than happy to co-operate with us.

My hon. Friend the Member for Keighley (Mrs. Cryer) raised the important issue of forced marriage. She is never afraid to speak out, and always does so with great knowledge and a deep concern for her constituents' welfare. She suggested a possible amendment to the Bill that would create a new criminal offence of coercing, aiding or abetting someone into a forced marriage. We are sympathetic to that view and are examining closely how to find a practical way forward. I look forward to discussing the matter further in Committee.

Many hon. Members welcomed our proposals to close the loophole on familial homicide. The hon. Member for East Worthing and Shoreham (Tim Loughton) cited a specific case from his constituency. As he said, too often in the past people have literally got away with murder in such cases. As my right hon. Friend the Home Secretary made clear, we intend to reinstate the procedural measures that we believe will help to identify the individual who actually committed the crime. It would not be a just outcome if a conviction for the new offence is achieved when it could have been shown that one of the defendants is in fact guilty of murder or manslaughter.

We will also seek to remove the explicit reference to domestic violence which was added to the new offence in the other place. I hope that I can reassure those who have raised concerns about the issue that the requirement for an individual to take reasonable steps to protect the victim would, in any event, take into account the terrible circumstances that a domestic violence victim may be in and the pressure that they may be under. However, singling out domestic violence could distort the offence and undermine the responsibility that it rightly places, even on those who are themselves victims, to take action if the life of a child or a vulnerable adult is at stake.

The Bill introduces new measures to ensure that those committing multiple offences will be punished for the full extent of their criminality. That follows extensive consultation and consideration by the Law Commission. Clauses 12 to 16 provide for a two-stage trial—the first by jury to try a sample count, the remainder to be tried by judge alone. The hon. Member for Beaconsfield indicated that we would be in for further discussion on that in Committee, which I look forward to.

The measures on fitness to plead, which, again, we will reinstate, aroused concerns in another place. The change was originally proposed by Lord Justice Auld in response to the concerns of judges that the current system of appointing two juries is both wasteful of court resources and unhelpful to vulnerable witnesses. There is no question of weakening the right to trial by jury. A jury will still have to consider whether the defendant committed the act with which he is charged. No one will be detained in hospital unless a jury has found that he has committed the offence. However, the change will improve the process for the defendant in a number of ways, not least because a jury does not have to give reasons for its decision, so there is no basis for a challenge should the defendant wish to appeal the decision.

Throughout the debate, there has been strong support for an independent victims commissioner and a statutory victims advisory panel. My hon. Friend the Member for North-East Derbyshire (Mr. Barnes) referred to that. I will take him up on his offer of sending him a letter rather than giving him a detailed response now.

We will amend the Bill in Committee to ensure that the victims of mentally disordered offenders have the same right to information as victims of other serious sexual and violent offenders. They will have the right to make representations and to be informed about the conditions imposed on the offender for the protection of the victim. They will be told when the offender has been discharged. That measure will be extended to Northern Ireland.

I listened carefully to the speech by the hon. Member for North Down (Lady Hermon) and heard her argue powerfully her view that part 3 should apply to Northern Ireland. Of course, it does not apply because Northern Ireland has its own system. I am sure, however, that there is room for further discussion. She suggested that I might meet the Victim's Commissioner in Northern Ireland. I intend to try to do that, and look forward to her contributions if she serves on the Committee.

A number of hon. Members expressed their views about the victims' funding measures. The Government have, of course, massively increased the amount of

financial support we provide to Victim Support. We want to go further, however, which is why we consulted on a package of new measures in "Compensation and Support for Victims of Crime", published in January. We have said that a victims' fund will provide £4 million from the proceeds of crime to improve support to victims of sex offenders.

My right hon. Friend the Home Secretary made it clear that we will table amendments. I can tell the hon. Members for Chesham and Amersham and for Beaconsfield that the amendments on the victims' fund will be tabled next week and debated towards the end of the Bill. The other amendments on measures related to victims of mentally disordered offenders will be tabled this week. I conclude by commending the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

DOMESTIC VIOLENCE, CRIME AND VICTIMS BILL *[LORDS]* (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003],

That the following provisions shall apply to the Domestic Violence, Crime and Victims Bill [Lords]:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 6th July 2004.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Sessional Order B (programming committees) made on 28th June 2001 shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further Message from the Lords) may be programmed.—*[Mr. Heppell.]*

Question agreed to.

DOMESTIC VIOLENCE, CRIME AND VICTIMS BILL *[LORDS]* (MONEY)

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),

That, for the purposes of any Act resulting from the Domestic Violence, Crime and Victims Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred by the Secretary of State in consequence of the Act, and

(b) any increase attributable to the Act in the sums payable out of money provided by Parliament under another enactment.—*[Mr. Heppell.]*

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

Health Care And Associated Professions

That the draft Health Professions (Operating Department Practitioners and Miscellaneous Amendments) Order 2004, which was laid before this House on 28th April, be approved.

Northern Ireland

That the Mental Health (Amendment) (Northern Ireland) Order 2004 (S.I., 2004, No. 1272), dated 6th May 2004, a copy of which was laid before this House on 10th May, be approved.

That the draft Licensing (Indoor Arenas) (Northern Ireland) Order 2004, which was laid before this House on 10th May, be approved.

Broadcasting

That the draft Broadcasting (Original Productions) Order 2004, which was laid before this House on 10th May, be approved.—*[Mr. Heppell.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation) and Order [17 May],

Licensing

That this House approves the draft Guidance issued under section 182 of the Licensing Act 2003, which was laid before this House on 23rd March, insofar as it relates to guidance to licensing authorities on the discharge of their functions under that Act.—*[Mr. Heppell.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order 118(6) (Standing Committees on Delegated Legislation),

Customs And Excise

That the Beer from Small Breweries (Extension of Reduced Rates of Excise Duty) Order 2004 (S.I., 2004, No. 1296), dated 10th May 2004, a copy of which was laid before this House on 10th May, be approved.—*[Mr. Heppell.]*

Question agreed to.

COMMITTEES

Culture, Media and Sport

Ordered,

That Charles Hendry be discharged from the Culture, Media and Sport Committee and Mr Nick Hawkins be added.—*[Mr. McWilliam, on behalf of the Committee of Selection.]*

European Scrutiny

Ordered,

That Mr Mark Hendrick be discharged from the European Scrutiny Committee and Anne Picking be added.—*[Mr. McWilliam, on behalf of the Committee of Selection.]*

Immigration and Nationality Directorate

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

10 pm

Dr. Vincent Cable (Twickenham): I am delighted to have the opportunity of an Adjournment debate on documentation and the immigration and nationality directorate. I reassure the Minister that I do not want to engage him in a big debate on immigration policy. I have views on that subject—broadly in favour of a more liberal system—but I have not come along to argue about broad, strategic policy questions. Equally, I do not want to take advantage of this opportunity to raise humanitarian cases, as one could and as I have done in the past. I have written to him and his Department about one or two particular cases, but they are not my top priorities—they are more to illustrate the particular policy point that I want to raise this evening: procedures.

My experience has prompted this debate. I know that I am not the only Member of Parliament who has found that often the majority of cases in the weekly surgery concern immigration and asylum. I ask myself why that is so. I do not represent Southall or Slough. Twickenham is not a major centre of immigration and refugees. Less than 10 per cent. of our population are from ethnic minorities. It is fairly cosmopolitan in one sense, in that there are many second-generation immigrants and refugees, and because it is a fairly affluent and educated part of London there are many people who travel and have overseas wives and husbands. In that sense, it is quite a mixed population, but in no sense could it be said to be a major concentration of migrants. Therefore, I ask myself why we have so many problems.

The problems are very often not major cases of policy; they are not the kind of issues that I would normally want to take to a Minister, to whom I would appeal as a last resort for his humanitarian judgment. They are often purely clerical problems—people who are immensely frustrated because of delays in the processing of their visas or naturalisation, who go to their MP, often in desperation, because they do not know what is happening and have been waiting for a very long time. I am being affected by the issue and Ministers are being involved in fairly low-level clerical problems. That seems fundamentally unsatisfactory.

I therefore raised a question on 23 February with the then Minister of State for Citizenship and Immigration. I asked:

"Why does the Home Office not adopt the simple policy of copying travel documents once they have been verified, and releasing them so that people can get on with their lives while they are waiting?"

Somewhat to my pleasant surprise, the then Minister replied very positively:

"I agree with the spirit of what the hon. Gentleman proposes; that is exactly what we are trying to do. In some cases, for various important reasons, it is not possible, but I agree that in general, documents can be copied and sent back, and we have asked the immigration and nationality directorate to implement that process in future." —[*Official Report*, 23 February 2004; Vol. 418, c. 17.]

I was delighted by that gust of common sense and constructive reaction. There was a large cheer around the House, which led me to believe that many other Members had exactly the same problem.

I have returned to the issue in this debate, however, because I can see no evidence that that is happening. Since 23 February, I have dealt with a succession of cases, some of which I have referred to the Minister's office, which illustrate that it would be much simpler for the Department, members of the public and ourselves if documents were simply copied instead of being hoarded for long periods in the immigration and nationality directorate. That is a simple measure, but it would affect the ability of a large number of people to conduct their lives satisfactorily. I therefore wish to pursue the question of why the positive initiative offered by the right hon. Member for Stretford and Urmston (Beverley Hughes) has not been followed through.

In preparing for this debate, I studied the IND website to learn about the many different applications that can be made. It was clear that the Home Office and the IND accept that there is a problem, as there are various provisions for people who need to remove their travel documents in an emergency. There are many good reasons why people have to travel. There may be family disasters or they may be working for an employer who requires them to travel overseas. I am not making a case for people who simply want to swan around while their refugee status is resolved, as there are often compelling reasons why they have to travel.

The Home Office appears to recognise that, as it identifies two categories in which it is willing to help applicants. First, it says that people can withdraw their passports in cases of naturalisation and if they need them for reasons other than travel, including identity purposes, without being penalised and losing their position in the queue. That is helpful, but I have encountered cases in which people who use that facility find it difficult to get back into the pipeline. Why is it necessary to penalise people at all? Many people seeking a visa who do not fall into those categories and whose application is prolonged may have compelling reasons for wishing to use their passport. Why should they be penalised and sent to the end of a long queue?

The second category identified by the IND applies to people who need identity papers to open a bank account. On its website, it says that it will make "appropriate arrangements". It does not explain what those arrangements are, but hints that it is possible to access that facility. It would be helpful if the Minister could indicate how many people use those facilities and how many people apply to have their passports returned for travel purposes, even if that involves a penalty. I do not expect those figures today, but they would give us an idea of the seriousness of the problem.

The right hon. Member for Stretford and Urmston accepted that it would make much more sense, in the vast majority of cases, to copy documents and return them to applicants. In her reply on 23 February, she referred to "various important reasons" why that is not always possible, and it would be useful if the Minister spelt them out. Obviously, if an applicant for visa status is a suspected terrorist or criminal the authorities would wish to keep them under surveillance. I have no quarrel whatever with that as it is quite sensible, but such cases involve a microscopic percentage of people. What are the "important reasons" for withholding passports in many cases? It would make perfect sense to release the documents at the first available opportunity. People are often required to submit various documents, not just

passports but birth certificates and other documents, to be used for identity purposes and kept on file. In most cases involving people applying for extended or indefinite leave, or for refugee status, the objective is surely to enable them to use their documents to apply for bank accounts and driving licences. We want them to use proper, formal procedures, not operate in the grey area of the underground economy. So for goodness' sake let us make sure that they have access to their documents and can work in a proper legal manner.

Similarly as regards travel, it is not clear to me why somebody applying for, say, refugee status of various types should be discouraged from travel. They may wait two, three or five years to have their position regularised. Why should they not be able to come and go freely? If they leave the country, their passports are available for checking by immigration officers when they come back in.

My final reason for questioning the desirability of the immigration and nationality directorate holding on to documents is that they frequently get lost. I sometimes believe that Twickenham residents are particularly vulnerable to that. I have very large numbers of cases of essential identity documents disappearing in the Department.

There is an appalling case winging its way to the Minister—the case of Gisella Grant, who as a young lady came to the UK from Trinidad many years ago. She came as a student, married a British person and is now divorced. She wishes to regularise her position in the UK by seeking naturalisation. I have not written to the Minister, but the details will follow. She applied for naturalisation and did not feel any sense of urgency about the matter, but submitted the documents and discovered some time later that the Department had lost them. For a long period she has been pursuing the Department, trying to find out what happened. She has now involved me in the case.

Unfortunately, Ms Grant's employer, a film company where she has quite a responsible job, is being pursued, as many employers currently are, in respect of illegal immigration, and she is being asked to prove who she is. She cannot. She has no documents to prove her identity. The Home Office has lost her passport. Last week she was fired because she cannot prove who she is and her documents are somewhere in the Home Office. That is not a unique case. My argument, based on that example and others, is that it would be much more sensible for documents to be released as soon as possible and returned to the applicant.

There is a series of special problems, which I shall cite because they are among the examples about which I wrote to the Home Office. First, there are cases of naturalisation. Naturalisation is rarely highly controversial. It rarely involves illegal immigrants. It often involves people who have been resident in the UK for long periods and who are working, settled members of the community. The problem with naturalisation is that the applications usually take a long time because, for perfectly good reasons, the immigration and nationality directorate wishes to obtain references and other materials. So why cannot passports be copied and returned to the applicants once they have been submitted and the checks carried out?

I have given the Minister two examples of a great deal of unnecessary hassle caused by documents being held in such cases. There was a Mrs. Sen whose problem has been resolved, thanks to the intervention of a Government Minister. I am grateful for that, as is she, but the problem need never have arisen in the first place. The second case, which has not yet been fully resolved and about which I have written to the Minister, concerns a Mr. David, an Antiguan gentleman who is seeking naturalisation. He has lived in the UK for many years. He did get his passport back—the story has moved on since I wrote the letter—and he did travel, but now the passport has had to go back into the system. His job requires him to travel frequently, so he does not know whether to keep reapplying to have his passport released. The Home Office will not tell him how soon the application will be dealt with—whether it is days, months or years—and will not communicate, answer the phone or answer letters. A simple way out would be to copy his passport and proceed with the evaluation of his application in an orderly way.

Naturalisation causes one set of problems. A second set relates to partners. One of the cases about which I have written to the Minister concerns a Russian lady, Mrs. Gulamova, and her German fiancé, Mr. Beaumont-Bruckauf, who live in Twickenham. Her application has been turned down, maybe for good reason—I am not questioning that—but in support of the application the fiancé had to submit his documents to the Home Office, which caused a great deal of confusion in the Home Office. Officials there thought he was applying for a visa for himself, and there was a great deal of secondary correspondence that completely missed the point. The problem is that that young man has to travel a great deal—he works in the City—but cannot do so because his passport is stuck in the Home Office to support his fiancée's application and appeal. That is completely unnecessary—there is no reason why the passport should be there.

A third set of examples relates to mixed relationships. I have some experience of those problems because I originally married into an Indian family and my son married into a Slovakian family. I have three cases on my books about which I have written to the Minister. Mr. and Mrs. Gooch have been waiting for more than a year for Mrs. Gooch's passport and are unable to travel. Andy Ford is married to a Brazilian lady, and they have one child. The application to regularise her position has been outstanding for three years, and the family cannot travel because her passport is stuck in the Home Office. Another case is that of Mr. and Mrs. Roberts. Mrs. Roberts is a Brazilian lady who is facing difficulties with her case. I am not arguing for or against the Home Office questioning her status—it might be right to do so—but there is no reason why the passport cannot be released to allow the family to travel while the matter is being resolved.

In conclusion—I have strayed a little beyond my quarter of an hour—I want to make some suggestions as to how, in the spirit of the former Minister's comments, the Government could help people involved in such cases. First, will the Minister seriously consider which documents need to be retained in the IND and for what reason? It should not merely be for reasons of tradition or habit. Secondly, is it not possible to introduce a

[Dr. Vincent Cable]

general system along the lines hinted at by the former Minister, whereby when people submit their applications—whether for a visa, a naturalisation or other purposes—the documents are checked, the cheques are received, the passport is copied and put in a pre-paid envelope and returned to the sender, perhaps with a stamp saying that the application is under review, and the individuals simply get on with their lives? Then, when the application has been considered—in a month's time, a year's time or five years' time—they are summoned back to a passport office so that their passport can be properly stamped, or they can send it in. That procedure would save an enormous amount of grief, reduce the risk of loss, and make life much simpler for everybody.

10.17 pm

The Minister for Citizenship and Immigration (Mr. Desmond Browne): I congratulate the hon. Member for Twickenham (Dr. Cable) on securing the debate. He was somewhat self-deprecating when he categorised some of the work that he deals with in his surgeries as low-level administrative work. It is important that people should go to see their Members of Parliament about issues relating to citizenship, naturalisation and leave to remain in this country, because they are very important lifestyle decisions. It is also important that, as a Member of Parliament, the hon. Gentleman should have the opportunity to raise those issues in the House. I assure him that for every case that he sends me, I receive many from other Members—not only about the retention of personal documents, but about other issues related to immigration and asylum.

The retention of personal documents belonging to applicants for leave to enter or to remain in the United Kingdom, or for naturalisation of citizenship, is an issue that the immigration and nationality directorate takes extremely seriously. Decisions to retain documents are taken to enable the effective operation of the IND's business. It retains personal documents only where it is absolutely necessary for the consideration of cases, and procedures are in place to ensure that proper care is taken of documents so that they can be returned to applicants at the appropriate time, although those procedures are not always followed religiously in each case. Documents are occasionally lost because of the numbers involved. I shall come to that in a moment.

Early in the hon. Gentleman's contribution, he asked me why it was important for the IND to retain documents, what purpose that served and in what circumstances it was necessary to do that. I cannot provide an exhaustive list in our short debate but there are important reasons for retaining documents, especially passports. He will appreciate through the debate on the Asylum and Immigration (Treatment of Claimants, Etc.) Bill, which is currently in another place, that there is much concern about documents in asylum cases being destroyed. Significant evidence exists to show that applicants often destroy documents on the instruction of agents or other people to mask their identity or put them in a position whereby they cannot be removed, should the asylum application fail. They cannot be removed from the country without being redocumented. Not every country is prepared to offer us the facility of redocumentation that some provide.

I cannot go into detail about the individual cases that the hon. Gentleman raised in the debate but I shall endeavour, either through the correspondence that he has engendered in his letters to me or by reference to the official record of the debate, to write to him about the cases and explain why it was believed to be appropriate in each case to retain the relevant documents. In many cases, retention of the documents pending a grant of leave is necessary to insert in them appropriate evidence of the leave. Often, the permission that is entered in the document by a stamp or some other appropriate secure method is the record of the decision. The applicants subsequently have evidence that the decision has been made in their favour. In a significant number of cases, especially those that relate to leave to remain, that is necessary. It therefore appears logical that stamped or certified documents should be retained.

There are many cases of fraud or deception in relation to documents and when an application is considered, it is imperative that the case worker—the person who has to make the decision—has access to the original documents to ascertain, in the light of IND's knowledge at the time of what constitutes a genuine document, whether such a document is being presented to prove a specific point. I emphasise that because today, I had an interesting meeting with an hon. Member about an individual case.

At the heart of the case and the request to me to exercise my discretion in favour of the applicant was the credibility of the applicant's account of events. That issue had been addressed and readdressed by the applicant, representatives and, latterly, the Member of Parliament in several ways. On each occasion, documentary evidence had been produced to try to prove the veracity of the applicant's account. However, on every occasion, the documents were photostat copies. It was impossible to tell whether the documents were fake or genuine and to test them against other documents that were known to the IND in order to make a judgment.

I had to tell the hon. Member that, if the assertions could be supported by credible, reliable independent evidence, I would have been inclined to have the decision reviewed. However, because photostat copies were being produced, it was impossible for me to tell whether the documents that had been copied were genuine. That also applied to my officials, some of whom are very experienced. We could not tell whether the documents were genuine and the hon. Member would therefore have to go back to his constituent, and the decision to refuse the application would have to stand in the meantime.

The three examples that I have given are clearly not an answer to all the points that the hon. Gentleman has made but, in my view, they provide credible reasons for the documents to remain with the application for the period of time that it takes for it to be considered. That is not to say that there are no circumstances in which that is not necessary, and the hon. Gentleman invites me to look again at the procedures, the processes and the nature of the applications that the IND is undertaking, to see whether it is necessary to retain documents in all cases in which they are being retained. I agree to do that.

That said, however, the answer to the problem seems to be to deal with cases quickly and efficiently, and to return the documents to the applicant together with the

decision, or at the time of the decision, within a reasonable period. That is what we are seeking to achieve in the IND, and I hope that the hon. Gentleman is seeing an increase in efficiency in the IND on those issues, because I know that other hon. Members are experiencing that.

The fact of the matter is that the IND receives a significant number of documents in the post every single day. For example, applicants seeking leave to remain send the IND about 22,000 items per week. Because many of those documents are important, personal documents of the nature that the hon. Gentleman has mentioned, there is in the post room an access-controlled secure environment. All recorded, special or registered post is already entered on to the post room database, which shows the recorded, special or registered post serial number and where in the IND each package has been sent once it has come in. I should like to emphasise that at no time are valuable documents left unattended or unaccounted for.

The hon. Gentleman asks me, in a beguiling way, to add to that process at some stage a process of photocopying the documents, securing that those photocopies are correct and then returning the documents to the applicant immediately. The question for me is whether it would be appropriately resource-intensive for that procedure to be the norm, or whether I ought to continue to build on the work of my predecessor in this post, who concentrated on ensuring that applications were dealt with as quickly as possible so that decisions could be made in a reasonable period of time, and those passports and supporting personal documents turned round and sent back to the applicants.

As I have said, some progress has been made on this matter. For example, since charging for leave to remain commenced on 1 August 2003, the length of time for which personal documents are retained in the general group of IND has been much reduced. From receipt by the IND, applications now take three or 13 weeks to process, and current targets are to process 70 per cent. of the intake in three weeks. By week three, 70 per cent. of applications with all supporting documents are now returned to the applicant. The general group of IND aims to process 100 per cent. of intake by 13 weeks, although a small number of more difficult cases are sent on to the immigration service and may take longer.

I accept immediately that that has not always been the case in the past, and that there is a backlog of work that needs to be worked through, but given that those targets are now being regularly achieved in the IND, there is hope that the resources and processes now in place will be able to bite into that backlog. I can also say to the hon. Gentleman that all passports and personal documents are now being returned by recorded delivery mail; alternatively, a customer may call to pick them up.

I have not been able to go through all the aspects of the response that the hon. Gentleman's contribution merits. However, I have tried to show him where the priority is for the concentration of resources, and I think that he will agree that that is the appropriate priority. I ask him to bear with us in this development of progress, in the hope that we shall be able to turn round applications, including applications for citizenship, much more quickly than we have in the past, and that his citizens and others will not be deprived of their documents for too long.

Question put and agreed to.

Adjourned accordingly at half-past Ten o'clock.

House of Commons

Tuesday 15 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

FOREIGN AND COMMONWEALTH AFFAIRS

The Secretary of State was asked—

Anti-Semitism

2. **Mr. James Clappison** (Hertsmere) (Con): What representations he has received about anti-Semitism in Europe. [178626]

The Minister for Europe (Mr. Denis MacShane): The Government are aware of a disturbing increase in anti-Semitic remarks and attacks across many European nations, including the UK. We vigorously condemn them and remain in close contact with representatives of the Jewish community, here and elsewhere in Europe, to discuss ways of combating anti-Semitism. We were active participants in the recent OSCE—Organisation for Security and Co-operation in Europe—conference on anti-Semitism in Berlin.

Mr. Clappison: The Minister is absolutely right to say that there has been a worrying increase in anti-Semitic incidents in Europe. Is he aware that a great deal of that is connected with the situation in the middle east? Does he agree that, whatever views might be legitimately held about the situation in the middle east, it is wholly unacceptable for attacks to be carried out on innocent people and communities in connection with that conflict? Will he ensure that the United Kingdom plays its full part in the coming OSCE conference, due to start tomorrow in Paris, and in particular does as much as possible to stop the international peddling of hate on this subject through the internet?

Mr. MacShane: I cannot but completely agree with the hon. Gentleman's remarks. The Government, Ministers and MPs are active in the campaign. The most recent anti-Semitic attack took place recently in France, but a large number of gravestones of French Muslims have also been desecrated at Strasbourg, according to yesterday's *Le Monde*, with remarks such as "Sieg Heil" and "White Power". Anti-Semitism, Islamophobia, hatred of immigrants and xenophobia are all parts of a connected continuum that we must combat very firmly and clearly indeed.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Does the Minister recognise the gravity of anti-Semitism coming from some Islamic sources that links up with the anti-Semitism of the far right in advocating Jewish conspiracy theories, blood libels and holocaust denial? What steps are the Government taking to counter that?

Mr. MacShane: I pay tribute to the way in which the hon. Lady has consistently raised this sickening aspect of modern political discourse. Again, she flags up a concern shared by everyone in the House. That is why I am pleased that the OSCE is focusing on anti-Semitism. I know that the French Government are taking strong steps in that regard, as are the German Government, and we, too, must keep a watchful eye on the situation because hate language in British politics—whether on immigrants, on questions to do with Israel and the right of the Jewish people to their state, or on the problems faced by many of my Muslim constituents—is, I am afraid, on the rise, rather than going down.

Mr. Richard Bacon (South Norfolk) (Con): It would be disturbing, would it not, if it turned out that taxpayers were helping to fund anti-Semitism and attacks on Jewish people? Yet when I recently visited OLAF, the anti-fraud agency in Brussels, Mr. Alberto Perduca, the official in charge of looking at funding for the Palestinians, admitted that it could not be ruled out that cash used by the EU to give funding to the Palestinian Authority might in some cases have made its way to groups to which it should not have made its way. What is the Foreign Office doing to keep that matter under review?

Mr. MacShane: It is rather tenuous to get in a jibe at the EU over the serious problem of attacks on Jewish graves, desecrations of other Jewish memorials and anti-Semitic remarks. The Commissioner responsible, the right hon. Chris Patten, is keeping the matter tightly under control. I accept fully the concerns of the hon. Member for South Norfolk (Mr. Bacon), but if he has one piece of direct evidence of any money circuiting back into anti-Semitic organisations in Europe, I would love to see it because I promise him and the House that I would take that up with every bit of vigour that I possess.

Middle East

3. **Mr. Gordon Prentice** (Pendle) (Lab): What further steps he will take to encourage the establishment of democracy in the middle east. [178627]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): I set out the United Kingdom's approach to encouraging modernisation in the Arab world in a speech that I made at the Foreign Policy Centre on 1 March. In that speech, which has been generally well received in the region, I made it clear that we will work in partnership with countries in the region in support of locally led political, economic and social reform.

In the coming period, we will be responding to the forward-looking statement from the Tunis summit, and concentrating on implementation of the G8 and EU strategies, as well as continuing effective use of our bilateral programmes.

Mr. Prentice: The Prime Minister told me yesterday that democracy in the middle east has got to come from within, but if that is the case, surely we will be waiting for ever. What are the Government doing to force the pace of change in dysfunctional societies such as Saudi Arabia, where women cannot even legally drive a car? In a recent case, a female television presenter was beaten up by her husband for daring to answer the telephone. Saudi Arabia is supposedly an ally of ours. What are we doing to force the pace of change?

Mr. Straw: I resist the idea that we should force the pace of change in the way that my hon. Friend sets out. We in Europe need to have a certain amount of humility in respect of this issue. Only 30 years ago, which is within the lifetime of many in this House, not only was half of Europe under the Soviets' control, but three countries in southern Europe—Portugal, Spain and Greece—all had fascist dictatorships. We would have resisted the idea that our pace of change within Europe should be forced from outside. We have to encourage change and support the many people in all countries in the region who are actively pursuing change.

Saudi Arabia is beginning a process of reform, even though it might not be as fast as my hon. Friend would wish. Local council elections will be held shortly, and in many countries in the region there are now the beginnings—in some cases, more than the beginnings—of active democratic institutions.

Sir Menzies Campbell (North-East Fife) (LD): Can the Foreign Secretary tell the House what his view is of conditions for democratic life in Gaza, where the infrastructure has been systematically damaged, houses have been indiscriminately destroyed and demolished, and the quality of life has been comprehensively diminished? At the moment, the international community is raising substantial sums for the restoration of Iraq. If the Sharon proposals for unilateral withdrawal from Gaza are implemented, who will pay for Gaza?

Mr. Straw: It is self-evidently the case, as the right hon. and learned Gentleman points out, that operating democracy within the Gaza area is and has been very difficult since the incursions by the Israeli defence force, some of which—such as the terrible incursions in Rafah—have been roundly condemned by a United Nations Security Council resolution that the United Kingdom supported. That said, the Palestinian Authority themselves have to take further steps—they could take such steps, even now—to improve the operation of their democratic institutions. For example, they could place the security forces under the full and proper control of the Prime Minister and the Interior Minister, and ensure that they are paid through bank accounts rather than in cash.

In terms of the withdrawal from Gaza, there may be a need for further international aid. I am afraid that the value of some of the aid has been destroyed by Israeli incursions, but we simply have to accept that and try to move on.

Rob Marris (Wolverhampton, South-West) (Lab): I thank my right hon. Friend for his comments on democracy in the Arab world. Of course, the middle east also encompasses Iran, where there is nominal democracy but there are significant human rights abuses. I doubt whether any of us in the House would recognise Iran as a true democracy. What steps are the United Kingdom Government taking to encourage true democracy in Iran?

Mr. Straw: I should tell my hon. Friend as an aside that it is an unwise idea to suggest that Iranians are Arabs, because they are not. On his wider point, among many other aspects of an intensive dialogue with the Iranian Government, we have a human rights dialogue, and so does the European Union.

Mr. John Taylor (Solihull) (Con): Would the Foreign Secretary tell the House whether there are any democratic states in the middle east other than Israel?

Mr. Straw: There are states in different stages of democratic development. *[Laughter.]* I do not believe that we should mock the progress that has been made. Oman and Qatar have recently introduced direct elections, and of the states within the Arab world, only Libya, the United Arab Emirates, Qatar and Saudi Arabia have no public plebiscite for national assembly and/or head of state elections. Of course, their political institutions are not in a state that we would describe as full democracy. The important thing is that that is now recognised within the region itself, and there is a clear programme of reform that has been agreed by the Arab League, not least at its summit in Tunis.

Richard Burden (Birmingham, Northfield) (Lab): My right hon. Friend will know that, when the Palestinian parliamentary delegation came to this place a few weeks ago, it stressed its wish to hold elections in the occupied territories, which are now several years overdue. It made the point that it is difficult to hold elections where candidates cannot get from one place to another and voters do not know whether they can reach a polling station because they are under curfew. All that is directly related to the occupation. What does my right hon. Friend feel that the international community can do to ensure that elections take place in the occupied territories as soon as possible?

Mr. Straw: The key thing for the international community, as well as for the Palestinians, the Israelis and those in the region, is to support the active implementation of the road map. If we could get an Israeli withdrawal from Gaza under proper conditions, that could at least set the stage for the normalisation of life within Gaza.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): The right hon. Gentleman has just referred to the withdrawal by the state of Israel from Gaza. Would he

accept that that must be just the first step and that further steps must include withdrawal from all the west bank settlements, together with sensible proposals for sharing the sovereignty of Jerusalem?

Mr. Straw: Yes is the answer, and the stages are clearly set out in the road map. As the G8 summit acknowledged, the basic template for our position and that of the G8 in respect of Israel-Palestine remains Security Council resolutions 242 and 338.

Brazil

4. **Mr. Bob Blizzard** (Waveney) (Lab): When he next expects to visit Brazil to discuss bilateral relations. [178628]

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Bill Rammell): The Foreign Secretary has no current plans to visit Brazil, but recently met Brazilian Foreign Minister Amorim in London. I have visited Brazil twice and the Deputy Prime Minister hopes shortly to visit Brazil. Such contact underlines our commitment to our relationship with Brazil.

Mr. Blizzard: Having just returned from an Inter-Parliamentary Union delegation to Brazil—*[Laughter.]*—may I tell my hon. Friend that it is clear that the Brazilian Government want a very strong relationship with Europe, both politically and commercially, to balance their relations with the USA? Does he agree that it is also in our interests and vital for the whole of south America that progressive democratic Government can deliver and succeed in Brazil? For both those reasons, may I suggest to my right hon. Friend the Secretary of State that if he does have a life beyond the middle east, Iraq and the European constitution, he should give some priority to visiting Brazil?

Mr. Rammell: Despite the jocularity, I congratulate my hon. Friend on the work that he does on our relationship with Brazil as the chairman of the all-party group. I genuinely believe that such Back-Bencher contributions are an essential counterpart to what we do within the Government. I wholly agree with my hon. Friend's views about the importance of the relationship between the EU and Brazil. Hopefully, if we can make progress on the EU-Mercosur agreement, that would be a significant step forward. It is clearly in our interests and in the interests of the Brazilians that President Lula's Government succeed. Finally, I am sure that the Foreign Secretary has heard my hon. Friend's request.

Tony Baldry (Banbury) (Con): There has been a lot of talk about reforming the United Nations. Does the Minister envisage a time when countries such as Brazil, or indeed India, will become members of the Security Council, or is it Her Majesty's Government's line that there can be any reform of the UN provided that the existing Security Council membership stays static?

Mr. Rammell: I think that the hon. Gentleman is aware of our current policy, which is to be in favour of expansion of the permanent membership of the Security Council. Brazil is currently a non-permanent member of the Security Council. Nevertheless, we believe that in an expanded permanent membership, Brazil is the pre-eminent country from Latin America, and we would be content with that position.

Mr. Andrew Dismore (Hendon) (Lab): May I tell my hon. Friend that I was also a member of the delegation to Brazil? While there, we had the opportunity of visiting the vice-consul in Sao Paulo who had responsibility for dealing with the very serious drugs trade, which passes through Brazil to the UK. While there is good co-operation between the Brazilian authorities and our people in Brazil in dealing with the drugs trade and they have had considerable success, there is little doubt that they are significantly overstretched. Will my hon. Friend talk to the Chancellor to see whether anything can be done to improve the staffing of Customs and Excise officers in Brazil to tackle the drugs trade? We could then have significantly greater success with comparatively little extra investment.

Mr. Rammell: I certainly agree that drugs trafficking is a significant problem. At present, we fund 100 drugs liaison officers who work out of our posts around the world, but we can always look to do more. I shall pass on my hon. Friend's comments, and I assure him that we keep the matter under active review.

Middle East

5. **Andrew Selous** (South-West Bedfordshire) (Con): If he will make a statement on the Israeli-Palestinian peace process. [178629]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): The Israeli Cabinet decided on 6 June to approve in principle the removal of all settlements from Gaza, and of four from the west bank, as a first step towards implementation of the road map. The Palestinian Authority also need to deliver on their road map commitments, particularly on security. I fully support the statement made by G8 leaders on 10 June on the next steps for Quartet-led international engagement.

Andrew Selous: What steps are being taken to help the Israeli Government secure a complete withdrawal from Gaza? Does the Foreign Secretary agree that delivering at least one definite part of the road map is absolutely key to ensuring peace throughout the middle east?

Mr. Straw: Withdrawal from Gaza itself is obviously in the hands of the Israeli Government. The hon. Gentleman will be aware of the problems that Prime Minister Sharon has encountered in his Cabinet in gaining full agreement for the withdrawal plan. However, the road map, which sets out the requirement for withdrawal, was agreed by the Israeli Government as well as by the Palestinian Authority, the neighbours and the Quartet. We look to all parties to the road map to implement their part of its obligations.

Mrs. Anne Campbell (Cambridge) (Lab): My understanding is that the Sharon peace plan intends that the Israelis, after withdrawing from Gaza, should keep

control of the Gaza-Egypt border. Is my right hon. Friend making representations to the Israelis that withdrawal from Gaza should be as full as possible?

Mr. Straw: Active discussions are taking place with the Egyptian Government about the control of that border area, which is known as Philadelphi road. I do not want to pre-empt the outcome of those discussions, but there is full understanding in the international community that that border has to be secure. That, too, is as much in Egypt's interests as it is in the interests of the other parties in the area.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): Given that the disengagement plan has the support of the Quartet—as well as the "in principle" support of both Jordan and Egypt and support from this country—what measures is the Foreign Secretary taking to persuade the Palestinian Authority to accept and support it?

Mr. Straw: The Palestinian Authority do accept the disengagement plan. They can hardly do otherwise as they have called for withdrawal from the occupied territories for a very long time, but, of course, they have legitimate concerns about the conditions in which the withdrawal takes place. We are in active contact with Palestinian leaders to ensure that any security vacuum left by the withdrawal of the IDF can be filled by Palestinian security forces with the active support of the international community, including the UK.

Mr. Mark Hendrick (Preston) (Lab/Co-op): My right hon. Friend the Prime Minister said yesterday that he told the G8 summit that a specific set of actions to restore momentum on the road map should be implemented. Will my right hon. Friend the Foreign Secretary, and the Prime Minister, impress on Israel through the Quartet the need to refrain from unilateral decision making, especially about Palestinian territory in Gaza or building a wall on Palestinian territory in the west bank?

Mr. Straw: We continue to impress that point on the Israelis, and we do so repeatedly. The Israelis reply that they have responded to the security situation. The sooner we can get an improvement in the security situation on both sides of the green line, and of the wall, the easier it will be to relax conditions in the occupied territories.

Mr. Michael Ancram (Devizes) (Con): Does the Foreign Secretary agree that the two-state solution cannot be imposed, and that it must be reached by mutual consensus emerging from negotiations? Does it not follow, therefore, that any return to the road map must begin with the ending of terrorist violence and the start of the withdrawal of Israel from Palestinian territory, but also with the resumption of the dialogue between the Government of Israel and the Palestinian Authority that was derailed by violence last July? What practical steps can the Quartet take to help to create a favourable environment for restarting those negotiations, in terms of helping to underpin security in the region and of producing an economic package that can genuinely address the economic deprivations among Palestinians that make them such ready recruits for terrorism?

Mr. Straw: I simply say to the right hon. and learned Gentleman that while in practice it is not possible for the international community to impose the necessary changes on the ground, it must also be acknowledged by both sides that the policy that they are following is not voluntary but has been decided by the international community in resolutions 242, 338 and 1393. Those are UN Security Council obligations on all parties in the region.

I agree with the right hon. and learned Gentleman about the importance of the resumption of dialogue, and that is why a director-level delegation from the leaders of the Quartet will visit the region shortly. We agree on the need for an economic package, and although much of the aid that has been put into the occupied territories in the past has sadly not borne fruit because some of it has been destroyed by actions by the IDF and in other ways, I am clear that the international community will be ready to continue funding any recovery within the occupied territories.

Mr. Ancram: Would the Foreign Secretary also agree that a resolution of the conflict in the middle east would be more easily achieved with the involvement of the Islamic nations in the region? Would it help if—as well as assuring the security and integrity of the state of Israel—the Arab nations were also persuaded to work alongside the Quartet as enablers, facilitators and confidence builders on the Palestinian side? Have there been discussions between the Quartet and the Arab nations about becoming more formally involved in that way?

Mr. Straw: Yes, there are continual discussions with the Arab League and with individual nations. Some of the near nations—Jordan and Egypt especially—have played an important and constructive role in very difficult circumstances. We also look to all the Arab nations in the region to understand one of their obligations under the road map and Security Council resolutions, which is to recognise the state of Israel, its right to exist and its right to exist in safety within borders set down by the Security Council.

Dr. Brian Iddon (Bolton, South-East) (Lab): I welcome the announcement by my right hon. Friend the Prime Minister yesterday that the Quartet will meet shortly. Does my right hon. Friend agree that if the Prime Minister of Israel can persuade the settlers to leave Gaza, the properties should be handed over to the Palestinian Authority in part-compensation for all the destruction that the Israeli defence force has caused there?

Mr. Straw: I understand the force of my hon. Friend's point. There are already some complicated issues of compensation that will have to be resolved, both in respect of the occupied territories and damage in Israel.

India

6. **Mr. Peter Luff** (Mid-Worcestershire) (Con): What assessment he has made of the implications for Indo-British relations of the election of a new Government in India. [178630]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): Relations between the United Kingdom and India are already very strong and I believe that they will strengthen further, following the election of the United Progressive Alliance Government. My right hon. Friend the Prime Minister was among the first foreign leaders to congratulate Sonia Gandhi and Manmohan Singh on their election victory. My right hon. Friend the Deputy Prime Minister will travel to India soon. Tomorrow, I shall welcome the new Indian Foreign Minister, Natwar Singh, to London, and there are plans for a further three Indian Ministers to visit the UK within the next 10 days.

Mr. Luff: I draw the attention of the House to my registrable interest in this subject. I welcome the Foreign Secretary's answer, especially as he referred to Mr. Natwar Singh, the new External Affairs Minister, who is a former member of my old college, Corpus Christi college, Cambridge. Does the Foreign Secretary agree that the newly formed Government in India are very encouraging? They are broadly based in faith terms, with Muslim, Sikh, Christian and Hindu members, as reflected in early-day motion 1300. They are also broadly based in economic and political terms. Will he ensure that every contact we have with the Indian Government reminds them of the importance of maintaining their commitment to open markets and liberalisation?

Mr. Straw: The hon. Gentleman will be aware that Manmohan Singh was one of the pioneers of the liberalising economic programme that began in the 1990s and which has laid the foundation for India's remarkable economic progress since then. They are a broadly based Government, with a Sikh Prime Minister, a Muslim President, a Hindu External Affairs Minister and a Christian leader of the largest party. That emphasises the triumph of Indian democracy and its secular society.

John Cryer (Hornchurch) (Lab): Will my right hon. Friend take this opportunity to condemn the money men who hounded Sonia Gandhi from office through the manipulation of the markets a few weeks ago? Will he also welcome the attempt to return India to the broadly based and secular future—and a united future, as the hon. Member for Mid-Worcestershire (Mr. Luff) mentioned—that Congress has always sought and that was undermined and sabotaged by the neo-fascists of the BJP?

Mr. Straw: May I make it clear that we had very good relations—close personal and close institutional Government relations—with the previous Government of India and high-level respect for their leaders? My hon. Friend will forgive me, but I am afraid that I shall not get involved in the internal affairs of the Indian Government or Indian political parties. The important thing is that there was a free and democratic election; the people of India made their decision and we should respect it.

Mr. Crispin Blunt (Reigate) (Con): Given the likely enormous economic potential and political importance of India over the coming decades, and given the United Kingdom's special links with India in all sorts of ways, will the Foreign Secretary make it a priority of the Foreign and Commonwealth Office to ensure that the highest attention is given to promoting Indo-British relations?

Mr. Straw: I entirely endorse the hon. Gentleman's point; the relationship has the highest level of commitment and attention. I have been to India five or six times during the past four years. I was last there at the beginning of February and intend to visit again as quickly as I can, and so will the Prime Minister.

Mr. Andrew Love (Edmonton) (Lab/Co-op): I add my congratulations to India on its vibrant democracy and its continuing commitment to a secular society. What efforts is my right hon. Friend making to maintain the dialogue that the previous Government set up with Pakistan to ensure a peaceful future for that region of the world?

Mr. Straw: In January, I met Sonia Gandhi and Natwar Singh when they were in opposition, and they made clear to me their commitment to, and support for, the then Government's efforts—the Vajpayee-Musharraf efforts—to secure a composite dialogue, including on the issue of Kashmir. From my telephone contact with Natwar Singh earlier, I am in no doubt at all—nor shall I be, I am sure, after my meetings with him tomorrow—that the Congress-led Government will have the same commitment to pursue that dialogue, which has already produced great benefits for both sides and offers the prospect of a peaceful resolution to the 60-year-old dispute over the area of Kashmir.

Drugs Trade

8. **Mr. Bill Tynan** (Hamilton, South) (Lab): What progress has been made in the fight against the international drugs trade. [178632]

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Bill Rammell): We are making progress overseas in our fight against drugs. We seized record amounts of cocaine last year: 91 tonnes. More and more cocaine traffickers are being arrested, and we are investing record amounts in the fight against heroin, especially in Afghanistan.

Mr. Tynan: I thank my hon. Friend for that response and for his commitment to eliminating the international drugs trade. Although I have never been on an IPU trip, does he accept the situation described in an excellent article on Afghanistan published in the *Sunday Herald* this week? It pointed out that opium production had doubled between 2002 and 2003 and included an interview with an individual who earned £65 for 5 kg of opium. Does my hon. Friend agree that it is essential that the international community provide alternative

sources of income for people in Afghanistan if they are to make real progress and stop the growth of poppy fields in Afghanistan in future?

Mr. Rammell: My hon. Friend is right: we face a serious challenge in tackling opium cultivation in Afghanistan. I should point out that cultivation has not doubled; the latest United Nations survey shows a marginal increase in cultivation compared with last year. However, it seems from anecdotal reports that this year there will be an increase in cultivation in the current planting season. That pattern is not inconsistent with countries where there has been success in tackling the problem—initially there is an increase. However, the key is a comprehensive strategy, as my hon. Friend rightly pointed out, which includes provision for alternative livelihoods.

Mr. Gary Streeter (South-West Devon) (Con): Since our Government took over the fight against the drug trade in Afghanistan in April 2002, how many hectares of poppies have been destroyed, how many trafficking networks have been dismantled and how much land has been turned over to alternative production? As we have heard, the UN report last year showed that the situation was getting worse. When another UN report is compiled this autumn, does the Minister expect it to show that things are improving under British leadership or still getting worse?

Mr. Rammell: Let me give the hon. Gentleman some specifics on the progress that is being made. A team of Afghan counter-narcotics police officers is now in place, which has seized 125 kilos of heroin. Similarly, the Afghan special narcotics force—an Afghan initiative under the control of the Ministry of the Interior—has seized more than 32 tonnes of opiates and destroyed 32 laboratories. Nevertheless, I do not deny that we face a significant challenge—it is not solely our responsibility—on behalf of the Afghan people and the international community, because anecdotal evidence suggests that cultivation and production may increase again this year. Nevertheless, all the measures that are now in place suggest that in the current 15 months, particularly in the next planting season, we should begin to see, if our strategy is working—I believe that it is—the tide beginning to turn.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Is my hon. Friend aware that, last year, Europol reported to the Committee on the Civil Dimension of Security, which is part of the NATO Parliamentary Assembly, that its worst nightmares had been realised: laboratories in southern Europe are now producing synthetic cocaine and synthetic heroin that is of a decent level? Its fear is that, once we start to tackle the situation in Afghanistan, that synthetic heroin and cocaine will come on to the market, as the price begins to change. What are we doing, together with other international partners, to tackle that and those laboratories?

Mr. Rammell: I am aware of those concerns, and they underline the problem that, whatever we might say in the House, when we seek to tackle the international drugs trade, we are dealing with one of the most sophisticated, expensively funded organised crime rackets in the world. Everywhere we make an impact on the system—we hope that we will succeed in Afghanistan—we must be aware of the knock-on consequences for those places where the industry will try to go next. That is very much at the forefront of our thinking.

Mr. Nigel Evans (Ribble Valley) (Con): Will the Minister also pay tribute to the Royal Navy for its contribution to tackling the international drugs trade? Recently, HMS Northumberland seized cocaine worth £135 million and HMS Iron Duke seized cocaine worth £250 million. If they had not done so, those drugs would have ended up on the streets of a country somewhere, bringing huge misery. Will he pay tribute to the Royal Navy for using the intelligence available and seizing the drugs? It is vital that they are given the necessary support to ensure that they have a presence on the high seas to tackle the drugs problem where it exists.

Mr. Rammell: I pay tribute to the Royal Navy and the work that it undertakes to support our efforts, but the other point that the hon. Gentleman's question underlines is that, in dealing with the problem elsewhere in the world, we are working not just for the benefit for the people of those countries, but in our own vested interests. The cocaine that originates in Colombia comes to this country, and 95 per cent. of the heroin from Afghanistan fuels the drugs trade in this country. We have a massive vested interest in tackling the problem, which is why we are devoting so much work and investment to it.

Tariq Aziz

9. **Mr. Tam Dalyell** (Linlithgow) (Lab): What arrangements have been made for a trial for Tariq Aziz. [178633]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): Mr. Tariq Aziz is being held by the United States. It is the policy of multinational force partners not to disclose the precise location of detainees for security reasons. It is for the US and Iraqi authorities to determine when Mr. Aziz should be handed over to the Iraqi authorities and for the Iraqi authorities to determine the legal procedures that should apply. In December 2003, the then Iraqi governing council established a special tribunal to try senior members of the former regime.

Mr. Dalyell: We are part of the coalition, are we not? Will the response to the International Red Cross be the proverbial "Get lost", when it says that, under international law, those people, included Tariq Aziz, should be charged before 30 June or freed? After Elizabeth Wilmshurst, should not the Foreign Office and the United States be a little less cavalier with international law?

Mr. Straw: We in the British Government subscribe fully to and follow fully our obligations under international law. That has been the case throughout the Iraqi conflict as well as in the past.

As for the position of Mr. Aziz and other detainees, I should say to my hon. Friend that just before I left the Foreign Office to come here, I saw an item on the BBC website. Although I have had no separate confirmation of this, it says:

"Iraqi Prime Minister Iyad Allawi says the US-led coalition will soon hand over high-profile detainees—including Saddam Hussein—to Iraqi custody."

If that is to happen, it will be widely welcomed in the House. It is a matter on which I know the Iraqis and the United States are working.

Mr. Boris Johnson (Henley) (Con): Given that the right hon. Gentleman and the Government have a principled opposition to the death penalty and given that Britain, as part of the coalition provisional authority, will shortly hand over Saddam Hussein for trial, can the right hon. Gentleman say what representations, if any, he has made to ensure that the future Iraqi authorities do not put Saddam Hussein to death? Or does he wash his hands of the matter?

Mr. Straw: We have made strong representations to the Iraqis about our position in respect of the death penalty. We were successful during the period of the Iraq governing council in persuading it to suspend the death penalty. It is known that Iraqi Ministers have said that they will support the re-establishment of the death penalty from 30 June, and it is also a fact that a number of countries around the world, including China and the United States, are retentionist and operate the death penalty. However, in respect of all those countries, not least and including Iraq, we shall make very strong representations about the need not to use the death penalty. Those representations will be made on both moral grounds, which are well supported in the House, and on very practical grounds. As we in this country found with the death penalty 50 years ago, one can end up not only convicting the wrong person, but executing the wrong person.

Ann Clwyd (Cynon Valley) (Lab): Is my right hon. Friend satisfied that sufficient funding is in place to assist the work of the Iraq special tribunal?

Mr. Straw: I cannot say from the Dispatch Box that I am satisfied about that, and I am very happy to investigate the matter further, to write to my hon. Friend and to place the record in the Library of the House.

Iraq

10. **Mr. Harry Barnes** (North-East Derbyshire) (Lab): What links exist between his Department and the United Nations Electoral Assistance Division in preparing for national, regional and local elections in Iraq. [178634]

14. **Bob Spink** (Castle Point) (Con): What recent discussions he has had with the UN on the handover of sovereignty in Iraq. [178638]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): The unanimous adoption last week of Security Council resolution 1546 endorsed the transfer of authority to a new Iraqi Government and endorsed future security arrangements. The resolution reflected several months of intensive discussions with our international partners and with the United Nations. We were in regular consultation with the political mission led by UN Ambassador Lakhdar Brahimi, and the UN electoral team led by Carina Perelli. Those close contacts will continue as the UN takes the leading role in assisting the Iraqi Government and people in their preparations for democratic elections by 31 January 2005.

Mr. Barnes: I feel that my question has rather got lost by being linked with the question from the hon. Member for Castle Point (Bob Spink). My question is specifically about electoral systems.

If Iraq is to move beyond a rather theoretical legal sovereignty on 30 June towards full political sovereignty on 31 January next year, is not the role of the United Nations of key importance, especially in relation to the establishment of an electoral system? Will the role of the United Kingdom and the USA in this matter be secondary to that of the United Nations?

Mr. Straw: On the last point, the answer is yes. On my hon. Friend's first point, an electoral commission has been established. Interestingly, there were more than 1,800 applications for appointment and a shortlist of candidates was interviewed by a panel of experts led by Judge Kriegler of South Africa. The final commission consists of seven commissioners, including two women and one United Nations member. It bodes well for the future.

On the electoral system itself—my hon. Friend takes an interest in such matters, as do I—Mrs. Perelli has recommended that the introduction of a national list system for interim elections to the national congress should take place between now and January. Obviously, the subsequent election system operated will be a matter for the constituent assembly that draws up the new constitution.

Bob Spink: Could the right hon. Gentleman tell the House exactly what support will be provided by Britain in the run up to the 2005 elections? Will that involve additional British troops going to Iraq?

Mr. Straw: We will certainly provide a good deal of support through our existing troop contingents. The European Union and other institutions with expertise in monitoring and supporting electoral processes will provide support if they, in turn, can get effective security—that is a separate limb of Security Council resolution 1546. The hon. Gentleman will know that troop numbers are kept under continuous review and that any changes will be announced to the House by my right hon. Friend the Secretary of State for Defence.

Chris McCafferty (Calder Valley) (Lab): The Foreign Secretary will recall my question of 8 September about the number of Iraqi deaths. He was kind enough to write to me in November to confirm that when the information was collated, he would write again and place the information in the Library. Will he tell the House when that will happen?

Mr. Straw: I do indeed recall the question that my hon. Friend asked on 8 September, which was whether

there were effective estimates by the coalition forces of casualties in the conflict during the intense military action and subsequently. I wrote to her with an interim reply in November and examined the matter in great detail. I also looked at the non-governmental organisation website www.iraqbodycount.org, which has its own estimates. I owe my hon. Friend an answer and I am sorry that she has not received one, but that is not due to a lack of application.

On the "Today" programme a couple of weeks ago, I said that I had answered a question about the matter. I was speaking from my recollections, as I made clear at the time, but I should like to point out that I had answered a supplementary question during a statement rather than a parliamentary question—with a capital Q. I apologise for that minor transgression.

Hugh Robertson (Faversham and Mid-Kent) (Con): One of the key tasks that faces the electoral assistance division and other United Nations bodies is to restore the UN's reputation in the eyes of many ordinary Iraqis following its tarnishing due to the oil-for-food programme. Given that recent intelligence suggests that Saddam Hussein and his immediate family and entourage benefited to the tune of $10 billion, and that intelligence coming out of Iraq suggests that that money is being used to fund the insurgency that faces our troops and threatens the elections, what moves have the Foreign Office taken to back the Iraq governing council's call for a full and independent inquiry?

Mr. Straw: An investigation is already taking place under the aegis of the United Nations, and it is linked to investigations by law enforcement authorities in several countries. I am sure that the hon. Gentleman understands that I cannot go into further detail because that might prejudice the outcome of some of those criminal investigations, but we are certainly powerfully seized of the issue.

Harry Cohen (Leyton and Wanstead) (Lab): Is it not the case that under pressure from US Ambassador Paul Bremer, Moqtada al-Sadr and his followers have been banned from fighting elections for three years? Is that not a deeply foolish decision? Would it not be better for them to be engaged in the elections rather than outside fighting?

Mr. Straw: My hon. Friend might well be ahead of me because I was not aware that that individual had been banned. Ambassador Bremer is entitled to his opinions, but such decisions should be made by the Iraqi Government, with advice from the United Nations.

Burma

11. **Mr. Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): What representations he has made to the regime in Burma about human rights and the treatment of Aung San Suu Kyi. [178635]

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Chris Mullin): We regularly raise the Government's concerns about human rights with the regime in Burma, and we have repeatedly called for the release of Aung San Suu Kyi, most recently when my hon. Friend the Minister for Trade and Investment met the Burmese ambassador on 1 June.

Mr. Lazarowicz: My hon. Friend will be aware that concern about the situation in Burma is shared across the House and the country. In Edinburgh, for example, the city council has recently voted unanimously to offer the freedom of the city to Aung San Suu Kyi. In view of that widespread concern, is it not time for tough, effective sanctions to be imposed on the regime in Burma to make it improve its dreadful human rights record?

Mr. Mullin: I am sure that Aung San Suu Kyi will appreciate the honour conferred on her by Edinburgh city council. There are already sanctions against the Burmese regime. We adhere to the common EU position, which was renewed on 26 April, that targets EU sanctions on members of the regime, not the people of Burma, who have already suffered enough under that awful regime. Those sanctions include a visa ban on leading members of the regime, an assets freeze and an arms embargo.

Mr. Richard Spring (West Suffolk) (Con): Echoing the point made by the hon. Member for Edinburgh, North and Leith (Mr. Lazarowicz), it is clear to all of us who take an interest in the tragic situation in Burma that the EU-UK sanctions against the regime are weaker than the measures that the USA has adopted to pressure the regime, and appear to be enforced with less vigour. What specific plans do the Government have to bring the EU-UK sanctions and their enforcement into line with those of the Americans?

Mr. Mullin: The EU sanctions are reviewed annually, and were stiffened last April. We shall obviously review them in future in light of discussions with our EU colleagues. They are, however, EU sanctions, and we have to take our allies with us.

Vera Baird (Redcar) (Lab): My hon. Friend will know that the junta in Burma has been running a national convention from which the National League for Democracy—NLD—has been excluded. That convention has drafted a constitution that ensures military dominance, which is surely a further retrograde step. Most of Burma's trading is now conducted in euros, since the US has imposed financial sanctions. Is it not time to approach our European partners seriously about financial sanctions against that terrible regime?

Mr. Mullin: We take the situation very seriously. As for the constitutional convention, we respect the decision of the National League for Democracy not to take part, because it is clearly a bogus exercise. It would make no sense at all for it to take part while its leaders are detained, its offices closed down and there is not a shred of democracy in Burma.

Turkey

12. **Sandra Gidley** (Romsey) (LD): If he will make a statement on human rights in Turkey. [178636]

13. **Mr. Wayne David** (Caerphilly) (Lab): What assessment he has made of Turkey's preparedness to begin negotiations on joining the EU. [178637]

The Minister for Europe (Mr. Denis MacShane): I welcome the adoption by Turkey of wide-ranging reforms to improve its human rights performance. I particularly welcome the release of Leyla Zana and three former Kurdish MPs pending their appeal and the first TV broadcasts in Kurdish last week. However, I deplore the imprisonment of the journalist Hakan Albayrak of *Milli Gazete* and hope that he will soon be released.

Sandra Gidley: I thank the Minister for his answer. Is he aware of the campaign by Amnesty International to stop violence against women and the fact that the situation in Turkey is so bad that Amnesty has issued a country-specific report highlighting the fact that honour killings are widespread, lenient sentences for rape are common and that Turkish authorities rarely investigate complaints by women about rape or murder? Will he do all that he can to persuade the Turkish Government that it is in their best interest to make sure not only that international and regional treaties are ratified but that perpetrators are brought to justice so that violence against women is ended in that country?

Mr. MacShane: I wrote to Amnesty congratulating it on that report, which I hope receives wide circulation in Turkey. The hon. Lady is right to draw attention to it, and it will play a prominent role in discussions in July between Turkey and the UK as part of our human rights dialogue.

Tony Lloyd (Manchester, Central) (Lab): My hon. Friend rightly points to the substantial improvement in Turkey's human rights record since the election of the present Government, but he also points out, rightly, that Turkey has some considerable way to go to conform to its existing commitments as a signatory to the convention on human rights of the Council of Europe. Will my hon. Friend make it clear that while human rights are certainly a measure by which Turkey's accession to the European Union will be judged, from Britain's point of view we want Turkey to be a member and one that conforms to proper EU standards, and that those from other partner countries in the EU who seem to wish to impose an arbitrary block on Turkey are heading in the wrong direction?

Mr. MacShane: Quite so. Every human rights representative, lawyer or organisation with whom I have been in contact in Turkey has urged that Europe gives a positive response at the end of the year to Turkey's application to be considered as an EU member. They believe that that will be the second great modernisation of Turkey, after the Ataturk modernisation. They want to see European Union values, ideas and officials, and EU money being spent in Turkey to continue that process of modernisation.

Mr. David: Does my hon. Friend agree that if a start date for negotiations is given in December, it will send a positive message that negotiations are to begin with a predominantly Muslim country, which will help us to define our concept of what Europe is?

Mr. MacShane: I agree with my hon. Friend. May I, through you, Mr. Speaker, thank him for raising forcefully in Turkey last month the case of Leyla Zana and other human rights issues in the discussions with the Foreign Minister, Abdullah Gul. My hon. Friend was treading in the footsteps of the Prime Minister, who has also made representations on human rights issues directly to the Turkish Government, and he is right, of course, that in our dialogue with the Islamic world, there is an enormous opportunity to see an Islamic democratic state with great problems—I accept that—that is seeking to move in the direction of Europe. The Mediterranean coastline of Turkey lies to the west of that EU member state, Cyprus. Istanbul is a cradle city of European civilisation. I hope all member states will support Turkey's ambitions, if it meets all the relevant criteria.

Angus Robertson (Moray) (SNP): But is the Minister not concerned by the developing opposition of a number of leading European political parties to the eventual Turkish membership of the European Union? Does he agree that that trend has sadly more to do with populist domestic considerations than with concerns about Turkey's democratic or human rights record?

Mr. MacShane: I agree with the hon. Gentleman, who is a great expert on Austria, where some of those symptoms manifest themselves. I urge all the Opposition parties, but principally the main Opposition party, to become actively involved in a pro-European way in the European People's party, to enter into a dialogue with the Conservative and Christian Democratic parties of Europe, to drop their ridiculous continuing obsessive hostility to Europe and to become pro-British and pro-Turkish by becoming pro-European.

Mr. Michael Ancram (Devizes) (Con): I am tempted to ask whether that was the message that the Minister got on his pager earlier. Will he use what influence he has with his European colleagues to expedite the announcement of a starting date for the negotiations on accession for Turkey? Turkey is making welcome efforts to conform to the Copenhagen criteria. It has been immensely constructive recently in seeking to resolve the problems of Cyprus, and of course it has been a staunch ally for many years in NATO. Would Turkey not also bring great value to the European Union as a natural bridge between Europe and the Islamic world, as also having historic links with the middle east and having very strong relations with the state of Israel? Does the Minister agree that an early start to negotiations, however long they may take to complete, will give Turkey the encouragement it needs to make progress at this time?

Mr. MacShane: It seems that since Sunday we are making distinct progress. Here is one aspect of European policy on which I can agree with every word the right hon. and learned Gentleman said. I pay sincere tribute to the statements of the shadow Europe Minister on Turkey. There is no division between the Front Benchers on this issue. I would simply say that the Conservatives could be strong advocates for Turkish membership if they were to be active players in Europe instead of being seen, as they are at the moment, to be permanently hostile to Britain's full engagement in the European Union, particularly under the forthcoming constitutional treaty.

Cyprus

15. **Helen Jones** (Warrington, North) (Lab): What recent discussions he has had with the *(a)* Greek and *(b)* Turkish Governments on the future of Cyprus. [178639]

The Minister for Europe (Mr. Denis MacShane): At yesterday's General Affairs and External Relations Council in Brussels, at the UK-Turkey summit on 17 May, which was attended by the Prime Minister, and via our ambassadors in Athens and Ankara, the Government have been in regular contact with the Greek and Turkish Governments following the referendums in April on the UN Secretary-General's plan for the settlement of the Cyprus problem.

Helen Jones: I am grateful to the Minister for that reply. Does he agree that now that the Turkish Cypriots have overwhelmingly voted yes in the referendum, we should be considering not only how we can start to normalise relations with the northern part of Cyprus, but how we can talk to the Greek Cypriot population, perhaps with our colleagues in the European Union, to try to make real progress towards a united island of Cyprus?

Mr. MacShane: My hon. Friend is right. As the Foreign Secretary made clear in his statement on 28 April, Britain is engaged in dialogue with both communities on the island. The people in the north of Cyprus—the Turkish Cypriots—sent a clear yes to Europe; unfortunately, that was not the result from the Greek Cypriots. We believe that the UN Secretary-General's plan remains the best way forward for allowing a united Cyprus to enter the European Union.

Trade Unions (Political Funds) Reform

12.31 pm

John Mann (Bassetlaw) (Lab): I beg to move,

That leave be given to bring in a Bill to limit the requirement to re-ballot on the maintenance of trade union political funds to a total of three consecutive ballots.

I thank hon. Members who have signed various early-day motions that I have tabled on this subject over the past year. I note the absence of Liberal Democrat and nationalist Members both from the Chamber and from the signatures on many of my EDMs. My hon. Friends will not be surprised by the omission of the signatures of Conservative Members.

It is somewhat ironic that the Liberal Democrats and the nationalists choose not to back this proposal. The trade unions that have been most affected in practical terms by the requirement to ballot on a trade union political fund are the civil service and teaching unions, which have repeatedly felt somewhat constrained in their ability to be involved in the political process and have faced dilemmas and quandaries about whether to have a political fund. It would be irrational and unfair to assume that if those unions currently had a large political fund, they would choose not to direct it in favour of a political party, but to attack on behalf of their members—positively, negatively or in whatever way they choose—the Government of the day. From 1984 to 1997, they would have had more ability to attack the then Conservative Government, but if they had had less restriction on their freedom to be involved politically over the past seven years, they would undoubtedly have chosen to express their concerns about the current Government.

Trade unions have been involved in political activity since their creation and, for the past century, have faced regulation on how to operate politically through a requirement for a separate political fund, unlike companies and wealthy individuals. The genesis of that relates to an example that involves the Leeds Labour party, which was established in 1901. A member of my family, who was a shop steward in an engineering works, was one of the founding members. His employer told him that it was perfectly acceptable for him to be involved industrially as a union shop steward, but that if he chose to join the new Labour party he would neither be promoted nor have security of employment. By the time political funds were introduced, he had spent three years unable to work in any engineering company in Leeds solely because of the decision to be involved politically. Those who wished power in this country to be weighted heavily and indiscriminately in favour of a specific set of people knew exactly what they were doing.

The development of political funds enabled Members of Parliament, who were initially unpaid, to be put forward, elected and live while they were Members. The 1933 Hastings agreement legitimised the process by creating a system of sponsorship. As Members of Parliament began to be paid a living wage, union support became entirely electoral.

In 1984, the unions were picked out for special attention. That was nothing to do with individual rights because contracting out from the political fund was always possible and in some unions, especially white collar unions, it was common. The Tories hoped to cut off Labour's source of income, leaving them with their wealthy backers. They underestimated trade unionists. Ballot after ballot in 1984–85 and in 1994–95 reaffirmed the right to a political fund by huge majorities in every Labour-affiliated union.

Since then, the Nolan and the Neill committees were set up and the sleaze of Tory money began to be regulated. Cash for questions and nights in the Ritz hotel led to demands for action on transparency. We now have a parliamentary and a legal framework for political donations. That is right and proper but it creates an anomaly.

Union money has always been transparent. It is published and accountable. Now it is doubly transparent and accountable due to political party and MP requirements to declare any donations. Why, on top of that, should there be a red-tape burden of bureaucracy and regulation, forcing the waste of unnecessary regulation and expense on the unions? In recent months, Amicus, the print union, the Transport and General Workers Union and others have won ballots by huge majorities. Even the fence sitters must accept that the transparency laws work. Why one law for the rich individual, for company donations and for the Wheelers and the Ecclestones, but two for the unions?

My Bill provides that enough is enough: three times and you are out. I cannot imagine a more modest proposal. Once three ballots have succeeded, let us cut back the unnecessary red tape and burden of regulation. Let us have one rule for all. I commend the Bill to the House.

12.38 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): I oppose the Bill. A trade union that wishes to spend money on party political activities must set up a separate political fund for financing any such expenditure. Trade unions must comply with specific statutory requirements in setting up and running such funds and union members have rights in relation to the requirements. For example, no member is obliged to contribute to a union's political fund. The Trade Union Act 1984, which is now the Trade Union Reform and Employment Relations Consolidation Act 1992, made it a legal requirement for unions to reballot their members every 10 years to keep a political fund in operation.

An explanation of how a trade union political fund should be set up is provided by Microsoft, on its very helpful online site for small business customers. It says:

"To set up a political fund, a union must first ballot its members to adopt 'political objects' as a union objective.

The rules for conducting that ballot must be adopted as rules of the union and approved by the Certification Officer for Trade Unions and Employers' Associations before the ballot takes place. Approval will only be given if the political fund ballot rules meet certain requirements. In particular, entitlement to vote must be given to every member of the union, the ballot must be held by post, and the ballot must be conducted and supervised by an independent scrutineer.

Once a political fund is established, a trade union must adopt 'political fund rules', and these must be approved by the Certification Officer. These rules must safeguard the rights of members by permitting individual members to contract out of contributing to the political fund"

[Mr. Jonathan Djanogly]

and providing

"that contributing to the political fund shall not be made a condition for admission to the union."

So what are the unions saying about the proposal of the hon. Member for Bassetlaw (John Mann)? [HON. MEMBERS: "They like it."] Oh, they do like it; indeed they do. According to the trade union co-ordinating committee, there has so far been no evidence of union members wanting to lose their political funds. In the 1980s, 83 per cent. of them voted yes; in the 1990s, the yes vote was 82 per cent. Currently, 35 unions representing 4.5 million members have political funds. Many of them have recently had, or are soon due to have, ballots.

In April 2003, the communications union Connect voted by 81 per cent. to 19 per cent. to keep its fund, in a turnout of 38 per cent. Also in 2003, Amicus voted to retain its fund, with a yes vote of 71 per cent. At the TUC conference in September 2003, 20 unions joined up to launch the trade union co-ordinating committee, combining their resources in fighting political fund ballots. The TUC argument is that the unions are happy with the political funds and that we should leave them to get on with it, on the assumption that, despite there regularly being turnouts of less than 50 per cent. in these ballots, most union members who have voted have supported continued political activity when asked.

I would suggest, however, that that argument is deeply flawed for three reasons. First, it has been shown that many union members want to vote on whether their union gets involved in political campaigning. Only this year, an attempt by some members of the National Union of Journalists to set up a political fund was voted down in a secret ballot, with 53 per cent. of the vote going against the proposal. It has been suggested that that would have been enough to head off a schism, because several high-profile members had threatened to resign if the fund were instituted.

Union members, including the former NUJ president, now the Minister for Europe, the hon. Member for Rotherham (Mr. MacShane), and media figures such as Jon Snow and Jeremy Paxman had all expressed concern that the fund would prejudice the union's proud political independence. The NUJ had argued that all money in the fund would be used to finance campaigning on behalf of NUJ members, and not to support political parties. That proposal was defeated.

The second reason is that, under legislation introduced by this Labour Government, companies now need to approve political donations. Not only that, but they need to ballot their members on the matter annually rather than once a decade. So I would suggest that, rather than making things easier for the unions by cancelling their once-in-a-decade vote, we need to equalise the position with companies by making unions vote on their political donations annually, as companies currently have to.

The third reason is the changing nature of political funding in this country. As we saw in the Employment Relations Bill, which is now making its way through the other place, the Government are proposing to set up a so-called modernisation fund involving an uncapped amount of money. The Government say that it could be up to £10 million, but it could be three or four times that amount because the Bill currently makes no provision in that regard, although I hope that it will do. That money will be given to unions for so-called modernisation proposals—things that I would have thought their membership subscriptions should be paying for anyway. Even if those funds are not going to be used for political activity, they will certainly leave the unions with more money that could be used in that way. Again, therefore, given the way in which the Government propose to change the law, it is even more important that union members have the right to say how unions should be able to spend their money in terms of politics.

We should also note the changing nature of the Labour party's funding. It has a collapsing membership, its base of new Labour entrepreneurs is rapidly disappearing, and it is becoming increasingly dependent on trade union funding, which, I believe, was some £6.5 million last year. The Labour party is not becoming less dependent on union funding, but a lot more dependent on it. In fact, it is becoming almost totally dependent on trade union funding. I do not see that as a reason for getting rid of union members' ability to vote on political funding but as a reason for giving them more rights as to how their union funds are spent.

As Labour becomes more reliant on such funding, the hon. Member for Bassetlaw asks for less answerability and more opaqueness, when there should be more accountability, more openness and annual debates, as companies must now have. The Employment Relations Bill ratchets up union rights significantly. This would be another attempt to ratchet up those rights even further, but this time to the detriment of union members, who should be given more rights to decide on their funds, not less, as proposed by this Bill, which I oppose.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business):—

The House divided: Ayes 136, Noes 98.

Division No. 196] **[12:48 pm**

AYES

Atherton, Ms Candy	Clark, Mrs Helen *(Peterborough)*
Austin, John	Clarke, rh Tom *(Coatbridge & Chryston)*
Banks, Tony	Clelland, David
Barnes, Harry	Clwyd, Ann *(Cynon V)*
Barrett, John	Cohen, Harry
Battle, John	Cook, rh Robin *(Livingston)*
Begg, Miss Anne	Corston, Jean
Bell, Sir Stuart	Cotter, Brian
Best, Harold	Cox, Tom *(Tooting)*
Blizzard, Bob	Cranston, Ross
Borrow, David	Cryer, Ann *(Keighley)*
Bradley, rh Keith *(Withington)*	Cryer, John *(Hornchurch)*
Breed, Colin	Dalyell, Tam
Brooke, Mrs Annette L.	Davey, Valerie *(Bristol W)*
Bruce, Malcolm	Davies, Geraint *(Croydon C)*
Buck, Ms Karen	Dobbin, Jim *(Heywood)*
Burden, Richard	Dobson, rh Frank
Burgon, Colin	Donohoe, Brian H.
Burstow, Paul	Doran, Frank
Cable, Dr. Vincent	Dowd, Jim *(Lewisham W)*
Campbell, Mrs Anne *(C'bridge)*	Drew, David *(Stroud)*
Carmichael, Alistair	Eagle, Angela *(Wallasey)*
Caton, Martin	Etherington, Bill
Chaytor, David	Farrelly, Paul
Clapham, Michael	

Fisher, Mark
Flynn, Paul *(Newport W)*
Foulkes, rh George
Francis, Dr. Hywel
George, Andrew *(St. Ives)*
Gibson, Dr. Ian
Gilroy, Linda
Hamilton, David *(Midlothian)*
Hancock, Mike
Harris, Tom *(Glasgow Cathcart)*
Harvey, Nick
Hepburn, Stephen
Hermon, Lady
Hinchliffe, David
Holmes, Paul
Hopkins, Kelvin
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hurst, Alan *(Braintree)*
Iddon, Dr. Brian
Jackson, Helen *(Hillsborough)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
King, Andy *(Rugby)*
Lazarowicz, Mark
Lewis, Terry *(Worsley)*
Lucas, Ian *(Wrexham)*
Lyons, John *(Strathkelvin)*
McDonagh, Siobhain
MacDougall, John
McIsaac, Shona
McKechin, Ann
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Paul *(Shrewsbury & Atcham)*
Martlew, Eric
Meale, Alan *(Mansfield)*
Mitchell, Austin *(Gt Grimsby)*
Mole, Chris
Morgan, Julie
Mountford, Kali
Murphy, Denis *(Wansbeck)*
Naysmith, Dr. Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Öpik, Lembit
Owen, Albert
Picking, Anne
Pickthall, Colin
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Rendel, David
Robertson, John *(Glasgow Anniesland)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheridan, Jim
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Squire, Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, Matthew *(Truro)*
Thurso, John
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Tyler, Paul *(N Cornwall)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
White, Brian
Wilson, Brian
Winnick, David
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Andrew Love and
Tony Lloyd

NOES

Amess, David
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bacon, Richard
Baker, Norman
Baron, John *(Billericay)*
Bercow, John
Blunt, Crispin
Brazier, Julian
Browning, Mrs Angela
Burt, Alistair
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Davey, Edward *(Kingston)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dorrell, rh Stephen
Doughty, Sue
Duncan, Peter *(Galloway)*
Duncan Smith, rh Iain
Flight, Howard
Foster, Don *(Bath)*
Francois, Mark
Gibb, Nick *(Bognor Regis)*
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Heath, David
Hendry, Charles
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howarth, Gerald *(Aldershot)*
Jenkin, Bernard
Johnson, Boris *(Henley)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Knight, rh Greg *(E Yorkshire)*
Laws, David *(Yeovil)*
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lilley, rh Peter
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maude, rh Francis
Mawhinney, rh Sir Brian
May, Mrs Theresa
Moss, Malcolm
Murrison, Dr. Andrew
Osborne, George *(Tatton)*
Paterson, Owen
Pickles, Eric
Price, Adam *(E Carmarthen & Dinefwr)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Robathan, Andrew
Robertson, Angus *(Moray)*
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Ruffley, David
Selous, Andrew
Shepherd, Richard
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Steen, Anthony
Streeter, Gary
Syms, Robert
Taylor, John *(Solihull)*
Tredinnick, David
Turner, Andrew *(Isle of Wight)*
Tyrie, Andrew
Viggers, Peter
Watkinson, Angela
Weir, Michael
Whittingdale, John
Wiggin, Bill
Wilkinson, John
Williams, Hywel *(Caernarfon)*
Wilshire, David
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Noes:
Mr. Eric Forth and
Mr. Nigel Evans

Question accordingly agreed to.

Bill ordered to be brought in by John Mann, Angela Eagle, Helen Jones, Mr. Lindsay Hoyle, Mr. Parmjit Dhanda, David Winnick, Tony Lloyd, Geraldine Smith, Mr. David Crausby, Brian White, David Taylor and Mr. Bill Tynan.

Trade Unions (Political Funds) Reform

John Mann accordingly presented a Bill to limit the requirement to re-ballot on the maintenance of trade union political funds to a total of three consecutive ballots: And the same was read the First Time; and ordered to be read a Second Time on Friday 15 October, and to be printed [Bill 116].

Opposition Day

[10TH ALLOTTED DAY—SECOND PART]

Transport

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

12.59 pm

Mr. Tim Yeo (South Suffolk): I beg to move,

That this House notes that the Government has failed to meet its target of reducing congestion on Britain's roads by 5 per cent., that congestion is set to rise by up to 20 per cent. by 2010 and that, according to the CBI, traffic congestion costs British industry £15 billion to £20 billion a year; recognises that the Government is failing to meet its targets for increased passenger and freight use of the railways and that rail freight declined by 0.3 billion net tonne kilometres in 2002; regrets the fact that one in five trains is still running late and that reliability on the railways has not even returned to the levels achieved before the Hatfield crash; condemns the Government's failure to decide the future of Crossrail, the East London Line Extension and Thameslink 2000 and the delay of improvements such as the upgrading of the East Coast Main Line; further notes that the Transport Committee stated that the Government has had 'years to address the problems of the railway but failed to take effective action'; calls on the Government to acknowledge that its Ten Year Transport Plan has failed in all its key objectives; deplores the Government's failure to develop a coherent planning strategy for Britain's ports; further condemns the Government for the confusion and blight caused by the Aviation White Paper to many communities near airports; and further calls, in the light of these failures, for a re-evaluation of transport policy which properly recognises the needs of both drivers and users of public transport.

I am delighted to have an opportunity to debate these important issues one day into my new job.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Pull the other one!

Mr. Yeo: The right hon. Gentleman suggests that I am not enthusiastic about this. No one is more concerned than I, who have talked to many of my constituents in recent months about their transport problems, and no one is more enthusiastic about addressing the issues. I will, however, start on the rational and grown-up note that I intend to adopt in dealing with this issue during the next few months, by acknowledging that some of the problems of transport are, indeed, long term. The origins of some of today's difficulties lie far in the past.

Mr. Foulkes: Will the hon. Gentleman give way?

Mr. Yeo: In a moment. It is precisely because of that that many of the difficulties need to be addressed more urgently than they are being addressed by the Government.

Let me thank the Secretary of State and his predecessors, however, and most notably the Deputy Prime Minister, who predictably is absent from the House today, for creating a background in relation to transport that is so familiar to someone who has just spent seven and a half months shadowing health and education.

Mr. Foulkes *rose—*

Mr. Yeo: I shall give way in a moment. Health and education are two areas in which Labour has spent much of the past seven years setting targets in Whitehall, very few of which are ever achieved, establishing expensive new quangos that, after a few years of consuming huge sums of taxpayers' money, none of which reaches front-line services, are then abolished, and making claims that waiting times are getting shorter. In fact, whether someone is waiting for a hospital bed, for a consultant's appointment or for a train to arrive, they know in many cases that waiting times are getting longer.

Mr. Foulkes: I know that the hon. Gentleman's Chief Whip is desperately trying to protect him from my intervention, but the hon. Gentleman said that many of the problems that our Government face go back a long way into the past. Surely the main problem on the railways is the botched privatisation of the previous Tory Government.

Mr. Yeo: I wondered how many minutes it would be before a Labour Member tried to address today's problems by referring to issues that were decided many years ago in the past. If Labour Members are so concerned about privatisation, have they asked the Secretary of State why he has not renationalised the train operating companies? What is the answer to that? Is the right hon. Gentleman suggesting that there should be a renationalisation programme, and how does he propose that that should be financed? Which taxes on his constituents does he want to see raised to repurchase the train operating companies, many of which have done a successful job?

Mr. Foulkes: I do not think that the hon. Gentleman was listening to what I said, and to what many others on this side of the House have said. The problem was the particular way in which the privatisation was carried out. It could have been done sensibly, although I should not necessarily have supported it, but to set up all the different organisations—train operating companies, leasing companies and the predecessor of Network Rail, Railtrack—clearly created chaos and confusion. The hon. Gentleman and his colleagues are the architects of that chaos and confusion.

Mr. Yeo: I note that the right hon. Gentleman does not suggest that he would raise the tax on whisky to pay for the renationalisation of the railway industry.

The similarities in the ways in which Labour has let people down on health, education and transport are depressing, with the same combination of over-hyped policies, endless centrally set bureaucratic targets, broken promises and frustrated consumers. Britain's transport system is used by almost every family in the country almost every day of the lives and, equally importantly, by almost every business. Families, businesses and the whole economy are damaged by the Government's failures on roads, railways and airports. That damage is not confined to the endless delays experienced by travellers in cars, trains and aircraft every day, but extends to businesses, whose competitive position is undermined at a time when competition from abroad is more intense than ever before.

Richard Burden (Birmingham, Northfield) (Lab): I appreciate that the hon. Gentleman is new to the job, and he is setting out his concerns on transport policy. I think that he was today quoted as saying that Tory transport policies were at a fairly undeveloped stage. If that is so, when will he start to develop them? Will he be arguing with the shadow Chancellor that the Tories should increase transport spending by more than inflation?

Mr. Yeo: I am glad that the hon. Gentleman has raised the question of Conservative transport policy. My colleagues have set out a 10-point plan to deal with one aspect of policy, about half of which has already been adopted by the Government. We will gradually set out further policies, and the electors will have the choice of either persuading the Government to do the sensible thing and adopt them or, before too long, electing a Conservative Government who will implement them wholeheartedly. After the results of the elections last week, it seems that that day is not far off.

Mr. John Redwood (Wokingham) (Con): Does my hon. Friend agree that the main problem is a shortage of transport capacity of all kinds? We are short of rail capacity and road capacity. Will a Conservative Government start to produce the kind of infrastructure that we need, preferably using private finance?

Mr. Yeo: My right hon. Friend goes to the heart of the matter, and I shall deal with our approach and the Government's shortcomings and failures to increase capacity in the way in which he has suggested in a moment. Looking at business, it is perfectly true that our competitive position worldwide is now threatened by capacity shortages, particularly in roads, railways and airports.

Only this week, the CBI has concluded that Labour's 10-year transport plan has failed. The director general, Digby Jones, pointed out that even after £50 billion of spending in four years, the lack of improvement in road congestion and train performance is "exhausting tolerance" among the public and employers. He went on:

> "We have a first-class economy which deserves a first-rate transport system, not the substandard infrastructure that is letting down the country."

Earlier this year, the British Chambers of Commerce reported that only one company in 10 believed that the transport system met its business needs. Only one company in 50 believes that the Government's proposals will provide an effective solution to the transport problems that are holding its business back. The BCC estimates that the costs of meeting the problems caused by the transport infrastructure now amount to £15 billion. One business in three states that the resulting higher operating costs have a significant impact on its business.

Labour's failures on transport, therefore, not only let down millions of frustrated motorists, rail travellers and airport users every day, but are costing the country dear and undermining our international competitive position.

Chris Grayling (Epsom and Ewell) (Con): My hon. Friend is giving an insightful analysis into the failings of the policy. Does he also accept that much of the policy was a work of fiction? If we read the transport plan, we find that project after project that the Government committed themselves to having open by 2010—modernising the east coast main line, upgrading the Great Western main line—has now been scrapped. The document is not worth the paper that it is written on.

Mr. Yeo: My hon. Friend anticipates some of the points that I intend to make. He is quite right to say that the Department has an almost unbeatable record for setting targets through a variety of documents, then failing to achieve them. I should mention that we support the idea of having a long-term transport plan. The nature of the issues and the industries involved requires long-term planning, and our criticism of Labour's approach is not the existence of the plan but the execution of it.

Let us consider the Government's record in relation to the motion. The 10-year transport plan promised to cut road congestion by 5 per cent. by 2010, with bigger reductions in major cities. Last year, however, the CBI reported that congestion on key parts of the road network was worse than it was before the plan. Perhaps that is not surprising because under Labour, Britain spends the lowest proportion of motoring taxes on transport of any advanced country. Throughout the period of the 10-year plan, Labour plans to spend less every single year on new roads than Baroness Thatcher's Government spent every single year for which she was in power. Under Labour, in 2001 not a single inch of new bypass was built anywhere in the United Kingdom.

The £6 billion road-building programme that was left behind by the outgoing Conservative Government in 1997, including a commitment to building 150 new roads, was scrapped. Only 37 of those roads were completed. I welcome the fact that belatedly, Labour has restarted the road-building programme. In just the past few days, I have heard that a small project, involving less than £1 million, is to go ahead in my constituency, and I am grateful to the Under-Secretary of State for Transport, the hon. Member for Plymouth, Devonport (Mr. Jamieson), for listening to the representations that I and my constituents made about the Old London road link road in Capel St. Mary. I hope that that is the harbinger of further roads to be built in Suffolk. They are certainly badly needed, most notably the Sudbury western bypass. I shall take that up with the Under-Secretary in due course.

Changes of mind in the Government's approach to the roads have not been confined to decisions about building. Road pricing has suffered a similar fate. In the 2002 Budget, the Government said that they would introduce a UK-wide, distance-based road user charge for lorries to ensure that all lorry operators, including those from continental Europe, pay their fair share towards the cost of using British roads and of financing further investment. Since that time, the Department says that it

> "has been working closely with HM Customs and Excise to establish the framework for the lorry road-user charge."

It has produced no fewer than three progress reports on the proposed framework, the most recent being issued

[Mr. Yeo]

this March. It announced that the implementation date has been moved back to 2007–08 to

"leave more time for trials of the final equipment and a phased introduction".

so that

"the Government is now in a position to begin the procurement process".

This is another example of the dithering for which the Department for Transport has become famous.

On the third anniversary of the Deputy Prime Minister's announcement of the 10-year plan, figures from Trafficmaster showed that average journey times had risen by 16 per cent. since 1998, and that motorway congestion was up by 40 per cent. The Freight Transport Association pointed out earlier this year that the condition of local roads is 6 per cent. worse than a decade ago.

It is not just the state of the roads but the cost of driving that causes concern. Labour remains addicted to raising fuel duty, but we have long opposed the 2p increase planned for this autumn. I remind the House that the Chancellor of the Exchequer said in his 2003 Budget that high and volatile fuel prices provide no basis for raising duty, and that he was therefore deferring duty rises until this autumn. It is clear that if ever there has been a time of high and volatile fuel prices, it is now. All we get from the Chancellor is a commitment to review the decision, despite the fact that because of the fuel price increase, the revenue that he is raising from petroleum revenue tax already greatly exceeds the amount that would be produced by a 2p increase in duty.

Mr. Nigel Evans (Ribble Valley) (Con): Does my hon. Friend accept that the 2p extra per litre on petrol, which will be introduced later this year, will hit disproportionately those who live in rural areas? They do not have a choice between public transport or the car; they have only the car, which they rely on to do their daily business. It is therefore vital that the 2p increase is not imposed in September, so that rural people can at least buy their fuel—the most expensive anywhere in Europe—without that extra tax.

Mr. Yeo: My hon. Friend is right: no group of people suffers more from the Government's war on the motorist than those living in rural communities. He knows from his constituency experience—as I know from mine, and from the visits that I pay to rural areas throughout the country—that the Government have systematically discriminated against people in rural communities. The 2p increase in fuel duty is yet another example of that. As long as the conditions of high and volatile fuel prices remain, the Conservative party will fight tooth and nail against this duty increase. The question now is whether the Secretary of State will join in that fight. We know how close he is to the Chancellor of the Exchequer; motorists will look to him to use his influence on their behalf.

On the railways, the picture is really no better. The 10-year plan promised a 50 per cent. increase in passenger use by 2010, but the Department for Transport's own annual report reveals a growth figure of only 6 per cent. so far. When Labour's own Commission for Integrated Transport advised that the 50 per cent. target be reconsidered, the Government were forced into a U-turn on this issue as well. One way to encourage greater use of the railways might be to make the comparative cost of rail travel more attractive. The 10-year plan promised real reductions in rail fares, but the Government subsequently removed the cap on rail fares, resulting in larger fare increases, with double-figure percentage rises becoming commonplace.

Regular users of the trains, such as me, are painfully aware of how out of date much of our rolling stock remains. The 10-year plan promised that by 2010, new and faster tilting trains would be travelling at speeds of up to 140 mph. There is no longer any possibility of that happening by 2010 on the west coast main line, and there is no definite date thereafter on which this pledge will be honoured. The Deputy Prime Minister's promise that the old mark 1 slam-door trains would be replaced by the end of 2004 has also been broken.

We were promised that under Labour trains would be more punctual, but more than one train in five continues to arrive late. Meanwhile, confusion reigns. The Office of the Rail Regulator, the Strategic Rail Authority and Network Rail—all creations of this Labour Government—are vying with each other to be the organisation that runs the railways. Re-franchising agreements struck by the SRA have resulted in station cuts and longer journey times for London commuters—who, incidentally, account for 70 per cent. of all rail journeys in the United Kingdom.

In the period after privatisation, services were increased in response to demand and passenger railway use grew. Now, as uncertainty prevails, the number of complaints from passengers is rising sharply. The Transport Committee pointed out that

"overcrowding on public transport is bad and is likely to get worse ... The current chronic overcrowding in all the major conurbations that gave evidence is unacceptable".

Mr. John Horam (Orpington) (Con): On commuters and London commuters in particular, does my hon. Friend agree that one of the Government's major failings is that they simply have not taken decisions on the railway infrastructure spending that is necessary—I am thinking, for example, of Thameslink 2000—if we are to have the capacity to which he has referred?

Mr. Yeo: I shall deal with Thameslink in a moment. May I tell my hon. Friend how much I enjoyed the journey that he and I took by railway to his constituency only a few weeks ago—in only moderate discomfort—in rolling stock that dated from the 1950s and certainly no later than the 1960s?

Whether the taxpayer is now seeing value for money for rail subsidies running at £14 million a day is extremely doubtful. As for future projects, as more than one of my hon. Friends has said, delay and dither continue to be the order of the day. Labour claims that it is committed to Crossrail, yet we still have no confirmation that this project is to go ahead. Such delay now means that it will not be built in time for the Olympic games, should they be held in this country in 2012.

In 2001, Labour's general election manifesto stated:

"We support plans to extend the East London line".

Despite that commitment and the fact that only three miles of new track are needed to join up the existing railways that form part of the project, the scheme has been delayed until 2010 at the earliest, and there is doubt as to whether it will ever be completed. Of course, this scheme is part of our Olympic bid; failure to complete it may well jeopardise London's chances of success. Indeed, if our bid fails it is extremely likely that transport failures will be one of the main reasons why.

We should not overlook the fact that our financial services industry—an industry in which Britain remains a world leader, and which is heavily dependent on London—itself requires an up-to-date infrastructure to maintain that position, to meet its needs, and to ensure that London remains a city in which people can move around easily, that is pleasant to live in and which can meet the demands of a 21st-century industry.

Mr. Bernard Jenkin (North Essex) (Con): I wonder whether my hon. Friend intends to address the future of the Strategic Rail Authority. He is doubtless aware of the rumour that it will be abolished, which has come about because the prediction that we made during the legislative passage of the Transport Bill 2000—that the SRA would be a bottleneck for investment and would slow down decision making—has come true. Indeed, even the Government regret setting it up. Is he aware that more people in London are now employed by the SRA than were originally employed by British Rail? Is this not an area in which we could cut waste and improve transport?

Mr. Yeo: My hon. Friend is absolutely right and I certainly look forward to the Government's announcing their decision on the future of the SRA. I am afraid that this is typical of Labour's approach in so many areas. They establish large new quangos and employ large numbers of people, none of whom do anything to improve services to customers. What is true for the railways is also true for education and for health. Huge sums of taxpayers' money are then spent, and in the end, the Government see the folly of their ways and close down such organisations. The SRA was a creation entirely of this Labour Government, and my hon. Friend has raised a most important point.

On airport capacity, a similar method of ducking or delaying decisions has characterised the Government's approach. The Secretary of State lacks any coherent plan or vision to address the environmental concerns associated with the future of Heathrow. Given that it is very likely that extra airport capacity will be needed—and given that this problem will not only not go away, but will get harder to solve the longer decisions are put off—it is time that we had some answers. Many thousands of people are now suffering blight as a result of the Government's inability to reach decisions.

My own constituency of South Suffolk is affected by developments at Stansted. The expansion of activity there has already caused considerable disturbance in some of the most tranquil areas of East Anglia. There is widespread and justified dissatisfaction with the consultation process, whose shortcomings mean that the first thing that many people in rural communities know about changes in flight paths and increased aircraft movements is the sound of jet planes droning over their homes.

John Mann (Bassetlaw) (Lab): What would the hon. Gentleman say to people who are concerned about the dangers of pollution and night noise from the new Finningley airport?

Mr. Yeo: I would say that they need a clear decision from the Government on how they will tackle those problems—a decision that the Government have wholly failed to take. A proposed further expansion of Stansted now seems to be being advanced without proper environmental or health impact studies or a convincing business case.

We have seen the same head-in-the-sand approach in relation to ports with the refusal of the container port at Dibden bay. There may have been very sound environmental reasons for refusing the application. That is all very well, but at the same time, no one disputes the fact that, within a few years, the UK will run out of container port capacity. Where is the Government's ports strategy? Where is the leadership on that vital issue, which is so crucial to Britain's trading future? We cannot escape the view that, as with airports, the Government are stoking up a bonfire that someone else will have to dampen down.

Lembit Öpik (Montgomeryshire) (LD): Will the hon. Gentleman give way?

Mr. Yeo: I must conclude.

Mr. John Taylor (Solihull) (Con) *rose—*

Mr. Yeo: Transport is an area of policy—

Mr. Taylor: I am grateful to my hon. Friend for giving way. I wanted to intervene before he altogether leaves the question of airports. What would he say to constituents such as mine who are blighted by the possibility of having a second runway at Birmingham airport, with no idea whatever of what sort of compensation scheme will apply? So far, they have had no consultation either.

Mr. Yeo: I am afraid that my hon. Friend's constituents have suffered not only from the Government's dither and delay, but from the failure of the consultation process. I sympathise greatly with his constituents, some of whom will be in a similar position to those in East Anglia who have similar anxieties. I can give my hon. Friend the assurance that, when the happy day dawns and a Conservative Government are elected, those issues will be addressed urgently and responsibly.

Lembit Öpik: Before the hon. Gentleman concludes, does he agree that there is a role for smaller airports—I mean very small airports—to provide something of a regional link? The remote areas of Wales are an obvious example. That can be done without undue disturbance to local residents and there are considerable economic benefits to the communities that such airports serve.

Mr. Yeo: I am happy for local communities, if they want to exercise that choice, to have the opportunity to be served with additional local airport capacity.

[Mr. Yeo]

Transport is an area of policy whose impact is wider than almost any other. Decisions are in their nature very long term. Delay and uncertainty therefore have particularly harmful effects. A joined-up approach is needed to link planning decisions more logically to transport policy, which provides maximum choice to users and ensures that investment grows on a steady basis. That process should involve a greater element of private finance as a way of promoting that very steadiness.

The country is running out of patience with this Labour Government. After last week's excellent election results, the Conservative party looks forward to presenting its alternative prescription. Meanwhile, I commend the motion to the House.

1.23 pm

The Secretary of State for Transport (Mr. Alistair Darling): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"recognises that the problems with the transport system stem from decades of under-investment; welcomes the Government's commitment to long-term funding for transport through the Ten Year Plan; acknowledges that one of the main reasons for the continuing pressure on transport networks is that the United Kingdom is enjoying the longest period of sustained economic growth for more than 200 years; supports the Government's determination to face the tough decisions which will be required to meet these pressures and put UK transport on a sustainable footing, including runway capacity at UK airports, management of road space and re-organising Britain's railways following a failed privatisation; and welcomes the early signs of success, including the halt in the decline in bus use, the biggest replacement programme for railway rolling stock ever seen in this country, the major programme of investment in the West Coast Main Line and the 22 per cent. decline in the numbers of people killed or seriously injured on the roads since the mid-1990s."

Mr. Speaker, some of us must have seen a different set of election results last Thursday from the one that the hon. Member for South Suffolk (Mr. Yeo) saw.

I should first acknowledge the departure of the right hon. Member for Maidenhead (Mrs. May), who had the shadow transport job for what seems a comparatively short time. We did not see her very much the second time in that role, but I see from the Conservative website that her new job as shadow Secretary of State with responsibility for the family includes the task of having

"a campaigning role highlighting the success of Conservatives in delivering better local services at lower cost",

so I think that it will be some time before we see the right hon. Lady again.

I also noticed, as my hon. Friend the Member for Birmingham, Northfield (Richard Burden) said, that on the appointment of the hon. Member for South Suffolk yesterday, which we are told was a total surprise to him, he thought that the Tory transport policy was "fairly undeveloped". That seems a rather damning indictment of his predecessors, but I would say that he is absolutely right in that analysis. I have waited the last two years to see just a glimmer of Tory party transport policy. They have now had seven years to develop one, but we still have not seen it. There must come a point at which we debate some of the big transport issues that we face—the hon. Gentleman is right that there are some, on which the electorate are entitled to make choices between the two main parties likely to form a Government—and I hope that that day will come.

Mr. Jenkin: May I point out to the right hon. Gentleman that I introduced the policy of the Brit disc—charging foreign lorries for the use of British roads—to this House some time ago. The difference between a Labour Government and a Conservative Government is that we would have gone on and done it, while the right hon. Gentleman is dithering and wasting money.

Mr. Darling: I shall come on to the lorry road user charging point in just a moment, but I hardly think that a single suggestion or a quote in a newspaper amounts to a coherent transport policy. The Conservatives do not have one and, arguably, they did not have one when they were in government either.

Mr. Peter Duncan (Galloway and Upper Nithsdale) (Con): Talking of coherent policies, did the right hon. Gentleman agree with the Minister of State, Department for Transport, the hon. Member for Pontypridd (Dr. Howells), when he said that he wanted to tax motorists out of their cars? Does he agree with that coherent policy?

Mr. Darling: He did not say that, and the hon. Gentleman would do well to read what my hon. Friend actually said.

Let me start by acknowledging that the hon. Member for Ashford (Mr. Green), who has managed to hold his place in the transport team, made an interesting speech in Portugal this year.

Mr. Yeo *rose—*

Mr. Darling: The hon. Member for South Suffolk must find it interesting, because he used the same words at the tail end of his speech—perhaps the hon. Member for Ashford acts as his speech writer. He made three points, which were absolutely right. He said that there were three principles that were essential to transport. First, the Government should give people genuine choice about the mode of transport that they choose. That is absolutely right, and I have long said that. Secondly, he made the important point that long-term transport success will come from steady and predictable investment policies, sheltered from incessant political interference. Thirdly, he went on to say that investment would require substantial private sector money, which is also absolutely right.

In respect of the second point, the hon. Member for South Suffolk started off by referring to it—at that stage I thought that he might be offering a thoughtful tour around transport policy—when he said that many of the problems that we face now have grown up over many years and many decades. That is absolutely true. Successive Governments, Conservative and Labour, have failed to spend enough on a consistent and sustained basis. Whether we are talking about the railways or the roads, the problem is that, despite the fact that we are the fourth largest economy in the world and the fact that there have been times over the last 30 or 40 years when we should have been spending money to improve capacity, successive Governments did not do

so. The right hon. Member for Wokingham (Mr. Redwood), who is no longer in his place, was absolutely right about that.

If we are to improve transport, several things need to be done in respect of management and policy, which I will develop in a moment, but the one thing that is absolutely essential is to continue with sustained and increased investment.

Chris Grayling: Will the right hon. Gentleman give way?

Mr. Darling: I will give way in a moment.

That is what the CBI called for the other day. The one policy that the Conservative party—though not, curiously, the hon. Member for South Suffolk—has is a commitment to freezing public spending. That is what the shadow Chancellor has set out. Doing that in transport terms would mean a cut of nearly £600 million. Whatever the problems with transport, it can never be the answer to cut from the budget an amount roughly equivalent to what the Highways Agency spends on motorways and trunk roads, or to the amount spent on concessionary bus travel.

When the hon. Member for South Suffolk was speaking and taking interventions, he gave a number of nods and winks that he would back Crossrail, the East London line, Thameslink 2000—you name it, he would back it. Where is the money going to come from to pay for that?

Chris Grayling: Will the Secretary of State give way?

Mr. Darling: In a moment. For six months, the hon. Member for South Suffolk dealt with health and education, and he was not afraid to make spending commitments. He attended the National Union of Teachers conference—and I suppose that he deserves a medal for that—and said that he was determined that the next Conservative Government would not only match Labour's spending commitments on schools but surpass them. Interestingly, he had the opportunity to say something on transport spending, but he did not. Perhaps he saw an interesting extract from Andrew Neil's BBC interview with the shadow Chancellor. Andrew Neil asked whether a Conservative Government would match Labour's spending on education, and the shadow Chancellor said, "No, we'll stick to our plan." When Mr. Neil noted that in his famous lecture—he was being funny—the shadow Chancellor had said that he would match whatever Labour spent on health and education, the right hon. Gentleman said, "No, I didn't. You can read my entire text. You will never read any words like that."

Whatever he turns his mind to over the next few weeks, the hon. Member for South Suffolk will find that he is stymied—if I can use that transport term—by the fact that his shadow Chancellor is not prepared to give him the money that he will need. Indeed, the shadow Chancellor actually proposes to cut the money that would go to transport.

Chris Grayling: Will the Secretary of State give way?

Mr. Darling: Yes, in a moment. I cannot wait to give way to the hon. Gentleman. All the things that the hon. Member for South Suffolk has said today, and all the hints that he has made, will come to nothing if the means to make them happen are not available.

The Government are increasing the amount of money going to transport by about 50 per cent. in real terms. The Conservatives want to cut that transport budget. It is therefore very difficult, if not impossible, to take seriously any protestations by the hon. Member for South Suffolk—or whoever the next Conservative spokesman happens to be, or the one after that, given that the average tenure under the new Opposition leadership seems to be rather shorter even than under the previous leadership.

At least two former Conservative Transport Secretaries are present today. They will know that transport needs consistent and sustained levels of spending beyond all else. All the grand plans for road building, for example, set out by the Conservatives at the beginning of the 1990s had collapsed by the time the former Government left office. The reason was that their boom-and-bust philosophy and the cuts that they had to make meant that they could not pay for those plans.

Chris Grayling: I am grateful to the Secretary of State for giving way. Given what he has just said, why do the figures on page 99 of the 10-year plan show that public investment in the railways in 2010–11 will be less than what it was 15 years previously, under the Conservatives?

Mr. Darling: We have just been listening to the Opposition belief that private finance must be brought into transport. I should have thought that the hon. Gentleman would agree with that. Over the period, £33 billion in public sector investment will be made, and that will bring in a similar amount from the private sector. I make no bones about that, and I thought that there was some agreement on it across the Chamber—although I know that the Liberals have changed their policy as well. However, it must be right to bring in money from both the public and the private sectors. I certainly do not apologise for that. It does not matter to the railways whether the money comes from the public sector or the private sector. What matters is that it gets there in the first place.

Mr. Andrew Turner (Isle of Wight) (Con): Will the Secretary of State give way?

Mr. Darling: I shall move on to considering some of the elements in the motion before the House, but before that I shall give way to the hon. Gentleman.

Mr. Turner: I am grateful to the Secretary of State for giving way. From his answer to my hon. Friend the Member for Epsom and Ewell (Chris Grayling), it appears that the right hon. Gentleman is proud of the amount of private sector finance going into transport. When they go to the rest of the UK, my constituents can only use transport financed by the private sector. There is no public sector subsidy for services from my constituency to any other part of the UK. Does the right hon. Gentleman accept that private sector finance is more stable, when it comes to investment, than public sector finance?

Mr. Darling: No, I think that we need both, frankly. We shall discuss the railways shortly, but I cannot see how any railway system in the world would not need money from both the public and private sector. The Conservatives privatised the railways, and they believed that they could move rail transport substantially into the private sector, rather as happened with aviation. That is not going to happen. It is impossible, as the sums of money involved are just too large. That is why I think that both forms of investment are needed.

I want to deal with a number of matters, the first of which—the role of speed cameras in road safety—is topical today. However, it is curious that the Conservative spokesman did not mention it, as the matter has been raised at every Transport Question Time since January. Today, the Government have published an independent report showing that the number of people killed or seriously injured at camera sites has fallen by almost 40 per cent., and I have published data in connection with every speed camera in the country. Those data show why each camera position was selected, and what has happened since. It is therefore curious that the Opposition have said not a word on the matter.

The hon. Member for Ashford (Mr. Green) said at the beginning of the year that the Opposition wanted a national audit of all the camera sites. At the time, all the controversy—*[Interruption.]* Does the hon. Gentleman believe that the figures are wrong?

Mr. Damian Green (Ashford) (Con): They are old.

Mr. Darling: The hon. Gentleman says that the figures are old. He has spent most of the year giving the impression that all speed cameras are wrong and in the wrong place, but when confronted with the evidence, he has absolutely nothing to say.

Mr. Green: The Secretary of State has completely traduced what I said. I never said that all speed cameras were in the wrong place, although I did say that some of them were. The roads Minister, the Under-Secretary of State for Transport, the hon. Member for Plymouth, Devonport (Mr. Jamieson), has said constantly that no speed camera was in the wrong place. On the radio this morning, however, the Secretary of State said that some speed cameras were in the wrong place. I am delighted that he agrees with me, and not with his own junior Minister.

Mr. Darling: We should not get into a slanging match. However, I remember that the hon. Gentleman left the House with a clear impression, after the first Transport Question Time of the year, that he was against speed cameras, and that he thought that most of them were in the wrong place.

In light of all the controversy at the beginning of the year, I asked my officials at the Department to produce data for each and every camera site. In that way, anyone who has a question about any particular camera—why it was situated where it was, and what difference it has made—can now find out, as the information has been collected. That information is backed up by an independent study produced by University college London, which shows that the cameras save lives.

The hon. Member for Ashford has said that some cameras need to be looked at more closely, and he is right—indeed, I think I said the same thing at the most recent Question Time. The vast majority of cameras appear to be having the right effect, and the number of accidents in which people are killed or injured has fallen. A small number of cameras—about 200-odd—were installed in the early 1990s. The hon. Member for Christchurch (Mr. Chope) introduced the policy, and so will know something about this matter. In those days, it was not necessary, as it is now, to show that cameras led to a significant reduction in the numbers of people killed or injured. Therefore we will have to consider whether those cameras are justified. I suspect that people will say that many of them are justified, but some may not be.

About 200 other cameras do not appear to be having the effect that was intended, and I have asked that the local partnerships and the police consider their placement. However, there are something like 5,000 camera sites in the country. Most people believe that the use of cameras should be considered rationally. We hear a lot from people who do not like speed cameras, but a lot of others are campaigning actively for more.

Moreover, we must never forget that today, and every day of the year, nearly 10 people will be killed or seriously injured on this country's roads. We owe it to them to do all we can to improve road safety. That goes beyond concentrating on speed cameras, which are just one element of an overall strategy. The information published by the Government today is a major step towards ensuring that the debate has a rational basis. People do not need to believe any of us: they can look at the figures, and decide for themselves.

John Mann: No driver likes speed cameras, but that does not mean that we do not recognise that they are important. Last year, seven people died on the A631 in my constituency. This year, no one has died since speed cameras were introduced. My right hon. Friend said he was reviewing the siting of 200 cameras. Will he also look at roads such as the A638? The number of people killed at one place on that road has not been sufficient to warrant a speed camera, but should not there be more flexible criteria in relation to siting cameras? The number of people killed on a longer stretch of that road than can be taken into account for the purpose of siting a camera shows that the road is a killer, and that it needs speed cameras.

Mr. Darling: My hon. Friend illustrates the problem that we face. All Members of Parliament and local councillors will know that for everybody who says that a camera should not be in a certain place, there is someone else who says that we should do something about that dangerous road. The decision on the siting of individual cameras is a matter for police and local authorities, and my hon. Friend should pursue the matter with them.

Miss Anne McIntosh (Vale of York) (Con): The Secretary of State will be aware that Durham and North Yorkshire do not have fixed camera sites, so his letter to me was silent on that point. The Under-Secretary with

responsibility for roads has admitted that the child pedestrian casualty figures are unacceptably high, but what do the Government propose to do about that?

Mr. Darling: Durham and North Yorkshire are not in the netting-off scheme, and that is why they were not included. If they are not in the scheme, they are not obliged to provide figures and that is why they were not mentioned. It is for those areas to decide whether they want to have speed cameras. Child casualty numbers are falling, but my hon. Friend the Under-Secretary was right to highlight our concern. We need to keep up the pressure to reduce casualties among children and motorcyclists, and the Department has a number of strategies to address that. No doubt we will return to the issue in future debates.

It is necessary to recognise that we have an inherited problem, built up over many years in which the country did not spend enough on road capacity. The solution has three strands. First, we need to increase capacity where necessary, and over the past few years I have announced plans to widen the major motorways and improve other roads and junctions. Secondly, we need to ensure that we put money into public transport so that people can have the choice to which the hon. Member for South Suffolk referred. Thirdly, we need to improve the way in which our roads are managed, because they are not managed particularly well. That is why we set up the traffic area officers, starting in the west midlands, to assist in keeping traffic flowing after an incident or accident.

All three aspects of our approach require investment, and so I come back to the issue of Tory policy. We have just received a lecture on the shortcomings of our policy, and that is fine. The hon. Gentleman is entitled to criticise, because that is what Oppositions do. However, at some point, the Tories will need some sort of policy if they do not think that our policy is right.

Pete Wishart (North Tayside) (SNP): Those three strategies are fair enough, but what would the Secretary of State say to rural motorists in constituencies such as mine, who have little public transport and are completely dependent on their cars but who face the highest fuel prices in Europe? What words of comfort does he have for them?

Mr. Darling: It is true that many people living in rural areas do no have the same access to public transport. That applies throughout the country, and transport policy has to recognise that cars are essential for many people. However, the real problem with fuel prices in the past few weeks has not been caused by tax, because my right hon. Friend the Chancellor deferred the increase in tax this year. The problem was caused by the dramatic rise in international oil prices over a very short period. The answer to that problem is to try to bring influence to bear on the OPEC countries to increase production, and that is precisely what the Government have done. Oil production has increased and we have seen a modest reduction in prices. However, the opportunism of the Conservatives in trying to suggest that international oil price changes would not have happened if they were in government beggars belief.

The hon. Member for North Essex (Mr. Jenkin), who used to be a transport spokesman, asked me about road user charging for lorries. Sadly, it seems that he could not wait for the answer, as he is no longer in his place. However, the Government remain determined on that issue. There has been some slippage in the timetable, but that is primarily because we want to ensure that the scheme works when it is introduced. Our experience of big IT projects and the experience of a similar scheme in Germany lead me to believe that we should take the time to get the scheme right, and not rush into something that then fails.

The Tories have also indicated that in the longer term they would consider whether road pricing for cars was a possibility, including distance-based charging. That will not happen in the near future, because it is a long way off technically, but the Government will shortly publish the feasibility study that we set up. It will be interesting to see whether the hon. Member for South Suffolk has the courage to look ahead 30 or 40 years instead of concentrating on the 30 to 40-minute time horizon that has appeared to occupy some of his predecessors.

Mr. Brian H. Donohoe (Cunninghame, South) (Lab): My right hon. Friend mentioned road management. What, if any, work has his Department done on variable speeds on motorways?

Mr. Darling: There are two separate issues there. The first is whether we intend to change the motorway speed limit, and I can confirm that we do not have any plans to do that. The second is variable speed limits on, for example, the M25 and other motorways to manage traffic flow, and we intend to develop those because they work.

On the subject of our railways, the legacy of a lack of investment is clear. We are putting money into the railways. The hon. Member for South Suffolk was critical of how much money we are putting in, but we are putting more money in because we are getting more out of it. British Rail used to reckon on replacing 500 miles of track each year. In the lead up to privatisation, that fell to 300 miles. After privatisation, it dropped to 200. However, this year, Network Rail will replace some 850 miles of track. If we want a reliable railway, the track and the signalling must be maintained just like the rolling stock itself.

In what could prove to be an expensive speech when the great day of judgment comes, the hon. Gentleman hinted that he would provide 140-mile an hour running on the west coast main line. However, he knows that the Tories' friends in Railtrack—the right hon. Member for Maidenhead only had one policy, and that was to bring back Railtrack—hopelessly underestimated the cost of doing up the west coast main line. Under Railtrack the cost soared to more than £13 billion. Now it will cost some £7 billion, but when it is finished it will cut the London to Manchester—and indeed to Glasgow—journey times by half an hour; and when it is finished in four years' time, it will cut the journey to Glasgow by an hour.

The channel tunnel rail link is open, and it has already cut the journey time. Its reliability is good and it is due to be completed in 2007. To listen to the hon. Gentleman, one would think that no rolling stock was ever replaced. In fact, nearly 40 per cent. of rolling stock has been replaced over a five-year period, and nearly half of that has been done on London commuter routes.

[Mr. Darling]

We are also improving the power supply south of the Thames, something that Railtrack never got round to doing, because of its incompetence. Last year saw 1 billion passengers travel on the railways for the first time since the early 1960s. I do not deny that much remains to do, but on roads, railways and the tube—which now has £1 billion a year invested in it—we are putting money into the system, which successive Governments failed to do, and that will lead to improvements.

Chris Grayling: The Secretary of State will accept that the Government have made various promises over the years. He will remember the Strategic Rail Authority plan that specifically set out projects, with timetabled starting dates, for this decade, but most of them have now been abandoned. The Government have made commitments and promises that they have failed to keep.

Mr. Darling: Many of the things that we said we would do are being done. As I have said before, it is true that costs in the industry are far higher than they should be, primarily because Railtrack completely lost control of its spending. Bringing maintenance back in house has saved substantial sums. Last year, Network Rail spent £1 billion less than it thought it would, through efficiency savings, and that demonstrates the problems that were stored up by the policies that the hon. Gentleman supported.

Richard Burden: I certainly acknowledge the investment that has been made. In my constituency, for instance, the Northfield relief road was on the stocks for about 30 years because there was no money, but work should start on the site at the end of this year or early next year, purely owing to the investment that is being put in.

In the west midlands, there is still a huge need for increased transport infrastructure investment over and above what is going in at present. The region not only needs to be able to move its manufactured goods around but, strategically, it is slap-bang in the middle of the route between the south-east and the north-west and beyond. My right hon. Friend will know that that is a real issue for businesses and others, as well as for commuters, in the west midlands, so although I acknowledge what has been done, will he revisit the need for extra investment in the west midlands?

Mr. Darling: I understand what my hon. Friend is saying. The west coast main line will help the west midlands, in particular, and the M6 toll, which is of course privately financed, has relieved much of the pressure on the existing M6 and freed up much capacity. Last year, I announced that quite substantial sums of investment were available to the Birmingham area and the west midlands to improve local transport. However, I fully understand my hon. Friend's point. Across the country, the argument about investing and capacity is powerful, but I come back to the point that if policy is to cut spending rather than to increase it, there is an inevitable consequence—we do not have to speculate about what it is because this country has been there before.

I want to say a few words about aviation. The hon. Member for South Suffolk has held his appointment only for a few hours so I forgive him for not having read the air transport White Paper that we published in December. For the first time in a long time, it set out a framework for policy for airport development for the next 20 to 30 years, and has been widely welcomed outside. Of course, there is controversy at individual sites about runway development and so on, but as I listened to the hon. Gentleman, he gave me the clear impression that he was against development at Stansted, against development at Heathrow, against development at Birmingham and, I dare say, if a few other Members had stood up he would have been against development in their areas, too. Perhaps I should have asked him about his plans for Edinburgh airport, although he might want to check out local opinion before he gives his view.

The matter is difficult. The number of people flying has increased dramatically over the past few years; nearly half the population flies at least once a year, so if we are to avoid the problems we currently experience on our roads and railways we need sensible capacity increases in aviation. We have set out our stall. I used to ask the right hon. Member for Maidenhead what her policy was, but sadly, she never got around to telling me. Before the hon. Member for South Suffolk leaves his post, in six and a half months' time, I hope that he at least will come up with a policy.

Mr. Mark Francois (Rayleigh) (Con) *rose—*

Lembit Öpik *rose—*

Mr. Darling: I give way to the hon. Gentleman.

Lembit Öpik: Does the Secretary of State accept that small, regional airports have an important role to play for a relatively small number of passengers who need to get from one place to another fast? As long as development is carried out sensitively, with attention to planning and noise considerations, such airports can be an important aid to economic development, especially in rural and outlying areas. The Government should think about making small investments that deliver big returns of that sort.

Mr. Darling: I understand the hon. Gentleman's point. With the Welsh Assembly, we are looking at the Welsh airport network. He is right to say that small airports have an important role. But we must be realistic; we cannot put small airports everywhere. There has to be a balance. He would no doubt find that opinion among his constituents was sharply divided as soon as they thought that a runway would be built nearby.

Before I turn to abusing the Liberals, as I said I would, I shall give way to the hon. Member for Rayleigh (Mr. Francois).

Mr. Francois: I am reluctant to delay any initiative that leads to abuse of the Liberal Democrats, so I thank the Secretary of State for giving way.

On Stansted, the right hon. Gentleman will be aware that current capacity for the existing runway is approximately 20 million passenger movements a year,

and that, with full utilisation of that runway, it would be possible to increase the number to about 40 million. Given the tremendous environmental damage that would be created in the county of Essex by the large expansion of the footprint of Stansted that will be required for the second runway, is not the logical compromise to increase capacity on the existing runway to 40 million? That would give some of the expansion in capacity that the right hon. Gentleman wants without causing tremendous environmental damage in Essex.

Mr. Darling: We looked hard at that matter and I fully understand the hon. Gentleman's point. However, when considering Stansted and the south-east, we took the view that we needed additional capacity, although the hon. Gentleman should remember that it will not happen next year or the year after, given the length of time that it takes to do such things. We are talking about a second runway at Stansted in the first part of the next decade and the Heathrow development will take place even later than that. At present, capacity at Stansted is almost fully taken up at peak hours, so we need to plan ahead. Our starting point was that we should make maximum use of what we already had and we considered that, but as the hon. Gentleman knows, we came to the conclusion that a second runway was necessary.

The Liberals have been very quiet, so I shall not say too much about them. However, I am curious about two things. When I looked at their rebuttal of our paper about their spending commitments, one of which was almost £2 billion more for the railways, they responded that that was no longer a commitment, owing to changed circumstances. Have the circumstances changed again? Secondly, their plan was to double investment in local transport schemes, but their response was that that, too, was no longer a commitment, owing to changed circumstances. Have those circumstances changed? I make those points only because occasionally the Liberals suggest that many things could be done, without always mentioning that the money has to be provided, too.

I conclude on this point: there is a lot more to do on transport. We face huge problems that have built up over many years, but the central point and, I suspect, the dividing line between the parties over the next period of time, is that we are prepared to sustain the amount of money that we are spending on transport, where we have already seen a steady increase, but the Conservatives are committed to a dramatic cut. For as long as that remains the case, whatever they say about transport will lack credibility. For that reason, I suspect that the House will reject their motion.

1.57 pm

John Thurso (Caithness, Sutherland and Easter Ross) (LD): I begin by welcoming the hon. Member for South Suffolk (Mr. Yeo) to his new post. It is nice to see him at the Dispatch Box, as his predecessor was rarely in the Chamber when we debated transport. I look forward to debating the subject with him on many future occasions. He will probably find that transport is one of the most fertile policy areas for his party, as it is currently entirely policy-free.

No one can doubt that transport is central to our future prosperity and we must pay great attention to it. However, we need to address a paradox at the centre of transport policy; it is a key part of transport policy, but I have not heard much about it this afternoon. On the one hand, transport is critical to the economy. The ability to move freight and passengers efficiently is vital to productivity; it is both a driver of, and is driven by, the economy. Equally important, people need good transport links to give them access to facilities and services—shops, education, culture and many other things. Sometimes, especially in rural areas, the lack of transport is a major cause of social exclusion.

On the other hand, however, in our modern, highly fossil-fuel-consuming, mobile society, transport has major environmental costs that we ignore at our peril. In March, for example, the Department for Environment, Food and Rural Affairs published a report on air emission estimates, which revealed that carbon dioxide emissions from road traffic were 31.9 million tonnes in 2002—the highest since 1970—while nitrous oxide emissions had increased to 14,800 tonnes, a rise of 55 per cent. over five years.

Aviation produces an even gloomier picture. Consumption rose by 21 per cent. between 1997 and 2003. London's three busiest airports alone produce a staggering 2 million tonnes of carbon dioxide and 13,000 tonnes of nitrous oxide each year. The aviation industry's emissions are projected to double between 1990 and 2010.

Clearly, such emission levels are wholly unsustainable. We are long past the time when we can stick our heads in the sand and hope that global warming will go away. Climate change is clearly a reality. We simply cannot go on like this if we want to avoid what the film "The Day After Tomorrow" shows us.

Mr. Francois: I thank the hon. Gentleman for his courtesy in giving way. He mentioned one Select Committee report. He may be aware that the Environmental Audit Committee, on which I serve, has produced a number of reports on the environmental effects of aviation. Given the effect of so-called "radiative forcing", aircraft emissions can have four times the effect on the ozone layer when they are made at altitude—when aircraft are in flight—than they have when those chemicals are released into the atmosphere at ground level. That very important environmental point is not lost on people who live in north Essex.

John Thurso: I am grateful to the hon. Gentleman, who makes a valid point. It is extremely valid when one considers that projections suggest that aviation emissions will constitute 50 per cent. of emissions in this country by about 2020.

The objective of our transport policy, therefore, must be to reconcile the need for an efficient and effective transport system with the imperative of reducing emissions. Such an objective can be achieved only if the Government, providers and consumers change their attitudes considerably, but the Government must set out the vision—the long-term plan—and provide the leadership. Currently, plans are laid on a 10-year basis. I suggest that 10 years is far too short. It is obvious that we need to deal in a much longer time scale for all modes of transport—something like 25 to 30 years. Indeed, the Secretary of State has recognised that, and I pay tribute

[John Thurso]

to the Government for the aviation White Paper, which takes a much more long-term view. I may not agree with all its conclusions, but I absolutely agree that considering modes of transport in the long term is vital if we are to have sustainable policies and a clear vision that the public can sign up to. The same is needed for the railways.

Chris Grayling: Will the hon. Gentleman clarify whether imposing an additional environmental duty on aviation fuel is Liberal Democrat policy?

John Thurso: Our current policy is to seek to ensure that the external costs of aviation are properly reflected. There have been suggestions that that should be done by means of an aviation fuel tax, which I believe has considerable merit. The problem is that aviation fuel tax would be extremely difficult to put it in place without treaties at the very least in Europe, if not throughout the world. So I rather prefer—this is what I am arguing for within my party, and I hope that it may become our policy—a tax based on the aircraft that take off from this country, rather than air passenger duty, which has absolutely no green benefit whatever and was introduced by a Conservative Government simply to balance the books. I would get rid of air passenger duty and tax aeroplanes instead. That would not only encourage the aviation industry to start to produce more fuel-efficient aeroplanes and airlines to ensure that they operate more effectively, but direct the taxation at the bad. It would be a much better way to externalise the taxation. I sincerely hope that, when that policy has been adopted through our party channels, I shall be able to present it.

Chris Grayling: I am grateful to the hon. Gentleman for diverting for a moment to clarify that interesting point. He is talking about scrapping air passenger duty and replacing it with a levy on planes. Presumably, the airlines would pass on the cost to passengers. How would that change anything?

John Thurso: The hon. Gentleman misses an obvious point: air passenger duty is levied on each passenger, so it is easy to put on each ticket whatever the cost is. A duty levied on the aeroplane could not be passed on to passengers by adding it to the ticket price for the simple reason that the airline never knows how many people will fly on it. If the aeroplane itself were taxed, the amount would have to be included in the airline industry's costs. It would be passed on in the total cost of the tickets for all passengers, which is precisely what we seek to achieve, so the true costs would be externalised. The airlines would not be able to show £9 to fly somewhere in Europe and then add on tax and all the other bits in brackets.

Sir Brian Mawhinney (North-West Cambridgeshire) (Con): May I tell the hon. Gentleman that I very much hope that that becomes Liberal Democrat policy?

John Thurso: I am confident that it will.

We must also consider managing demand, and we have already started to talk about doing so. It is important that we consider the true cost of each mode of travel as well as managing demand, which is a vital tool in resolving the paradox. We can no longer accept that everyone has a free and unfettered right to travel wherever they wish, whenever they wish, by whatever mode of travel they wish. Transport is a limited resource, so it must be managed wisely. It is for the Government to influence how people and goods are transported by the policies that favour those modes with the least environmental cost. Our citizens have a right to efficient transport, but not by every mode, everywhere. Our resources must be managed. Against that background and given the resources available, it is clear that we have not begun to maximise our potential.

Take freight, for example, which is vital to commerce and industry. More than 90 per cent. of freight arrives at and departs from our shores by sea, but it is largely transported by road thereafter. Yet, all along our coasts, many medium and small ports are underused. Surely, transporting some of our freight onwards by coastal shipping would be an important addition to our armoury. After all, sea travel is one of the most environmentally friendly ways to move freight. The infrastructure exists, so why do the Government do nothing to promote that form of transport?

The railways offer a considerable opportunity for further freight movement, but freight trains need access to the rail network to maximise it. We also need to promote the concept of freight villages and the related logistics. That, too, will require Government support. Getting our railways right is the keystone for transport in the future. The industry needs sound structures for the future, and the outcome of the current rail review must settle the questions about the current arrangements.

The objective of rail policy should be, first, to provide a safe, reliable and affordable system of public transport and, secondly, to invest in the network's future to provide a modern and efficient railway for the 21st century. If we are to have a successful rail network, three functions need to be undertaken in considering the structure, which is the objective of the rail review: first, strategic direction; secondly, service delivery; and, thirdly, regulation.

On strategic direction, the Department for Transport should provide a long-term, strategic vision for our railways. The Government, in partnership with the private sector, provide much of the funding, and it is their responsibility to ensure that an inefficient transport infrastructure exists to support the economy. The Government must therefore provide the leadership and vision, which, as I have said, should be over 25 to 30 years, in the Department for Transport. That would effectively remove the need for the Strategic Rail Authority.

The management of service delivery should remain with Network Rail for the infrastructure and with the train operating companies for the franchises. The Department for Transport should be responsible both for funding arrangements and for defining the strategy for Network Rail, working in a new, simplified regulatory framework. Network Rail is best placed to be responsible for the day-to-day management and running of the network, together with the day-to-day co-ordination of services. I saw a leak in the weekend press that suggested that Ministers would be responsible

for some of the day-to-day management of the railways. I sincerely hope that we never arrive at that unhappy state of affairs.

On regulation, it is essential that there is an independent regulator. The current arrangements are clearly over-bureaucratic and complicated, particularly with regard to safety. The regulation model best suited to the railways must follow that of the Civil Aviation Authority for air transport, whereby economic, environmental and safety regulation come under one body. The new regulator would include the new rail accident investigation branch as well as consumer representation. That would mean removing all safety functions from the Health and Safety Executive and giving them to the new body, which should also take responsibility for organising the franchising process. It might also be worth looking at the duties of the Office of Fair Trading relating to the railways and considering whether they might more suitably be placed under the auspices of the new regulator.

There is, however, one leftover from the awful privatisation that is a complete waste of time, wholly unnecessary and adds un-needed cost. I refer to the monopolistic rolling stock companies, which add very little. If anyone wants proof that they are simply a cash cow, the fact that they are all owned by banks does it for me.

If franchises were longer, it would be possible to envisage a system whereby the train operating companies could become owners of rolling stock and therefore be able to have control over their assets and costs in much the same way as happens in other areas, such as lifeline ferry links, where expensive assets are passed on from one franchisee to another, having been amortised for their life over the balance sheet of the first company. Examining the rolling stock companies is a critical part of taking forward the reduction of costs on our railways.

Chris Grayling: I am amazed by what the hon. Gentleman is saying. He is describing a wish to move from one leasing arrangement to another. Leasing companies, regardless of who they are and what they do, will make a margin. Surely he agrees that the rolling stock side is the one demonstrable and tangible success of privatisation: the substantial new investments in rolling stock are visible and can be found on the rail network all the time. Does he want to go back to a situation in which the companies buy their own stock, or is he talking simply about moving from one kind of leasing company to another?

John Thurso: The hon. Gentleman's comment that the ROSCOs are the one successful part of privatisation is very revealing. That is at the heart of Conservative thinking. Those companies are the one part that makes a great deal of money for the City, which is the only thing that they seem to add to the equation. It would be perfectly possible for the train operating companies to have access to capital, and their capital cost is considerably smaller than the lease cost that they currently pay. I believe that their average cost of capital is around 7 or 8 per cent., so if they are paying 7 or 8 per cent. using capital from the equity market or from the borrowing to which they have access, they will be very able to acquire stock. What is needed is a mechanism by which the stock can be transferred at the end of the franchise. Above all, in the longer term, we need to commit to expanding the network to permit more capacity, particularly for fast trains and freight.

The Secretary of State asked me to say a word about our spending plans, and I am happy to confirm that our current policies for the next Parliament envisage nothing that involves an increase in transport spending. We are quite happy to live within the sums that are currently available. I agree with him that there has been considerable waste in the rail system, and Network Rail, through the policy that I agreed with of bringing maintenance back in-house, has been able to make savings. In the shorter term, all that is required to be done can be achieved within the existing budget.

I do not seek the same expenditure on each area. I would certainly seek a shift in policies that might lead to more being spent on public transport than on other things, but I am happy to confirm that the global figure for the Department would remain the same. However, before the Secretary of State announces on a website that a new commitment has been made—it is not a new commitment—I hasten to add that I believe that whoever is in government has a duty to look 25 to 30 years into the long term and decide about the infrastructure that needs to be put in place over that time to meet our goals. There is a serious and mature debate to be had about that, and I would be happy to enter into it.

I believe that there should be an assumption against expanding the road network. There will certainly be areas in which new schemes present the best cost-benefit overall and sometimes the best environmental option. We should certainly invest in those cases. However, I do not believe that simply building more roads provides an answer to the problems that we face. It is well documented that new roads create traffic.

We also need to consider how roads are charged for. The Secretary of State mentioned road charging, and it is worth mentioning in parenthesis that the actual cost of motoring in 2001 was lower in real terms than it was in 1974. An answer that one of my hon. Friends received from the Secretary of State's Department helpfully used a base of 100 for the cost of motoring in 1974. In 2001, the figure had reduced to 98.7. Interestingly, on the same time scale the costs of rail travel had increased from 100 to 185.3 and of bus travel from 100 to 166.1. Since 1997, the cost of rail travel has gone up by 8 per cent. and that of bus travel by 5 per cent., but despite what the Conservatives say, motoring costs have gone down by 1 per cent.

Mr. Evans: Will the hon. Gentleman enlighten the House on Liberal Democrat policy on this issue? Is it to get the cost of motoring up to 100 or perhaps a bit beyond, and the cost of rail travel to below its current figure?

John Thurso: We would like the true cost of motoring to be apparent. I note from the table that the previous Conservative Government had the highest figure, having got it up to 104 in 1979. Our policy, as I shall show in a moment, is to make sure that the real costs of motoring are seen. That is best done by removing vehicle excise duty and fuel duty and replacing them with road

[John Thurso]

user charging. As the Secretary of State said, the technology for that is by no means proven, although there is one scheme that believes that it could be implemented immediately. It will take time to develop and implement the technology but, over a five to 10-year period, I see no reason why road charging should not prove the best way forward. If I heard him right, he invited us to discuss that matter, and I an certainly happy to do so.

I shall not go into detail on aviation. We had a very good debate on it last week, but my points about emissions make it clear that restraining the uncontrolled growth of aviation must be part of the longer-term strategy. In part, that can be done by providing real and competitive alternatives. It is mad that, in an island as small as ours, the most effective way of getting from London to Edinburgh is by air. There should be a rail alternative. A rail alternative was timetabled some years ago that would have done the journey in four hours, which is almost exactly the same as the time of a door-to-door journey by air. If we could promote that alternative, we might be able to remove some of the short-haul requirements for domestic aviation. I recently had the pleasure of visiting Korea and, on the day that I was there, a headline in the *International Herald Tribune* highlighted the collapse of domestic aviation demand there because of the opening of a new high-speed rail link from the south of the country to Seoul. It achieved the exact objective of reducing demand, so we should consider such schemes.

My colleagues and I will support the Conservative motion, albeit with some reluctance. It is pretty high on complaint yet, as the speech made by the hon. Member for South Suffolk showed, low on alternatives. When the Conservatives were in government, they did little for roads—the facts do not back up their rhetoric. They completely rodgered the railways and hid from just about everything else. The answer to the problem that Conservative Members have given in recent Westminster Hall debates and other debates in which I have participated has seemed to be, "Just build more roads." We had a long discussion about port capacity during one debate, and the Conservative spokesman's answer to the problem was, "Build more roads everywhere." Up until today, their answer seemed to be, "Build more roads and speed. You can go as fast as you like."

Although the Conservatives have little to offer, their criticism of the Government is justified. There are alternatives. In the longer term, we need a clear strategy and, above all, a commitment to an integrated transport policy that uses all available modes of transport. It is up to the Government to provide and deliver that vision.

2.21 pm

Lawrie Quinn (Scarborough and Whitby) (Lab): I feel the same way that I felt on Sunday night when we got to the 90th minute. I thought that the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) was going to support the Government amendment, so I feel very disappointed. I regret that because I have a considerable amount of time for the hon. Gentleman. His constituency is similar to mine, although it is on the other side of the border. I applaud his attempts to talk and listen to people from the transport industry. I hope that he will reconfigure his approach on the amendment during the debate. It is sad that the hon. Member for South Suffolk (Mr. Yeo) has left the Chamber because I thought that the official Opposition might be making a visionary attempt to hold a timely and appropriate debate on this day—I shall come to that in a moment.

I had especially hoped that the right hon. Member for Maidenhead (Mrs. May) would be in the Chamber so that I could take up an outstanding matter that arose during her recent visit to my constituency during the election campaign. It was a whistlestop visit with quick photographs by the quayside before she left, but that is not easy to do in a constituency such as Scarborough and Whitby. The right hon. Lady failed to listen or respond to any of the many questions asked by my constituents—albeit local journalists—about Conservative party transport policy. Indeed, the only reference made to transport policy as a result of her brief visit to the quayside in Whitby was a photograph in the local paper of her famous shoes—I do not think that that had anything to do with pedestrian strategy. The visit showed how the right hon. Lady, who is in charge of an official Opposition policy, failed to recognise a key priority in my constituency and many others throughout the country, despite the fact that her party wishes to become the Government.

As I said earlier, the debate is timely because today is the day on which the Institution of Civil Engineers publishes its report "The State of the Nation"—I declare an interest because I am a chartered civil engineer. The report is an independent assessment of the nation's logistics, key elements of the economy and everyday life, that is written by people such as me who are involved in the delivery of renewal and maintenance for our infrastructure. I pay tribute to the institution for commissioning the work. Many right hon. and hon. Members will have received invitations from fellow civil engineers to the Institution of Civil Engineers parliamentary reception this evening. I hope that the hon. Member for South Suffolk will go along and listen to practitioners who are trying to maintain this country's transport network because they do not feel that Conservative prescriptions thus far match their assessment on the country's transport policy.

During my 19 years in the transport industry, I reckon that about 60 per cent. of my design and assessment work behind my prognosis of what needed to happen to our transport infrastructure, and especially the rail infrastructure, was done to no effect. It was consigned to drawers and the archives—I guess that some might have ended up in the national railway museum by now. The Conservative Government of the time failed to deliver a transport policy. They failed to deliver on railways and certainly on this country's road network. The hon. Member for South Suffolk said that when the Conservative party left government in 1997, it left a wish list of road schemes at the Department for Transport. However, the wish list could not be delivered, so many of my constituents were disappointed that the much-needed revitalisation of the A64 corridor did not happen, despite the fact that my predecessor in my constituency, the Conservative Member John Sykes, had long promised it. Such a situation was a consequence of the boom-bust economy and the stop-go approach on policy delivery during the 18 sad and

backward-looking years when the Conservatives failed to listen to the many communities that wanted investment in transport.

The Institution of Civil Engineers has rightly framed a national debate in much the same way that the hon. Member for Caithness, Sutherland and Easter Ross suggested. We need a debate from which politics is removed and a long-term strategic approach. As we try to reach conclusions on what needs to be put right, we need not only to assess what must be put in place, but to ensure that appropriate finance is available. I hope that as many Conservative Members as possible will go to listen to my colleagues in Great George street.

I pay tribute to the current president of the Institution of Civil Engineers, Douglas Oakervee, who has a worldwide reputation for producing transport schemes. He was one of the people behind the provision and delivery of the Hong Kong mass rapid transit system and Hong Kong airport. He is a world-class engineer. The possibility of earning real revenue for the country through exporting his and my colleagues' skills and their ability to deliver such major projects must be based on a coherent and strategic domestic approach. We need a flow of work so that we may not only renew, build and maintain this country's infrastructure—especially our transport infrastructure—but ensure that we introduce new technologies and techniques.

The hon. Member for Caithness, Sutherland and Easter Ross talked about his experiences in Korea. I remind him that one of the results of the Channel tunnel rail link was a modal switch affecting journeys from London to Paris and Brussels. The switch occurred because the high-speed railway was delivered on time and on budget. Many civil engineers thought that that deserved much celebration, but sadly, as ever, the national press failed to recognise the tremendous achievement of the team that put the project together. Such achievements can be delivered if there is continuity of approach.

I agree with Douglas Oakervee, who says in "The State of the Nation", the report that was published today:

> "It is up to government, in partnership with other stakeholders, to educate public opinion and thereby gain support to take the important but unpalatable decisions that will protect our standard of living and keep this nation prosperous.
>
> Our report this year does not therefore simply challenge government to take action. It challenges everyone to become part of the solution, not part of the problem."

I expressed a similar sentiment to great effect, I believe, when I stood for election in 1997. As an engineer who is also a Member of Parliament, I believe that if Members focused on listening to practitioners our debates would be better informed and there would be an opportunity, well received by our constituents, to achieve the right transport solutions for the nation.

As well as making an assessment of the nation's transport infrastructure, ICE looked at regional questions this year. Many Members will have received correspondence from it during the past few days indicating the nature of progress in their own region. I pay tribute to Mr. Colin Clinton, who chaired ICE's work on transport in "The State of the Nation" and examined the Government's performance in Yorkshire and the Humber, a region that I represent. Like any school report, it assesses performance with an A, B or C. I was pleased that ICE, an unbiased, independent body, believed that there was an improvement in the delivery of transport policy in Yorkshire and the Humber, and gave it a B/C grade. I do not know whether that is a B-minus or a C-plus, but it is a distinct improvement on the position in my region and many other parts of the country in 1997.

We obviously face challenges in rail, the area of transport that I know most about. The east coast main line gives cause for concern as it has almost reached capacity. The frustrations of business people and other passengers are sometimes recorded in the regional press. Urgent progress should be made on tackling delays in upgrades on the route because there is a strong indication that that is starting to have an effect on the growth of the economy in the region. The TransPennine service is vital to my Scarborough constituency, and the new franchise has produced some of the best improvements in the country in recent years. I pay tribute to the TransPennine team for the delivery of the new service. New rolling stock is promised and rapid services link the Pennines to the north-west and connect my constituency to the east coast main line and thence to the capital.

Some improvements on the TransPennine route could be translated into developments on the east coast main line, including longer passenger trains and the provision of passing loops. Above all, more capacity should be built into the system to allow for freight services, which are vital to the manufacturers on the Yorkshire coast and in the rest of the region. I welcome the fact that the franchises are being renegotiated. The northern franchise is important to communities in the Whitby area, which is serviced by the Esk Valley line, and I urge the Minister to do all that he can to encourage speedy announcements on that route.

I pay tribute to the Strategic Rail Authority for its work with the community rail partnerships to revitalise and reinvigorate the crucial relationship between local communities, particularly rural communities, and the railways. I urge the Minister to consider the outputs of the Esk Valley line, which has been identified as a suitable pilot by the SRA, as we need to make sure that the public get value for money on rural railways and that we achieve efficiency and effectiveness in our transport network.

Since 1997, the Yorkshire box, which consists of the M1, the M62, the A1 and the M18, has improved and reinvigorated local transport systems in the heart of the region. Promised improvements to upgrade the A1 corridor to motorway standard are in stark contrast to the state of affairs under the right hon. Member for Maidenhead. The Under-Secretary of State for Transport, my hon. Friend the Member for Plymouth, Devonport (Mr. Jamieson), took considerable time and effort to meet my constituents, including members of the business community, and learn about the importance of the upgrade of the A64 corridor to the area. I pay tribute to the work that has been done to redefine strategic priorities in Yorkshire. The Government's regional transport policy has enabled us to have a dialogue and consider appropriate improvements and upgrades to the A64 corridor.

[Lawrie Quinn]

Scarborough and Whitby are important tourism destinations in the summer and early autumn—in fact, almost all year round now—and local transport plans have been introduced in partnership with local authorities, North Yorkshire county council and Scarborough borough council. Park and ride schemes are about to come on stream and there is better handling and management of traffic systems in the area. Those vital schemes would not have been introduced by a Conservative Government. My constituents know that if such a Government were elected before those plans are fully delivered they would go into the wish list bin that was clearly utilised in the mid-1990s.

Mr. David Tredinnick (Bosworth) (Con): I am listening carefully to the hon. Gentleman and his comments about Conservative policy. He talked about the Yorkshire box and the work that began in 1997. Will he not pay tribute to the last Conservative Government for making it possible to create that box?

Lawrie Quinn: I pay tribute to any Government who respond to the agenda of the region. That is why I have made great play of all political parties listening to practitioners. Regrettably, for a vital scheme of regional and national significance, there were many schemes that were not delivered by the Administration that the hon. Gentleman supported. Many schemes were consigned to the dustbin of history—the wish list of transport policy, as I would call it.

It behoves all Members to make a proper assessment of the requirements of transport policy. We must not just propose schemes—we must ensure that the resources are available to support them. The central failure of the economic policy of the previous Administration prevented transport policy from moving forward. If the hon. Member for South Suffolk had been allowed to develop his argument further, he would also have come to the conclusion that the main problems for the development of transport policy, as I experienced during my professional career, arose from the boom-bust, stop-go approach. We need a national settlement, a strategic view and a long-term agenda, as proposed by members of my institution over at Great George street. I hope to see the hon. Member for Bosworth (Mr. Tredinnick) there and I will gladly introduce him to his constituents there, who support the proposition that I am advancing. The ideas proposed by the shadow Chancellor of the Exchequer do not come close to responding to a national agenda, which is extremely important.

I shall deal briefly with airport strategy in the region of Yorkshire and the Humber. Earlier in the debate reference was made to Finningley. Regrettably, the spokesperson for the Conservative party did not seem to know much about Finningley or what it was. Air journey possibilities from outside the region need to be developed. Partly because of the excellent TransPennine railway connection from Scarborough to Manchester airport, 85 per cent. of air journeys undertaken by my constituents probably start from Manchester airport, rather than from an airport in the Yorkshire region that is a shorter trip away. Finningley offers great possibilities not only for business and leisure travellers, but for air freight services. I look forward to a rail link into that airport near Doncaster.

Finally, I was pleased to hear the comments about coastal traffic, coming as I do from an area with a long maritime tradition. I say that with no humility, because my constituents would never forgive me if I did, given the art of navigation, the legacy of Captain Cook and the legacy of maritime skills that originated and developed in Whitby, which has a long naval heritage. The potential for that small port to make an effective contribution in the way suggested by the hon. Member for Caithness, Sutherland and Easter Ross is tremendous, but to bring that about investment would be needed in the land links into the port.

I should be delighted to speak to my hon. Friend the Minister, probably at some length, about the possibility of supplying an eight-mile missing link between Pickering and Rillington junction near Malton, which would afford access par excellence from the port of Whitby to the east coast main line and avoid the long journey around. That would be particularly useful for freight traffic and would revitalise the port of Whitby and make a major contribution to the strategy mentioned by the hon. Member for Caithness, Sutherland and Easter Ross to reinvigorate coastal traffic. That would be a worthwhile project and my colleagues from the Institution of Civil Engineers would undoubtedly support it.

On road and transport safety, it is well known to the House that one of the challenges of representing a part of the country containing a national park is that there is a higher than average number of accidents caused by motorcyclists. The so-called boy racer has moved on, and people of my age or even older who have a large disposable income power through the North Yorkshire countryside on a Harley-Davidson or whatever. Regrettably, there is a higher proportion of accidents in my constituency than elsewhere in the countryside.

I was interested to note that the *Yorkshire Post* today highlights the fact that the roads of the Yorkshire region are a blackspot for motorcycle accidents. That is based on a new report from the AA Motoring Trust, which found that four roads in the region are blackspots for motorcycle accidents. I raised the issue earlier this month with the Minister of State, Department of Health, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton).

It is incumbent on my hon. Friend the Minister to tell us about the work that is going on between the Department for Transport and health bodies to improve rider behaviour on our roads. That has a great impact on accident and emergency services and on transport and leads to loss of life. I urge him to tell the House what work is in progress to improve the behaviour of motorcyclists not only in my constituency, but throughout the country. A better information service is needed, because prevention is better than cure. The fatalities that unfortunately occur on our roads are a price too high to pay.

In conclusion, I commend the Government on what has been achieved so far to provide continuity in transport policy and a long-term approach, not a short-term fix. It is part of the Government's overall approach to use the benefits of a stronger economy to deliver. I

know that my constituents and the people who work in the construction industry, some of whom hon. Members might have the opportunity to speak to later today, will tell them that bridge builders believe in building bridges and setting foundations for the future. I believe that the Government's policy does that, and that is the way forward for transport in this country.

2.48 pm

Sir Brian Mawhinney (North-West Cambridgeshire) (Con): The Institution of Civil Engineers is an historic, estimable and professional organisation, and it is fortunate to have the hon. Member for Scarborough and Whitby (Lawrie Quinn) as its Member. The ICE will be well pleased with his contribution to the debate, although given the rosy picture that he painted on its behalf, it may be confused by the fact that he represents 50 per cent. of the total Labour Back-Bench force. Two Labour Members came to defend and commend the Government. If, on the other hand, he had claimed to represent one of the best purveyors of fish and chips in the country, he would have carried both sides of the House.

If one looks across the range of Government policy, transport is the best example of where old Labour and new Labour collide. The Government have lost the plot on transport, but they did so primarily in their first Parliament. I well remember the days when it was my privilege to stand at the Government Dispatch Box and the right hon. Member for Hull, East (Mr. Prescott), who is now Deputy Prime Minister, frothed at me from the Opposition Dispatch Box, shouting that privatisation of the railways was wrong. When I told him that I believed that, after 40 years of annual decreases in the number of people using the railways, privatisation would mean significant increases in passenger numbers and more investment that would lead to new trains, he frothed and fumed and vehemently denied it; but of course that is exactly what happened. He made the big mistake of being so emotionally antagonistic to the developing railway system that he could not form objective judgments, so he focused the debate on punctuality, which, although important to passengers, is not as important if it is the exclusive focus, as it was in his case. As a result, issues relating to safety and maintenance got set to one side.

The right hon. Gentleman also fulminated against roads. The hon. Member for Scarborough and Whitby was right to say that it is traditional for Governments—not just the last Conservative Government, for his information—to have a long list of roads that it would be good to build. I can lay claim to being the first Secretary of State to decide to inject a degree of rationality into that list, which was so long under both Governments that some people would have had to wait 30 or 40 years to see their particular road. That did not seem sensible, and I tried to reduce the list to a size that would be deliverable within a reasonable time frame. In describing it as a wish list, the hon. Gentleman condemns his own Ministers. We initiated a change of policy that said, "It would be good to build all these roads, but let's at least have a list that is likely to be deliverable in the foreseeable future."

As the Government's first Transport Secretary, the right hon. Member for Hull, East brought to Government the antagonism to roads that he had honed on me and my right hon. Friends and, as it says in the eighth report of the Select Committee on Transport, Local Government and the Regions, slashed all the road building programmes. On 6 June 1997, he said:

> "I will have failed if in five years' time there are not many more people using public transport and far fewer journeys by car. It's a tall order, but I urge you to hold me to it."

That is like everything else that Ministers say: it is all spin. He did not mean it, he did not deliver it, he never could deliver it, he was not capable of forming a coherent policy that might be the basis for delivering it and he still rides around in his two Jaguars having failed by his own account, but not in the least embarrassed by it.

Although it is never a good career move for an Opposition Back Bencher to be mildly supportive of and sorry for the current incumbent of any Cabinet job, the blame for the fact that the Government's transport policy is a mess lies primarily not with the current Secretary of State, but with his two predecessors. I commend him—again, not a good career move—for having talked about reinstating a road-building programme. That takes him back, as the hon. Member for Scarborough and Whitby will note, precisely to where we left off in 1997: we have lost seven years in the process. I am pleased to see the Secretary of State in his place. His two predecessors—I shall come to the other one in a moment—did their best to screw up transport policy because they were not comfortable with trying to bring it into the 21st century and he now has to make decisions that are driven less by their political ideology, and in some cases emotional distaste, than by the need to realign Government policy with the realities of today.

One problem that the Secretary of State faces—I hope that his successor, whom I believe will be my hon. Friend the Member for South Suffolk (Mr. Yeo), will address it—is the need radically to speed up the roads programme. I was the Secretary of State who made the decision to widen the M25 between the M4 and the M3 as part of the Government's submission to the fifth terminal inquiry. That work is only just starting. I was the Secretary of State who made the decision, in the context of speeding the cross-Channel rail link, to put the terminal at St. Pancras. That work is only just starting.

I say to the Secretary of State that if we are to modernise the roads programme—he has said that he wants to do so, as would any sensible person, particularly a former Transport Minister—we need to have a radical look at the public inquiry arrangements and decision-making processes that relate to road building because they are so antiquated that nobody could even put a date on them. I have some ideas of my own about how that might be achieved while still defending the democratic process and I am happy to share them with anybody who is interested, though not in today's debate.

I want to say a few words about rail. The right hon. Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) characteristically made his early comment and dashed for the door. In this case, it was: "Wasn't the rail privatisation process awful?" or words to that effect. I was not the Secretary of State who devised that policy or carried it through the House, but I moved it forward to completion and the increased passenger numbers and

[Sir Brian Mawhinney]

investment that we see today. It tends to be forgotten that other countries looked at how we privatised our railways and followed our example.

I find it sad that these days we spend too much time talking about the process instead of the passengers whom the process was designed to benefit. I chide the Secretary of State ever so slightly for his recent decision on fares. One of my most cherished memories of government is the Cabinet sub-committee meeting in which the then Chancellor of the Exchequer and I debated my proposal to move to a retail prices index minus 1 regime for 70 per cent. of fares. Hon. Members who know the previous Chancellor will understand when I say that it was a robust conversation. However, we agreed the policy. We did that because, as I said at the time, it ought to be made clear that passengers should get and be seen to get some benefit from privatisation. It was a signal that we were in favour of the railways. It was also, given that we had an RPI plus policy on roads, an indication of how we wished people to behave. I regret that that signal has been removed and that fares will increase, perhaps sharply, when the Government's rhetoric is about trying to get more people to use the railways.

Lawrie Quinn: When the right hon. Gentleman talks about the architecture of and preparation for rail privatisation, were not the previous Government trying to manage a decline in expectation of the railways, especially for freight, rather than cater for the expansion that subsequently occurred as a result of an economy that has done well? The previous Government sought to establish a system to manage a decline rather than to provide for expansion.

Sir Brian Mawhinney: On the contrary. For once, I do not have to bore the hon. Gentleman with many facts and figures. Indeed, I condemn him to a worse fate: he should read all the speeches that I made when I was Secretary of State for Transport. He will then know precisely what we were doing.

On reflection, we made one mistake in the privatisation process. The train operators were all new business men, who were keen to run businesses that would benefit passengers and customers but also their shareholders. It is possible to do that simultaneously. Our mistake was to allow old British Rail management to become the management of Railtrack. The consequences were not good and change had to be introduced.

At that point, let us consider the contribution of the Secretary of State's other predecessor, the right hon. Member for Tyneside, North (Mr. Byers). In a statement to the House, he announced that he intended to put Railtrack into a special vehicle. In response to that, the former Chancellor of the Exchequer and I got to our feet and warned the Government that it was one of the most damaging decisions that they had ever made in the context of the public sector. We said that it would seriously undermine confidence in the private finance initiative and make public-private partnerships much more expensive. All that happened.

I remind Labour Members that the private holders of Railtrack shares will take the Government to court later in the year. We will then see precisely the effect of the former Secretary of State's judgment. If there is evidence that Her Majesty's Treasury leaned on the Secretary of State about the decision—as a former Secretary of State, I would be amazed if the Treasury had not leaned on him—the consequences for the Government's transport policy will be catastrophic.

We gave operating companies 15-year leases because we understood that they needed certainty to invest. The Government give them two-year leases and the companies will not invest. In one sense, that is not a party political point but a reflection of the marketplace. If companies do not believe that they have time to recoup their investment, they will not invest. The Government must make up their mind quickly about whether they wish to sustain and develop the investment and the passenger attraction of the railways through the contracts that they are willing to give the operators.

It has become clear beyond peradventure that the Strategic Rail Authority and Network Rail do not have money to invest in stations. The operating companies are the only ones that have money to improve our stations. They will not invest if they are given only two-year contracts. They need long contracts if they are to have the confidence to invest not only in developing services but in stations.

Let me make a constituency point. I am greatly privileged to be in my 26th year of representing some part of the city of Peterborough. For years, we have been promised badly needed redevelopment of our railway station. Peterborough is the first stop on the east coast main line but the promise of redevelopment was made circa 1975 or 1980. Railtrack promised that we would have it and the SRA said that it would happen. Now the SRA will not even promise.

Indeed, in Peterborough, we do not know whether we shall have a new station and, if we do, whether it will face in the same direction as the current station or whether the plan will be reversed and the buildings constructed on the other side of the track. We have a plan to develop our station 25 years after the end of the development corporation and we do not even know the direction that it is likely to face and what will be built in its environs, despite its position at the heart of the master plan to redevelop the city. Ministers will understand that such long-standing constituency problems cause hon. Members from all parties to get agitated when we consider transport policy.

My last point concerns aviation. Again, I believe that I have the privilege of being the last Secretary of State to review airport policy. At that time, I made it possible to have a second parallel runway at Gatwick, although legal constraints meant that that could not happen before the middle of the next decade. My hon. Friend the Member for South Suffolk was right to say that, because aviation policy is so sensitive, decision making must be exceptionally sharp. Our difficulty is not in acknowledging the need for greater capacity—I agree with the Government that greater capacity is required. However, decision making to reduce blight, uncertainty and unhappiness is not commensurate with that understanding.

The Government have a wonderful opportunity to site the third major hub in the United Kingdom not in the south-east but in the midlands or the north-east, where an increasing number of people go for their

transport needs. I pay special tribute to those who run Manchester airport because, from my days as Transport Secretary, I was impressed with the service that they provided.

This Government made a decision that they will live to regret when they decided, after we had robustly resisted the proposal, to pass responsibility for landing rights from our control to Europe. We all know how difficult it is to put in place new treaties. I hope that I will not bore the House when I say that I was the last Secretary of State to conclude an agreement on this issue with the Americans. We have not had one for eight years, or even longer. Now the future of Heathrow, Gatwick and the third hub, wherever that is, will be determined in Brussels and not in this country. Hon. Members must ask themselves why Brussels should look after our interests when Charles de Gaulle, Schiphol and Frankfurt airports are there. I worry about the long-term health of our aviation industry. That issue would be a good one to repatriate to the competence of the British Government and I shall commend that proposal to my right hon. Friends when we return to power.

I started by saying that this Government had lost the plot, but we made some mistakes in our transport policy as well. I want to admit to one today, to try to head off the present Secretary of State from making things worse. He said that he was considering extending variable speed technology after the M25 experiment. I have to tell the House that, on one of the few occasions in my ministerial career when I was conned by civil servants, I agreed to that variable speed limit being put in place. It is a waste of public money. I drive down the M25, crawling at 10 mph while looking at a sign telling me that I am allowed to drive at 40. Or sometimes I crawl at 20 mph past a sign saying that I can actually go to 50. The reality of the road controls the speed, not a number on a gantry. I put my hands up in this regard. With hindsight, which is always 20:20, I realise that I wasted some taxpayers' money, and I urge the present Secretary of State to learn from my example and not do the same.

The Government's transport policy is a mess, but it is not primarily a mess of this Secretary of State's making. Like a duck, he is serene on the surface but paddling like crazy underneath to reposition the policy in an attempt to make it palatable to the public at next year's general election. The best indicator of the fact that the policy is a mess is that Labour Members insist on making speeches about things that happened pre-1997 rather than post-1997. At the next election, the public will want to talk about the future, and the future will not include a Labour Government.

3.13 pm

Shona McIsaac (Cleethorpes) (Lab): I am pleased to be able to take part in this debate. I am going to focus not on things that happened pre-1997 but on the many things that have happened subsequently, and on policies for which the Government deserve praise. I have certain constituency concerns, however, that I also want to raise.

The Conservatives seem to suggest that nothing has been done since 1997, but that is a caricature of the Government's transport policy, particularly in regard to roads. The Opposition give the impression that virtually no road schemes have been completed since 1997, but that is simply not the case. Many major and minor road schemes and road safety schemes have been completed since then. In my area, the Newark to Lincoln dual carriageway was completed last year, which has added to the speeding up of traffic in that area and got rid of a notorious bottleneck on one of the major link roads to the A1 from places such as Grimsby and Cleethorpes.

The Conservatives have caricatured the Government's transport policy as a failed one, which is simply not the case. That is not to say, however, that everything is perfect, because it is not. The Secretary of State admitted that there were great difficulties involved in dealing with the major infrastructure projects. I am sorry that the right hon. Member for Maidenhead (Mrs. May) is not present today. My hon. Friend the Member for Scarborough and Whitby (Lawrie Quinn) alluded to her whistlestop tour of the Yorkshire and Humber region, during which she also visited Immingham in my constituency to drum up support for her party. The Conservatives topped the polls in Immingham a year ago, but the effect of her recent visit was that they came last in that electoral ward, with their vote collapsing by about a third. She is therefore more than welcome to visit my constituency any time she likes, if that is the effect that she is going to have on the Conservative vote there.

The words of the motion on the Order Paper, and the comments of Conservative Members today, are simply whinge, whinge, whinge. There does not seem to be any policy behind them for us to get our teeth into, so that we can see what the Conservatives are offering. It is not sufficient simply to criticise; they must offer credible alternatives. From what I have heard today, however, they did not seem to have any credible policies. The only certainty was that, according to the shadow Chancellor, there would be cuts in their transport budget. That would be particularly worrying to my constituents, because one of the major projects to be affected by such cuts would be the Government's commitment in the 10-year transport plan to resurface all concrete trunk roads with low-noise material.

The A180 in northern Lincolnshire is a concrete trunk road and a major link between the ports of Grimsby and Immingham. Immingham is a rapidly expanding port that deals with most of the freight coming into Britain from the Netherlands. That road is therefore heavily used; it also has many residents living alongside it. When the Government's resurfacing policy was announced in July 2000, my constituents were therefore very pleased. However, projects such as that would be put in jeopardy if the Conservatives' proposals for cuts—or a freeze; let them call it what they will—went ahead. Such a freeze would mean that my constituents would have no chance of getting that low-noise material on a road that carries a lot of freight traffic.

That is not to say that freight does not also go by rail. I want to point out to the Under-Secretary of State for Transport, my hon. Friend the Member for Harrow, East (Mr. McNulty), that much of the freight that comes into Immingham goes on from there by rail—it is one of Britain's major rail freight depots—but there are capacity issues in regard to the track leading from Immingham that feeds into the east coast main line. Much of that track is also in poor condition, and those issues need to be looked at.

[Shona McIsaac]

Today, when we have talked about rail, we have mainly referred to passenger transport. In my constituency, freight transport is the big issue. Most of the rail jobs are related to that, and it generates economic growth in the area. We must consider the freight infrastructure as much as we do other aspects of the transport infrastructure.

I referred to the A180 resurfacing programme, and my hon. Friend the Minister knows that subject well, as I have raised it in the Adjournment debate and with other Transport Ministers. I hope that Ministers can get to grips with the Highways Agency, because its timetabling of some of these projects seems at times to get a little woolly, to put it politely. It commits to one day, then to another. Last year, I received a letter from the agency telling me that the project was due to go ahead in 2001, and my constituents were certainly a little confused that a project that was going to go ahead two years earlier had not yet started. Let us get to grips with the Highways Agency, make sure that it spells towns' names correctly—every time that I write to it about the Habrough to Stallingborough section, I get a response connected to Harborough. I have not yet taken over the Harborough constituency, but I am sure that that leads to some of the woolly thought in this area.

The other subject on which I wanted to touch briefly—not many other people have alluded to it—is the place of bridges within our transport network. I will refer particularly to the Humber bridge connecting my constituency with Hull on the north bank of the river. Ever since the bridge was built, there has been concern about the level of debt, and the money that must be paid to the Treasury to finance it. I praise the Government, who in 1998 wrote off £62 million of that debt, and rescheduled the remaining debt to make the interest repayments more manageable. However, those tolls can still be a barrier. Because of the reorganisation of health care in the area, many more people must travel over to the north bank of the river for treatment, and must therefore incur tolls. Responsibility for giving concessions lies with the strategic health authority and other partners.

As I have also raised this issue in Adjournment debates, could the Government re-examine the remaining debt on the bridge? They have written off debt previously, rescheduled the remaining debt and reduced the interest rates, and for us to remove the barrier to further economic growth in what is one of Britain's major industrial manufacturing heartlands, we need to consider that. If my hon. Friend the Minister could assist the bridge board with removing that barrier to economic growth, we would appreciate it. If he will not do that, may I suggest that some of the £15 million that toll payers in my area pay into the Treasury each year could go towards finishing off the A180 resurfacing project?

3.23 pm

Mr. Nigel Evans (Ribble Valley) (Con): I know that other Members want to speak in the debate, so I shall speak for only four minutes.

Clearly, transport policy is one of those areas in which people feel let down by Labour. First, we have seen petrol taxation go up again and again. Deferring the tax on fuel and pretending that it is okay as long as it is announced in a Budget and introduced in December or October is simply not acceptable. It is a stealth tax. Sneaking it in a few months after a Budget does not make it any easier for people living in rural areas or hauliers, who rely on their cars or vehicles either to pursue their social life or to make a living. All that I have been able to detect from the debate so far is that the Liberal Democrats want to push up the cost of motoring—that is the only thing that I have been able to glean about their policy. Will the Minister please ensure that he influences the Chancellor of the Exchequer to make a speedy announcement that he will not introduce that stealth tax in September?

People also feel cheated by speed cameras, which they also feel are a way of taxing by stealth. The money goes partly to some of the police forces but also to the Exchequer. According to one figure that I have heard, the Chancellor received £20 million from speed cameras. We should use that money to introduce other imaginative traffic calming measures. In my constituency, we have asked for a roundabout to be built where the A59 leads down from Sabden into Clitheroe. All sorts of reasons have been given for why that could not happen. The main reason, I believe, is cost. Therefore a cheaper version was suggested, whereby people cannot turn right off the A59 towards Clitheroe but must go further along the road to another roundabout that already exists. Let us use the money so that that part of the A59 can be made safer. There have been so many accidents around that area, and if we use the money that has been raised legitimately by cameras in the right places to introduce other traffic calming measures, that would be welcome.

Three cheers for the 71-year-old Hampshire man, whose name escapes me, who held up a sign saying that there was a speed trap around a corner. I assume that the mobile speed camera was in an area that was a black spot, so he was doing a public service by warning motorists that a speed camera was there, that it was a black spot, and that they should slow down. That is what motorists did, but he ended up losing his licence for it, which is an utter shame.

Finally, on regional airports, as my right hon. Friend the Member for North-West Cambridgeshire (Sir Brian Mawhinney) said, Manchester airport is superb. It has 90 airlines flying to 180 destinations. Let us ensure that a lot more support is given to those regional airports. One clear example might be to allow fifth rights—I believe that that is what they are called—whereby a plane originating from one area, landing at, say, Manchester, could be allowed to fly on to another airport in another country. Let us consider boosting the number of airlines that could come into a regional airport such as Manchester by giving them those extra, special rights.

3.27 pm

Mr. David Tredinnick (Bosworth) (Con): As time is so short, I will just cover some local issues affecting my Bosworth constituency.

In particular, we are concerned about the proposed discontinuation of the Nottingham-Hinckley-Coventry line. Will the Minister consider Railfuture's proposal to reinstate a tunnel at Nuneaton, with what is called a dive-under tunnel on the main track? That would be a cost-effective way of preserving this important link, which concerns many of my constituents.

Secondly, will the Minister consider that Hinckley station still has many features of the 1920s, not of the 1990s or 2000 and beyond? It is important that we get passenger screens there telling passengers about the arrival of trains.

I am also worried about the 254 bus route; it is to be discontinued, which will cause great hardship to residents in Botcheston, particularly at the Kirby Grange retirement village, and for that I see no justification. My hauliers, such as Crowfoots, are deeply concerned about the Government's failure to tackle fuel price increases, as trucks flood into the continent with cheap diesel, threatening their business.

Let me deal with one or two national issues, as I find that I have time to do so. My hon. Friend the Member for Orpington (Mr. Horam) spoke of the importance of Thameslink 2000 in London, and the problems caused by failure to widen the Borough Market junction. I remind the Minister that it was under a Conservative Government that the Snowhill tunnel was finally reopened, and that that made the Thames link possible. I remember arguing the case in the House in the late 1980s. It was a Conservative policy, and it was implemented.

My right hon. Friend the Member for North-West Cambridgeshire (Sir Brian Mawhinney), a former Secretary of State for Transport, referred to privatisation. Privatisation was of course hugely successful in several respects. It increased passenger use of trains, increased the quality of services—certainly on the midland main line—and increased frequency. To rubbish privatisation is to try and rewrite history.

3.29 pm

Mr. Damian Green (Ashford) (Con): Many eloquent contributions have been made over the past few hours, but perhaps the most eloquence is represented by the fact that, despite having at least 419 MPs, including hundreds of Back Benchers, the governing party could persuade only two of them to come and defend it.

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): Look behind you.

Mr. Green: I was about to say—if the Minister could contain himself for the first few seconds of my speech—that regrettably some of my hon. Friends who wanted to speak could not do so, because of the length and eloquence of other contributions. That tells its own story about attitudes to the Government's transport policy.

As ever, we have been given a varied diet. I thought it noteworthy that both Labour speakers—the hon. Members for Cleethorpes (Shona McIsaac) and for Scarborough and Whitby (Lawrie Quinn)—not only said the loyal things that are expected on such occasions, but managed to slip in some cogent comments on the effect of transport problems in their constituencies.

I am sorry that the Secretary of State is not present yet, but I am delighted to learn that he is spending his time reading my speeches. I commend that to him as a helpful and constructive activity, and hope he will continue to engage in it. I know that the Under-Secretary of State, the hon. Member for Harrow, East (Mr. McNulty), does the same. During last week's aviation debate he complained that he had been reading my speeches on the subject, and that what I had said last week was consistent with what I had said the previous month. I make no apologies for that: if I thought something last month I am quite likely to think it this month, particularly when it comes to the Government's failures in regard to transport policy. The Under-Secretary of State, however, seemed to find that surprising.

What the Secretary of State said—not just that he had been spending his time usefully in reading my speeches, but that he agreed with the three principles I had mentioned in them and with points made by my hon. Friend the Member for South Suffolk (Mr. Yeo)—was genuinely constructive. I believe that those three principles—consistency, the use of private finance and the provision of real choice between different modes of transport—constitute the basis on which a sensible policy should be introduced. The question that the Government need to consider today is whether the long-term problems and failures identified by the Secretary of State and by my right hon. Friend the Member for North-West Cambridgeshire (Sir Brian Mawhinney), who spoke from his experience as a former Secretary of State, have been addressed. That is the key question: have the Government, with their 10-year plan, provided steady, consistent investment and the planning structures that allow for it?

Like other Labour Members, the Secretary of State made great play of spending. That is simple to address, and we will address it directly by means of two policies. The first is to try and ensure, much better than the Government, that money is spent in the most effective way and in a way that is most sensitive to the needs of local people. In an early intervention on the Secretary of State, the hon. Member for Birmingham, Northfield (Richard Burden) referred to spending in the west midlands. I am sure the Minister knows that a serious and crucial debate is under way in the west midlands about whether the extra money will be spent in the right way, because of restrictions that the Government are imposing on the way in which it can be spent. For instance, it cannot be spent on the motorway network; and yet many people to whom I talk in the west midlands, particularly those involved professionally in the road haulage industry, say that relieving congestion on the network is by far the most important step that could be taken to improve transport in and around Birmingham and the rest of the area. Another important aspect of efficient spending—as I think the Secretary of State, whom I now welcome to the Chamber, would agree—is the use of private as well as public finance, which we would wish to extend. The Government are setting up an Aunt Sally when they talk simply about spending levels.

While I am on spending, it is important to note the contribution of the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso), who spoke for the Liberal Democrats. As I understood the thrust of his economic analysis, he said that he wanted to stick to the Government's spending plans, so there would be no spending increase, but that despite that, he wanted a number of tax rises. He suggested that he would tax drivers and air travellers more. That was a great burst of clarity from the Liberal Democrats. They are not going down the Labour route of taxing and spending; they are

[Mr. Green]

not going to spend any more, they are just going to tax for the fun of it. They like taxing, even if they do not want to spend the money after they have raised it.

John Thurso: I am terribly sorry to prick the hon. Gentleman's balloon. I did not say that the taxes would be increased, but explained at some length that the method of raising them would be changed. In road user charging, the overall burden on the taxpayer would remain the same, but the method by which it would be collected would be different. Air passenger duty would be abolished and replaced by an aeroplane tax. The actual quantum of tax would remain the same.

Mr. Green: The hon. Gentleman spent a significant time explaining to the House that the cost of motoring was too low, particular when compared with other modes of transport. It seems to me not unreasonable for the House therefore to divine that what he wants to do is to make the cost of motoring higher. He can do that only by putting up costs for tens of millions of drivers in this country. I think that he is nodding his head, so we now have that confirmed. Everyone who drives a car in this country will know that the Liberal Democrats would like to tax them even more.

Sir Brian Mawhinney: The hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) is trying to dig himself out of a hole. We all remember hearing him say that the freedom to fly had to be constrained, which reminded me of those good old communist days, and that he would introduce a new tax on aeroplanes to constrain that freedom. For him now to say that there would be no increase in the total cost simply will not wash. Will my hon. Friend reinforce that message for the benefit of the House?

Mr. Green: I cannot reinforce that message any more strongly than my right hon. Friend has just done. He is absolutely right, and I am sure that the House has taken on board the Liberal Democrats' desire to tax for taxation's sake. I can pledge to my right hon. Friend and to the House that I will certainly take that message around the country between now and the next general election.

My right hon. Friend the Member for North-West Cambridgeshire was exactly right in his contribution about the problems bequeathed to current Ministers by the Deputy Prime Minister. He expressed a sensible degree of sympathy with the current Secretary of State, much of whose work involves undoing the bad work of the Deputy Prime Minister. Inasmuch as he can do that, my party wishes him well. I just hope that other Ministers will be able to reverse the Deputy Prime Minister's other disastrous policies in such fields as planning and regionalism.

My hon. Friend the Member for Ribble Valley (Mr. Evans) made a particularly cogent point about petrol taxes, especially for the road haulage industry, for which there is no sense in which petrol is a luxury. It is vital for the industry itself and, of course, for everyone in this country who depends on an efficient road haulage industry to deliver the essential goods that we use every day. My hon. Friend the Member for Bosworth (Mr. Tredinnick) made a key point about hauliers in his constituency.

Let me turn to the substance of what the Secretary of State said, particularly on speed cameras. It was a fascinating juggling act that, although he and others on the Government Bench complained that they would prefer to discuss our transport policy rather than the subject of the debate—the Government's transport policy—they had to admit at the same time that we do in fact have a 10-point plan for safer driving, published in April. The Government are now up to about point three and a half in terms of stealing those ideas. I welcome that theft, which is extremely sensible. The more Conservative transport policies are introduced, the better it will be for this country. The quickest way in which people can achieve that is to elect a Conservative Government, which they will no doubt do next year. Inasmuch as the Government want to use these ideas between now and then, I am happy to provide them. I was glad to discover that in today's document, the Government talk about moving to variable penalty points—an idea that is number four in our list. I welcome the fact that they are keen to extend driver education programmes to those caught speeding—idea number five in our list—and that they want to encourage lower speed limits near schools.

Of course everyone in this House wants safer roads, but there is one point on which I take issue with the Secretary of State. He talked about striking the proper balance and said that cameras cannot provide the full solution. I completely agree, but that is not what the Government are doing. In the past three or four years in particular, we have witnessed the introduction of thousands of new cameras and a reduction of several thousand in the number of traffic police. So we are relying increasingly on static technology, and less and less on active policing. The Secretary of State knows as well as I do that the most dangerous drivers in this country are often those who drive without insurance or tax. Such people are far more likely to drive while drunk or to drive unroadworthy vehicles. Cameras do not catch them, which is why the policy is so severely out of balance.

The Secretary of State talked about private sector finance coming into the railways and I completely agree with him. I am happy to support him against many of his own Back Benchers who do not believe that there should be private finance in the railways, and who think that they would be better off under complete state control. He will be aware that there are two things that will deter private investment, the first of which is constantly changing the regulatory system, so that none of the private sector operators knows what the regime will be from year to year. I am aware that his predecessor left him a complete dog's breakfast—the Strategic Rail Authority, the current rail regulator set-up and so on—and that he will be undoing that in the coming weeks. So I have sympathy in that regard, but he must recognise that that is a deterrent to private investment.

The second big deterrent to private sector investment is the constant rumbling of calls from Labour Members for complete re-nationalisation. The Secretary of State has so far been robust in fighting off those calls, and I very much hope that he remains robust in opposing what is clearly the spirit of the age in his own party. As

panic increases on the Government Benches, it is clear that demands for old Labour policies are likely to increase. They provide some amusement for the Opposition, but the extremely sad fact is that they are doing real damage to the future of our rail industry.

Several Members from all parts of the House raised the subject of aviation, on which we had a very good debate last week. All that remains for me to do is to point out that in the intervening few days, we have witnessed a successful High Court application for action to be taken against the Government. I am afraid that the Secretary of State brought a slight degree of complacency to this debate when he said that everything is wonderful and that the Government have produced a White Paper on the issue. We said when the White Paper was published that because of the failure of the consultation exercise, court action was very likely. Since last week's debate, such court action has indeed arrived.

Most people who use Britain's transport networks ask themselves two basic questions: are the roads less congested under this Government, and is the railway more reliable? To both questions they answer no, and as the Government limp into their eighth year in office, their attempts to blame anyone and everyone else become less convincing by the day. Their attitude to roads and drivers has switched. They have gone from hostility on first taking office, when they cancelled dozens of road schemes, to neutrality, when they restored some of those schemes. Now, it seems that they have reverted to hostility. In a now notorious interview, the hon. Member for Pontypridd (Dr. Howells) equated driving a car with smoking.

I remind Ministers that driving is a necessity for millions of people. I know that the Government are a little ambivalent about smoking at the moment, but even the Secretary of State for Health does not regard it as a necessity, whereas driving is a necessity. It is time that the Government ended their war on drivers. Forcing people out of their cars by making driving miserable is a rotten policy, but it comes perilously close to the Government's current policy.

On rail, the Secretary of State has set up a review to dismantle the system set up by the Deputy Prime Minister. Good for him. However, I warn him that, if he goes down the route of having more day-to-day interference by Ministers, he could yet make things even worse.

If Ministers ever look back at the 10-year plan, they will be deeply embarrassed to read the Deputy Prime Minister's foreword, in which he says that

"the Plan will bring greater certainty and coherence in decision-making. It will provide a stable framework against which planning and investment decisions can be made."

That is what the Government hoped for. Instead, they have provided uncertainty, incoherence and instability. The travelling public have been badly let down by the Government. I commend our motion to the House.

3.45 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): We have had a useful enough debate, I suppose. We have heard useful contributions from my hon. Friends the Members for Scarborough and Whitby (Lawrie Quinn) and for Cleethorpes (Shona McIsaac). The local issues that they raised can be pursued outside the context of this particular debate.

We had a nice journey down memory lane from the right hon. Member for North-West Cambridgeshire (Sir Brian Mawhinney). As I understand it, his speech consisted of saying that everything good that has happened since his departure from being Secretary of State for Transport was down to his tenure of that office at some stage or other, and that everything bad was down to successive Labour Ministers since 1997.

I suppose that the hon. Members for Ribble Valley (Mr. Evans) and for Bosworth (Mr. Tredinnick) made some reasonable comments, as did the Liberal Democrat spokesman, but we have not had a serious exposition or analysis of where we are and where we want to get to. The right hon. Member for North-West Cambridgeshire said that we needed to talk much more about where we go from 2004 towards the future, rather than hark back on what prevailed before 1997 or between 1997 and 2004. That is absolutely right, but any honest assessment of the two Conservative Front Benchers' contributions would suggest that they are not listening to, or are ignoring, his advice.

I welcome the hon. Member for South Suffolk (Mr. Yeo) to his new position. However, with the best will in the world, what we heard from him and his Front-Bench colleague offered nothing to the British travelling public for the future and no vision of any alternative to the Government's position. Happily, the hon. Member for Ashford (Mr. Green) has made only one speech—he presented the same speech twice—on aviation, which is preferable to having more.

Underneath all the hot air and rhetoric, dated though much of it was, is a kernel of where the debate should be. We should be debating how best to utilise our capacity. As the right hon. Member for Wokingham (Mr. Redwood) said, we should be debating whether we need more capacity across the piece. We should be debating road pricing and the balance between public and private funding. Just about the only thing that the hon. Member for Ashford got right was his point about presenting people with real choices. A real public policy debate is needed, but it is not one to which Conservative Front Benchers have made any able contribution.

I can, in part, understand the embarrassment of Conservative Front Benchers. A shadow Cabinet member apparently said, regarding the appointment of the hon. Member for South Suffolk:

"Yeo has been told to get a grip on transport policy. We haven't really got one at the moment."

That was made more than clear by the Conservative Front Benchers' contributions. Apparently, according to another newspaper today:

"A new package of policies put together under Mr. Yeo's direction has been approved by Mr. Howard, who let it be known that he was 'delighted' with the work carried out"

by the hon. Member for South Suffolk in the area of health and education. Indeed, his leader was so delighted that he

"wanted Mr. Yeo to apply his skills to transport and the environment."

It is reported that one MP said:

"We've neglected transport yet it affects every family in the country. It's a vital area for us. Tim is a problem-solver and a salesman, which is what Michael Howard needs in that brief."

[Mr. Tony McNulty]

I am afraid that, given the paucity of substantial policy offerings today by the hon. Member for South Suffolk, he is clearly more of a salesman of second-hand cars or snake oil than one of any repute. After six years in opposition, it is bad enough that the Conservatives have offered almost no substantive transport policy, but it is completely irresponsible of them to fill the policy vacuum with opportunism, as they have done over the past two or three years.

I come now to some of the substantive issues in the motion. It states that the Government have failed to meet their target of reducing congestion on Britain's roads by 5 per cent. There was no such target in the 10-year plan.The motion states that the decline of 0.3 billion net tonne kilometres in rail freight in 2002 is a matter of serious concern, but it says nothing about the increase of more than 25 per cent. in rail freight since 1997, nor about the fact that rail passenger journeys have grown by more than 25 per cent. since 1997.

Chris Grayling: The Minister is going on about percentages and targets. Will he confirm that he stands by the target in the 10-year plan for an increase in passenger kilometres on the railways, and the 80 per cent. target for rail freight?

Mr. McNulty: I had the great pleasure, around the time of Christmas, of frightening the hell out of a passenger down at Liverpool Street station. I presented that person with a bouquet for being the billionth passenger on the rail system, and that had not happened since the 1940s.

The right hon. Member for Wokingham was right in what he said about capacity, but mirror images of another party's policy are no substitute for proper policy. It is not sufficient for a party to suggest that it knows where people are coming from, even though it neither opposes nor supports a particular approach.

Some gentle green shoots of policy were evident among Opposition Front-Bench contributions, however, and that has been clear even before today. For example, there was an understanding of the debate that we have to hold in respect of transport. That was outlined for the Liberal Democrats by the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso).

Another example can be found in the speeches of the predecessor but two—I think that that is right—of the hon. Member for South Suffolk. The hon. Member for Westmorland and Lonsdale (Mr. Collins) said last year that the Conservatives supported the difficult decision to suspend some rail services for long periods in order to accelerate the completion of engineering work.

"It is a difficult decision . . . but, in some circumstances, it is the only means by which engineering work can be completed in a reasonable time."—[*Official Report*, 2 July 2003; Vol. 408, c. 388.]

That is evidence of a real understanding of what is required in transport. In another speech, the hon. Gentleman said that he was happy to agree with the Secretary of State that we needed

"to consider, on a non-partisan basis, why it took so long for any major transport project to be brought to fruition in this country."—[*Official Report*, 23 June 2003; Vol. 407, c. 793.]

The right hon. Member for North-West Cambridgeshire made the same point today.

We agree that that should be looked at actively. Such an examination should cover the Department's processes, the wider planning process and the TWA process. Sadly, however, any recognition of the substantive elements needed for the mature debate that the country deserves on transport was missing from Conservative Front-Bench contributions today. We are back to the snake oil salesman.

We heard much about the CBI report, whose conclusion stated:

"Government policy will need to promote a coherent package of measures, but at the heart of its approach must be a programme of sustained public and private investment."

That programme is at the heart of our policy. Whatever the protestations of the Tory Front-Bench transport team, they need only to travel to the office of the shadow Chancellor to see that nothing that he has said will give the CBI what it requires—

"a programme of sustained public and private investment"—

in respect of transport. Such a programme cannot be achieved through a freeze on public spending on transport, or the severe real-terms cut in transport spending proposed by the right hon. Member for West Dorset (Mr. Letwin). Nowhere does the CBI report say that there are difficulties and problems but that everything will be OK if public spending on transport is frozen—or, indeed, cut, as the shadow Chancellor has suggested.

The Opposition have given us smoke and mirrors all over again. They agree with the CBI report but are not allowed by the shadow Cabinet to promise to put in the money and funding necessary for the task. That is typical.

The motion goes into detail on the delay to Crossrail, the East London line extension and other projects, with the clear implication that if only the Conservatives were in government, they would all be achieved overnight. That is not what the shadow Chancellor says. He will not let the hon. Member for South Suffolk, in his new capacity, anywhere near the necessary pot of money. However, that did not stop the hon. Member for Cities of London and Westminster (Mr. Field) and his colleagues bobbing up and down like Bill and Ben in a recent Adjournment debate on London's transport needs in Westminster Hall. By the time they had finished, they had spent the best part of £15 billion to £20 billion on transport in London alone. That is more smoke and mirrors, because none of it would happen if they ever got near power. But they say that it would anyway.

The same is true on aviation. However eloquent the little speech by the hon. Member for Ashford—and it was not so good that we needed to hear it twice—there would be no more money. It appears that the Conservatives are not against flights, but against airports. They are back to a nod and wink and more smoke and mirrors. The hon. Member for South Suffolk, in his first day as shadow Secretary of State for Transport, came out against Birmingham, Stansted and Heathrow. He is also against noise levels at Doncaster Finningley, which is not even open yet. What is the Tories' substantive aviation policy? Well, they have not got one.

The Tories have shown naked opportunism on the issue of safety cameras. We have scotched that today, given the publication of the report on their use, although the hon. Member for Ribble Valley tried his best—as usual, he was not up to it—as did the hon. Member for Ashford. They say that they are not against safety cameras. They say that they are not in favour of vandalising or destroying safety cameras, but they say to the protestors, "We know where you are coming from and we broadly support you." The Tories cannot be against Chope cameras, because they were introduced by the hon. Member for Christchurch (Mr. Chope). They dice with road safety considerations, taking their lead from the Leader of the Opposition, who is not against illegal fuel protests.

There was one glaring omission from the contributions from Tory Front Benchers in this debate. Some 70 per cent. of passenger journeys in this country are by bus. The hon. Member for South Suffolk, in his new position, and the hon. Member for Ashford said not one word about buses, which serve—among others—our most deprived communities. Perhaps that is because they take the same view as Baroness Thatcher, who once said:

"A man who, beyond the age of 26, finds himself on a bus can count himself as a failure."

As for their second-hand car salesman, who was reduced to a feeble second place in the campaign to be Mayor of London, he likes the healthy smell of exhaust and kebabs and he could care less about buses. However, buses are an essential and vital part of our transport policy and they must feature in it. They did not feature at all in the contributions from the Conservatives.

This country needs the Opposition to understand fully the difficulties with transport. It does not need them to offer the techniques of the snake oil salesman or smoke and mirrors. It needs them to work with us and to commit to match—at least—our investment plans for Europe. The Opposition should confirm to the CBI that they understand the points it has made about sustained investment and that they will match our spending plans. The Opposition cannot say that because the shadow Chancellor has locked them in a box and thrown away the key. If the Conservatives ever get close to power, there will be substantive cuts in transport.

David Maclean (Penrith and The Border) (Con) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 177, Noes 281.

Division No. 197] **[3:59 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bacon, Richard
Baker, Norman
Baldry, Tony
Baron, John *(Billericay)*
Barrett, John
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Bread, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Bruce, Malcolm
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dorrell, rh Stephen
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Duncan Smith, rh Iain
Evans, Nigel
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Forth, rh Eric
Foster, Don *(Bath)*
Francois, Mark
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Hancock, Mike
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson, Boris *(Henley)*
Jones, Nigel *(Cheltenham)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lansley, Andrew
Laws, David *(Yeovil)*
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Marsden, Paul *(Shrewsbury & Atcham)*
Mates, Michael
Maude, rh Francis
Mawhinney, rh Sir Brian
May, Mrs Theresa
Mercer, Patrick
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
Oaten, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paterson, Owen
Pickles, Eric
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Syms, Robert
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Trend, Michael
Turner, Andrew *(Isle of Wight)*

Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Weir, Michael
Whittingdale, John
Wiggin, Bill
Wilkinson, John
Williams, Hywel *(Caernarfon)*
Willis, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. David Rutley and
Mr. David Wilshire

NOES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Anderson, Janet *(Rossendale & Darwen)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baird, Vera
Banks, Tony
Barnes, Harry
Barron, rh Kevin
Battle, John
Begg, Miss Anne
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, rh Nicholas *(Newcastle E Wallsend)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Cooker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Corbyn, Jeremy
Corston, Jean
Cox, Tom *(Tooting)*
Cranston, Ross
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hanson, David
Harris, Tom *(Glasgow Cathcart)*
Healey, John
Hendrick, Mark
Heppell, John
Heyes, David
Hinchliffe, David
Hoey, Kate *(Vauxhall)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Iddon, Dr. Brian
Ingram, rh Adam
Irranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jamieson, David
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Lammy, David
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Mole, Chris
Moonie, Dr. Lewis
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Pond, Chris *(Gravesham)*
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Reed, Andy *(Loughborough)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Squire, Rachel
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Timms, Stephen
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*

Vis, Dr. Rudi
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
White, Brian
Whitehead, Dr. Alan
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wilson, Brian
Winnick, David
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Fraser Kemp and Margaret Moran

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House recognises that the problems with the transport system stem from decades of under-investment; welcomes the Government's commitment to long-term funding for transport through the Ten Year Plan; acknowledges that one of the main reasons for the continuing pressure on transport networks is that the United Kingdom is enjoying the longest period of sustained economic growth for more than 200 years; supports the Government's determination to face the tough decisions which will be required to meet these pressures and put UK transport on a sustainable footing, including runway capacity at UK airports, management of road space and re-organising Britain's railways following a failed privatisation; and welcomes the early signs of success, including the halt in the decline in bus use, the biggest replacement programme for railway rolling stock ever seen in this country, the major programme of investment in the West Coast Main Line and the 22 per cent. decline in the numbers of people killed or seriously injured on the roads since the mid-1990s.

EU Finance

[Relevant documents: Fifteenth Report from the European Scrutiny Committee, Session 2003–04, HC 42-xv, The EU's Financial Perspective for 2007–13 and Reform of the Structural and Cohesion Funds; 21st Report from the European Scrutiny Committee, Session 2003–04, HC 42-xxi, paragraph 2, on regional and cohesion policy; 22nd Report from the European Scrutiny Committee, Session 2003–04, HC 42-ii, paragraph 1, on the Financial Perspective 2007–13; Minutes of Evidence taken before the European Scrutiny Committee from the Chancellor of the Exchequer on 20th April, Session 2003–04, HC 528-i; and the Minutes of Evidence taken before the European Scrutiny Committee from the Secretary of State for Trade and Industry on 4th May, Session 2003–04, HC 574-i.]

Mr. Deputy Speaker (Sir Alan Haselhurst): Mr. Speaker has selected the amendment in the name of the Leader of the Opposition.

4.16 pm

The Paymaster General (Dawn Primarolo): I beg to move,

That this House takes note of European Union documents No. 6232/04, Commission Communication: Building our common future: Policy challenges and Budgetary means of the Enlarged Union 2007–2013, and No. COM(04) 107, Commission Communication: "Third report on economic and social cohesion"; supports the Government's efforts to refocus allocations within a budget of 1 per cent. of EU Gross National Income in support of the European Union's goals, with structural funding focused on the poorest member states; and in particular, supports the Government's view that the Commission's overall proposals are unrealistic and unacceptable, that its structural funds proposals are inconsistent with the United Kingdom's objectives for reform, and that the future European Union Budget should be reprioritised and refocused in line with the principles of subsidiarity and spending that adds value at the European Union level.

The Government welcome the opportunity to debate the European Commission's communication on its framework proposals for the next financial perspective and its third report on economic and social cohesion. It is of course right that the debate is taking place on the Floor of the House so that all hon. Members with an interest may contribute.

As part of the scrutiny process, the European Scrutiny Committee has asked further questions about the Government's position on the Commission's future financing communication. The Government have given full answers to those questions and I am glad to learn that the Committee shares our attitude that the EC budget should be subject to a rigorous assessment of its value for money and supports the need to appraise existing activities.

On 10 February 2004, the Commission published "Building our common future: Policy challenges and Budgetary means of the Enlarged Union 2007–2013", which set out its proposals on the political priorities of the enlarged European Union, the framework, instruments and levels of EC budget expenditure, and how that expenditure should be financed between 2007 and 2013. That was followed on 18 February by the publication of the Commission's third report on economic and social cohesion, which set out progress made towards achieving economic and social cohesion

[Dawn Primarolo]

in the Union and the Commission's proposals on the future of the structural and cohesion funds over the same period.

As the European Scrutiny Committee noted, the Commission's communication is an important document, so it is right for the House to have the opportunity to debate its contents. In the communication, the Commission defines its three priorities for the next financial perspective: first, the completion of the internal market so that it can play its full part in achieving the broader objective of sustainable development; secondly, establishing the political concept of European citizenship that is based on the completion of an area of freedom, justice and security, and access to basic goods; and, thirdly, having a Europe that plays a coherent role as a global partner.

Mr. John Redwood (Wokingham) (Con): Will the Minister remind the House what the auditors found regarding the high proportion of waste and fraud in the current disposition of the budget? What action can Her Majesty's Government take to force the Commission to undertake better and wiser expenditure of moneys so that our taxpayers may get a rebate instead of being asked for more?

Dawn Primarolo: The right hon. Gentleman, who follows these debates closely, raises an important issue. We shall debate this afternoon how to ensure that the Commission has an appropriate budget that is clearly based on subsidiarity, and is also based on added value and understandings about appropriate expenditure that is properly monitored and accounted for. I urge him to bear with me as I outline the Commission's view before moving on to the Government's key principles and our objectives in the negotiations. In doing so, I will deal with his points, as well as many others.

The Commission communication sets out its budgetary proposals to support the achievement of its objectives. As for the overall level of spending, it proposes commitment appropriations of more than €1 trillion over the period 2007 to 2013, representing an average of 1.26 per cent. of the EU gross national income, compared with 1.08 per cent. in 2004. The corresponding proposed payments ceiling is about €930 million, averaging 1.14 per cent. of EU GNI, compared with 0.97 per cent. in 2004. Hon. Members will note the wide scope of the communication proposals, which include increases in spending on research, education, training and EU networks intended to boost competitiveness and employment covering: fresh action in the area of citizenship, freedom, security and justice; the integration of the European development fund in the budget; measures to improve the quality and effectiveness of expenditure; a road map designed to bring together goals, objectives, instruments and indicators; proposals on the duration of the financial perspective; and the classification of expenditure.

Mr. Peter Luff (Mid-Worcestershire) (Con): Will the right hon. Lady give way?

Dawn Primarolo: I should first like to make one final point. I stress to the hon. Gentleman that I am setting out the Commission's proposals, which include flexible procedures for adjusting expenditure ceilings.

Mr. Luff: The document that the right hon. Lady is outlining seems to be one of huge and genuine significance. Is it primarily a matter for the Treasury or the Foreign Office? I understand that the Minister for Europe will respond to our debate.

Dawn Primarolo: I remind the hon. Gentleman that the House is discussing two sets of communications this afternoon—the financial perspectives, on which the Treasury leads, and the cohesion report, on which the Department of Trade and Industry leads. However, it works closely with the Treasury, both on the financial perspectives and on cohesion.

It may help the House if I give the Government's view of the Commission's proposals, which are politically unrealistic and unacceptable. It has failed to grasp the opportunity offered by the negotiation of a new financial perspective to increase the effectiveness and transparency of European Union expenditure and to consider how allocations within a limited EU budget can best be focused on adding value at the EU level, including underpinning the Lisbon strategy for European economic reform. The issues of effectiveness and transparency go to the heart of the questions asked by the right hon. Member for Wokingham (Mr. Redwood).

Mr. David Stewart (Inverness, East, Nairn and Lochaber) (Lab): Does my right hon. Friend share my view that the fact that the UK is a net contributor to the EU budget is a crunch issue? Increasing the budget effectively means that the UK taxpayer is paying twice.

Dawn Primarolo: In his uncompromising message to Finance Ministers in European-level discussions, the Chancellor of the Exchequer made it clear that, when each member state has to take tough decisions on spending and show fiscal discipline, it is unacceptable and unrealistic for the Commission to propose a 25 per cent. increase in its spending. He also told Finance Ministers that it would be wasteful and inefficient to increase spending on current Commission programmes that do not match the European Union's economic reform priorities and in some cases, such as the common agricultural policy, work against them. The Government's view is clear about the negotiation that is necessary on the financial perspectives and where we are starting from.

Indeed, as the Prime Minister set out to the House in December last year, the Government view a budget of 1 per cent. of EU gross national income, with growth and reprioritisation, as adequate to meet the needs of an enlarged Union. That view is shared by the heads of five other member states—Germany, France, Sweden, Austria and the Netherlands—who have also written to Commission President Prodi, arguing for a budget stabilisation around 1 per cent. of EU gross national income.

With that in mind, the Government believe that EC budget spending should be objectives-focused, with the emphasis on policy outcomes rather than budgetary inputs; that it should be evidence-based, with a proper evaluation of budgetary policy; that it should be based on a proper assessment—again, I think this is what the right hon. Member for Wokingham was driving at—for existing and new areas of spending, of whether the

Union budget is the best instrument for adding value at the EU level; and that it should ensure sound financial management, budgetary discipline and an equitable distribution of spending across the EU, consistent with value-added principles and objectives. It is the Government's view that the Commission has failed to respond adequately to the challenge posed for the next financial perspective.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): As my right hon. Friend may have expected, I have received a communication from our colleague the Member of the European Parliament for the North West, Arlene McCarthy, who asked me to stress that she fully supports the Commission's proposals. For my own part, I am concerned about the effect on objective 1 status on Merseyside, particularly on many of the ongoing projects and schemes across Merseyside and in my constituency that are addressing problems that need to be addressed. Will my right hon. Friend agree to meet local authority leaders, myself and parliamentary colleagues to discuss our concerns so that we can hopefully reach an equitable solution?

Dawn Primarolo: I am always happy to facilitate meetings between Members of the House and Treasury Ministers, including myself, as my hon. Friend requests, so that I will be able to explain clearly to Members of Parliament and the colleagues whom my hon. Friend wishes to bring to such a meeting the Government's intentions with regard to reform of the structural funds and the benefits that that will bring. If he will forgive me, I shall return to that matter later in my speech when I discuss the cohesion report.

On the common agricultural policy, the Government are a leading advocate of CAP reform, pressing for a more liberalised and market-focused agricultural sector. Last year, we succeeded in a significant reform of the CAP, for the first time largely breaking the link between tax-funded subsidies and production. This year, we secured yet more reform, including an end to the specific subsidies for tobacco from 2010 and a significant reduction in trade-distorting support for cotton, which is a key product for some of the world's poorest countries. The Government will continue to press for CAP reform, with the next stage likely to be the reform of the sugar regime.

For external actions, the Government would like the next financial perspective to refocus development assistance on poverty reduction and achieving the millennium development goals, to enhance the EU's capacity for crisis management and conflict prevention and to improve flexibility across the budget to respond to unexpected spending needs.

For present internal policies, the Government will seek to focus spending on a smaller number of initiatives that demonstrate added value, especially in supporting the Lisbon agenda objectives and in pursuing freedom, security and justice objectives.

I turn now to the Commission's communication on the third cohesion report. Again, that is a wide-ranging document that examines changes in economic and social differences between member states, regions and social groups and how member states and EU policy may be affected by these changes. In terms of the link with the wider Commission proposals for EC budget expenditure, it sets out the Commission's proposal for the reform of the structural and cohesion funds for the period 2007 to 2013. The Commission's proposals in that regard focus on the three objectives of convergence, regional competitiveness and employment, and European territorial co-operation. To meet those objectives, the Commission proposes increasing spending by 30 per cent. from €260 billion over the current financial perspective—2000 to 2006—to €336 billion, or 0.41 per cent., of EU gross domestic product, over the period 2007 to 2013. Including, as now, expenditure on the proposed single rural development and fisheries instruments, spending would rise by around 40 per cent. to €370 billion, or 0.46 per cent. of EU GDP.

Despite the fact that with enlargement the richest parts of the Union would become more than 10 times richer than the poorest, the Commission proposes that less than half of the structural and cohesion funds should go to the new member states where they add most value.

The Government do not share that view of the future of the structural funds. Following a UK-wide consultation on the future of the funds last year, the Government proposed an EU framework for devolved regional policy. Under that approach, all EU member states would agree to pursue common objectives in support of regional development, but delivery would be substantially devolved and decentralised to give member states and regions the freedom and flexibility that they need to pursue their own strategies.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): As my right hon. Friend will know, the north-west has received multi-billion-pound investment through the objective 1 funding programme. I welcome her comments on devolving budgets, but given the region's concerns about the future of funding, will she, as my hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) requested, agree to meet local chief executive officers and Members of Parliament so that we can talk further about the investment that is needed to underpin our economy and our robust employment situation?

Dawn Primarolo: I see the potential for a long queue outside my office. I understand that the Minister for Industry and the Regions has met my hon. Friend and her colleagues for discussions. I would not wish to deny Members access to Ministers to discuss such important issues but I emphasise that preventing the costly recycling of funds is at the heart of reform. Let us consider the instruments that are already in place in the United Kingdom and the further commitments that have been made, for example, through regional development funds, the role of local authorities and the funding streams for employment, enterprise and competitiveness. We must ensure the continuation of the Government's commitment to economic growth in all regions and nations of the United Kingdom and of our support for those regions in that development.

Although I would be happy—another Treasury Minister may have to be happy—to discuss this important matter with my hon. Friend the Member for

[Dawn Primarolo]

Crosby (Mrs. Curtis-Thomas) and others, I stress to her that it is inappropriate for any member state to pay an increased contribution to get less back when arrangements could be secured in the negotiations to support the development of the regions.

Adam Price (East Carmarthen and Dinefwr) (PC) *rose—*

Ms Candy Atherton (Falmouth and Camborne) (Lab) *rose—*

Mr. George Howarth *rose—*

Dawn Primarolo: I shall give way to the hon. Member for East Carmarthen and Dinefwr (Adam Price) shortly. A few Labour Members want to intervene and I have a feeling that I shall be in meetings until Christmas at this rate. However, I shall not forget the hon. Gentleman. First, I shall give way to my hon. Friend the Member for Falmouth and Camborne (Ms Atherton).

Ms Atherton: I do not wish to add to the length of the queue outside my right hon. Friend's door but I ask her to acknowledge that the Commission is calling for the poorest region in both the United Kingdom and the north of Europe—Cornwall—to receive the full tranche of 2007 objective 1 funds. Will she make a commitment that the Government will work with Cornwall to ensure that we enjoy the same employment and other opportunities as other parts of the European Union, north, west, central and south?

Dawn Primarolo: My hon. Friend is a fierce and convincing advocate for Cornwall and use of objective 1 funds. I have had the opportunity of discussing the matter with her previously. I emphasise to her and all hon. Members that the Government's policy on the economic development of all the regions and countries of the United Kingdom is clear. Our objective is to ensure employment growth, skills development, competitiveness and productivity in them all. We are discussing the most effective and efficient way, with added value and respecting subsidiarity, to continue to achieve those objectives.

Mr. George Howarth: Will the Paymaster General give way?

Dawn Primarolo: If my hon. Friend will wait a moment—I have given way to him previously—I shall come back to him. First, I give way to the hon. Member for East Carmarthen and Dinefwr.

Adam Price: The Commission said that, under its proposals, regions such as west Wales and the valleys would have continued to qualify for objective 1 under the previous system with 15 member states but will not because of enlargement, and would therefore receive transitional relief of between 60 per cent. and 85 per cent. of the funding that is currently available. Will the Government guarantee that the same amount of transitional relief—between 60 per cent. and 85 per cent.—will be available to those regions under their proposals?

Dawn Primarolo: First, if the Commission is making promises, it is doing so on the basis of a budget that it does not yet have. Secondly, I refer the hon. Gentleman to the statement of the Secretary of State for Trade and Industry in which she clearly set out the methodology that the Government would follow to ensure the development of all the regions and nations of the United Kingdom in pursuing our objective of raising all to the levels of growth and employment from which some currently benefit.

As all member states will do, the Government are entering a negotiation process with the Commission about future funding. It is crucial that we judge that on added value, subsidiarity, the efficiency and effectiveness of the spending, and the opportunities for us to streamline and simplify the process and cut out the wasteful recycling of funds that often happens. I am sure that all hon. Members would wish to achieve the continued support for that development that will result from the Government's economic policy.

Mr. George Howarth: From the tone of my right hon. Friend's response to my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) and me, I think that she may have misunderstood the point that we were trying to make. We are not into special pleading for Merseyside and the north-west, although, since the occasion presents itself, we might well engage in some. My concern is that, as matters develop and as the Government develop their own approach to those matters, we should deliver my right hon. Friend's objectives—many of which I share—to the areas where they are most needed, rather than spraying them about indiscriminately. There is probably not much difference between us on this, which is why I think that a meeting would be helpful.

Dawn Primarolo: My hon. Friend is a passionate advocate for the area that he represents, as I would expect all hon. Members to be. I hope that I did not misunderstand his pleadings, or give an incorrect indication to the House. What I said was that, following a UK-wide consultation on the future of the funds last year, the Government have proposed an EU framework for the devolved regional policy. Under that approach, all member states would agree to pursue common objectives in supporting regional development, but the delivery would be substantially devolved and decentralised. That would give the member states and their regions and nations the opportunity to pursue their own strategies.

To ensure that funding is focused where it will add most value, the Government have proposed that those member states eligible for the cohesion fund—Greece, Portugal and the new member states—would continue to receive EC funding, while richer members would take primary responsibility for financing regional policy themselves, thus ending the current system of wasteful recycling of funds between net contributors. That is the issue from a financial perspective.

Hon. Members on both sides are rightly pressing me to ensure that the Government remain strongly committed to regional development and, to that extent,

we have guaranteed that, if our proposals on reform of the structural funds are agreed, domestic spending on regional policy will be increased, so that the United Kingdom's nations and regions will receive a level of resources that will ensure that they do not lose out following the UK proposals. That has been the subject of discussion and consultation, involving a large number of meetings. The UK pays 1.6 euros for every 1 euro that it receives under the current financial perspective. Paying for UK regions means paying for other regions of equal wealth elsewhere, which could cost a great deal. That is why the Government are suggesting this way forward, so that we can direct our resources to our regions.

Sir Archy Kirkwood (Roxburgh and Berwickshire) (LD): I come from a region where the use of European funds could hardly be better. Improvements can always be made, but we have been very successful in deploying such money as we have had.

I am listening carefully to what the Minister is saying, and the problem with the Government's position at the moment is that, while they may have support from five other member states for the reduction of the budget—she mentioned that in the first part of her speech and I understand it—there does not seem to be any agreement between the six that are trying to get the budget constrained about what should follow. Her suggestion that there should be subsidiarity may well be sustainable, but how much support is there among those six colleagues for that? Obviously, if she gets regionally repatriated policy, she must make serious amendments to the state aid rules for that to be of any use whatever.

Dawn Primarolo: If I can start with the state aid rules, as the hon. Gentleman knows, those are also a matter for discussion under the proposals being put forward by the Commission with regard to state aid and regional policy. I am sure that he finds this in his local communities as well, but there are issues with regard to the bureaucracy and complexity of the application for funds. I will put it simply: the Government have committed to increased funding on the basis of 1.6 euros for every 1 euro that we receive, whereas the current proposals in relation to distribution among all member states are for a 50:50 arrangement, so the richer states would also receive it. I am sure that he will agree that we should put forward the proposal passionately and enthusiastically.

The hon. Gentleman questions me with regard to a consensus on cohesion. As he knows, that is sometimes a difficult issue. At this point in the negotiations and discussions with other member states, the Government are strongly of the view that we can put forward our proposals and that they will receive support. I must say, however, that this is the beginning of a long negotiation. If we consider other long negotiations in which the United Kingdom has entered discussions with 14 against and only the UK in favour—the discussions on the savings tax directive spring to mind—he should take comfort from the Government's persistence and ability, in representing the House, to persuade other member states of the correctness of the proposal. On the financial perspectives, the process is about negotiation and putting forward a strong case. I am setting out for the House the principles that we will follow and the objectives that will guide us in negotiations, and we will pursue that process with considerable vigour.

Mr. Michael Moore (Tweeddale, Ettrick and Lauderdale) (LD): I echo the comments of my hon. Friend the Member for Roxburgh and Berwickshire (Sir Archy Kirkwood). In our part of Scotland, which has a series of economic problems, whether in the agriculture sector or textiles, structural funds from Europe, coupled with regional selective assistance over the past few years, have been absolutely crucial to the restructuring of that economy. There is now a state of flux and uncertainty about the future in relation to both those issues. Can the Paymaster General explain to the House exactly what the guarantee from the Government will mean for our region?

Dawn Primarolo: I have covered that clearly in terms of the Government's commitment to the English regions and the nations that make up the United Kingdom. As I have suggested in response to previous interventions, the hon. Gentleman should consider the statement from the Secretary of State for Trade and Industry on the methodology that will be used. I would also say that this Government, since 1997, at times in the teeth of opposition from some Members, have created an active regional policy through the regional development agencies and investment in skills and employment. Over that period, we have clearly articulated our commitment to growth and prosperity in all the English regions and the nations that make up the United Kingdom. I see no reason for the hon. Gentleman to doubt that commitment, and I am a little surprised that he does not understand the importance, at the beginning of negotiation, of setting out clearly—as I have here today—the principles, the objectives and the process according to which we will negotiate the delivery of priorities.

Mr. Wayne David (Caerphilly) (Lab): Does my right hon. Friend agree that part of our current difficulty is caused by the fact that the European Commission, which is strongly opposed to the Government's proposals, is trying to promise UK regions larger sums which have not been agreed and will not decide where those sums will come from?

Dawn Primarolo: I entirely agree. My hon. Friend puts the case rather more succinctly than I did.

As I have said, the Government are strongly committed to regional development. We are guaranteeing that if our proposals for reform of the structural fund are agreed, domestic spending on regional policy will increase so that the UK nations and the English nations receive an amount that will ensure that they do not lose out. I do not think I could be any clearer at this stage.

Mr. Bill Tynan (Hamilton, South) (Lab) *rose—*

Mr. Mark Hendrick (Preston) (Lab/Co-op) *rose—*

Dawn Primarolo: May I ask my hon. Friend the Member for Preston (Mr. Hendrick) to wait for a moment? I shall return to him after giving way to my hon. Friend the Member for Hamilton, South.

Mr. Tynan: Obviously there is concern about the structural and cohesion funds. The assurances about the Government's position and the protection that will be given to areas that are currently beneficiaries are important, but the real issue is this: if we are sticking to a budget of 1 per cent. of EU gross national income, the poorest nations will qualify under a 75 per cent. formula. Does my right hon. Friend support that?

Dawn Primarolo: I dealt with that earlier. According to the Commission's proposals, funds will be distributed among all 25 current member states. There will be a 50:50 weighting arrangement for the nations at the heart of the European Union, which are the richest. That too must be dealt with. Aid should be directed towards those in greatest need. If we arrange spending at the EU level we must do so on the basis of added value, in a way that is appropriate and supports subsidiarity. That will not prevent other member states from agreeing, with a common purpose, to pursue their own regional policies.

Mr. Peter Atkinson (Hexham) (Con) *rose—*

Dawn Primarolo: I must give way first to my hon. Friend the Member for Preston, who has been waiting patiently.

Mr. Hendrick: I am sure that no Member on either side of the House would object to the continuance of greater assistance for regions that need it, but can my right hon. Friend explain the logic of reducing the size of the EU budget to the extent that is proposed when 10 new states, mostly very poor, are entering the EU with worse economic situations than ours?

Dawn Primarolo: One per cent. growth in the budget is substantial. At a time when other member states are following a tight fiscal discipline, the Government think it reasonable to require the Commission to do the same, and to pursue the policy that we pursue domestically. That is why the Government are advocating, as I said, that there should be, at the beginning of the debate on financial perspectives, a thorough appraisal of where the Commission is spending its money, the efficiency and effectiveness of that, and whether that is the most appropriate way of spending.

When spending at a European level, it is right that we ensure that we are getting added value. We are talking about a substantial budget, and I am sure that my hon. Friend the Member for Preston will agree that it is right for the principles of budgeting to include: first, defining what sort of items merit public spending; secondly, determining the available resources; and thirdly, determining spending priorities based on evidence and political judgment. That is what the Government are advocating in pursuing this matter.

A budget of 1 per cent. of EU GNI is ample to meet the needs of the enlarged Union, but reprioritisation to ensure that EC fund spending adds value at EC level is key, and it is on that that the Government and other member states are pressing the Commission. It would be absolutely irresponsible to European Union taxpayers simply to lump new spending proposals on top of existing ones. We would expect neither our domestic Administrations nor the international community to do that, and the Commission should not do so either. So, as I have said, a thorough appraisal of spending and where it goes has to be part of the financial perspective in order for us to come to reasonable judgments on future financing.

Mr. Peter Atkinson: I find myself in the somewhat unusual position of agreeing with much of what the Paymaster General says. Can she give us some idea of the Government's thoughts on state aid if she succeeds in repatriating regional development money? That is a key issue in the north-east of England. Who would adjudicate on the issue of state aid if it had been repatriated to the individual nation states, and who would decide whether that state aid was being given in a justifiable way or being used by another country in a backdoor way to subsidise a particular industry?

Dawn Primarolo: The hon. Gentleman raises an important point on regional state aid guidelines. In case he was not able to look at this, I must tell him that the Government explained yesterday in a written statement to Parliament how we plan to consult shortly on the Commission's proposals. The Commission has set quite a tight deadline for the UK Government to respond. The Minister for Industry and the Regions, my right hon. Friend the Member for Redditch (Jacqui Smith), will tell me if I get the date wrong, but I understand that the statement says that the UK Government will consult on the matter and receive responses by September.

We agree with the Commission that state aid should be limited, and we agree on the need to create a level playing field for businesses across the European Union, but state aid can also distort competition—perhaps that is the point that the hon. Gentleman was touching on—and limit business performance, prosperity and quality for consumers. Through the consultation and discussions with the Commission, the Government are seeking to explore alternative approaches to address that point. It is absolutely right that consultation should be a part of that, and I commend to the hon. Member for Hexham (Mr. Atkinson) the written statement to Parliament that my right hon. Friend the Minister for Industry and the Regions made yesterday. He might well find, uncomfortably, that he agrees with even more of what the Government are currently saying.

I turn to the financing of the budget. The Government are against any proposal for an EU tax. We believe that taxation is a matter for member states to determine on a national basis. The United Kingdom's abatement remains justified and necessary to correct for its disproportionate budgetary imbalance.

It is clear that we are just at the start of what is likely to be a long negotiation. It is the Government's strongly held view that the Commission's current proposals are not a basis for such a negotiation. The Government are working with other member states that share many of our principles and areas of common interest, in order to question and to challenge the Commission's ideas, and to develop an approach consistent with our objectives.

I have taken note of the Opposition's amendment—which requires the Government to lay out the principles underpinning our negotiations, the objectives that we will use in conducting them and the negotiation process—and I hope that they agree that these issues have been discussed thoroughly in the House. The

Government have no difficulty at all with the Opposition's amendment; indeed, it might be slightly uncomfortable for them to discover how vigorously we are pursuing these issues. I commend these documents to the House.

5.1 pm

Mr. Mark Prisk (Hertford and Stortford) (Con): I beg to move, as an amendment to the motion, at end add:

"and calls on the Government to set out its principles and plans for those objectives and how it will achieve them."

I thank the Paymaster General for her generally patient and apparently helpful opening remarks. I shall, if I may, begin by commending the European Scrutiny Committee's recommendation that this debate be held. I suspect that, on looking at the title of the two documents involved—the "Third report on economic and social cohesion", and "Building our common future: Policy challenges and Budgetary means of the Enlarged Union"—some of us thought that this would be a rather technical and dull debate. In fact, the two documents consider how much taxpayers' money the Commission should spend and what it should spend it on. Indeed, the Commission's proposal ranges even further. As the Committee states,

"It will also largely determine the net contribution to the EU of each member state, and the future of the UK's budget rebates. It will, in practice, be binding on the parties to it for those seven years. It is, therefore, one of the most crucial forthcoming EU decisions, with important consequences for enlargement and the draft constitutional treaty."

For all those reasons, we believe that this debate provides an important opportunity, and we are grateful to the European Scrutiny Committee for recommending that this debate proceed.

The EU's recent enlargement provides the backdrop to these documents. We argued in favour of the accession of the 10 new member states for many years, so we are delighted to see their arrival in the European Union. Obviously, the arrival of 10 more nations means that the EU will need to adapt if it is to cope with this fundamental change. It needs to be far more flexible and to be able to accommodate wide diversity within its borders. Above all, it needs to become a Union for its people, not for its leaders.

On the financial perspective, the Commission is seeking a significant change in its expenditure, as the Paymaster General alluded to, with a proposed increase above 1 per cent. of the Union's gross national income. There have indeed been a number of proposed new spending totals from various member states, but as things stand the Commission has sought an increase to 1.24 per cent. of gross national income. In monetary terms, that equates to more than €336 billion over the seven-year period in question, compared with a figure of €257 billion in the past seven years. Yet, to date, that same Commission has failed to manage its existing budget properly.

Mr. Luff: On a point of order, Mr. Deputy Speaker. I apologise to my hon. Friend for intervening, but what I have to say is relevant to what he is talking about and I would appreciate your guidance and assistance. One of the most important papers that we are debating today is "Building our common Future", document 6232/04. The financial framework and requirement for an increase in resources claimed by the Commission is supposed to be set out in a table that should appear on page 30. On page 29 it states:

"The following table provides an illustration of the framework described above."

On page 30, however, there is a blank page with the words "Insert table" at the top. I do not know whether the table is available somewhere else in the documentation and I have been unable to find it, or whether it is simply missing. In that case, could you, Mr. Deputy Speaker, gently suggest to those on the Treasury Front Bench that the necessary information should be provided before the end of the debate?

Mr. Deputy Speaker (Sir Michael Lord): The hon. Gentleman will appreciate that that is not a matter for which the Chair is directly responsible. I am sure, however, that everyone in the Chamber will have heard his points and that those responsible for providing the documents will seek to make the omission good as quickly as they possibly can.

Mr. Prisk: Thank you, Mr. Deputy Speaker.

The problem that I was alluding to was the fact that the Commission, despite asking for all the additional money and a change in the budgetary requirements, has failed to manage its existing budget properly. The fact that the European Court of Auditors has not approved its most recent budget highlights a serious lack of basic financial management. Yet this is not the first time that that has happened. Indeed, the Commission's budget has not been approved by its auditors for nine years. Frankly, that is a shameful record, redolent of Enron's accounting standards—a mix of rampant fraud and inadequate financial management.

In response to this year's budgetary woes, the Financial Secretary said that the EU budget should—the Paymaster General rightly repeated these words—ensure "sound financial management" and "budgetary discipline". We agree. The problem, however, is that the Government have been saying that throughout their entire seven years in office. When are they going to do something about it? When will they try to make the Commission accept its financial responsibilities? After all, if the accounts cannot be trusted, the Commission's financial legitimacy is undermined. How can we know, for example, if the new financial perspective is being achieved? How can we be sure that the Commission's priorities are getting the money that they require? Most important of all, how can taxpayers have any confidence that their hard-earned money is not simply being lost in fraud and waste?

I ask the Minister for Industry and the Regions, the right hon. Member for Redditch (Jacqui Smith), to set out in her reply the representations that the Government have made on this issue. Will she also set out what the Government plan to do if the Commission fails to respond? As far as we are concerned, until confidence in the accounts has been restored, Conservative MEPs will refuse to sign off the Commission's accounts—and so will the future Conservative Government.

Turning to the total expenditure plan, we strongly oppose any increase in the Commission's budget beyond 1 per cent. The Government have correctly identified the need for restraint to act as a discipline to achieve value

[Mr. Prisk]

for money for the taxpayer. I only wish that the Treasury would do the same in Whitehall—though I know that it is trying. In Brussels, the Government's pleas for financial restraint have sadly fallen on deaf ears. Indeed, the Commission seems to hold a fundamentally different view.

The 15th report of the European Scrutiny Committee rightly highlights the problem in a series of rather worrying quotes from the Commission. Apparently, the Commission believes that budgetary discipline does not deliver any value for money. Financial management is simply "matching resources to needs". The Commission is also quoted as saying:

"To saddle the Union with a set of goals and then deny it the resources required would be to condemn it to the justified criticism of citizens denied their legitimate expectations."

How the Treasury must blanch at those words! That is the language of an unreformed spendthrift—the desperate cry of a shopaholic asked to hand over credit cards. It denies financial accountability and, worryingly, it shows the wide gulf that exists even between Whitehall and Brussels, let alone between Brussels and the poor, self-selected taxpayers who have to foot the bill. When the Minister for Industry and the Regions replies to the debate, will she say what plans the Government have to achieve any meaningful financial discipline in Brussels?

The Commission suggests three new financial priorities for the forthcoming period, as part of its regional and cohesion policy. They are: assistance for regions with per capita gross domestic product below 75 per cent. of the EU average; promotion of regional competitiveness and employment; and support for inter-regional, cross-border and transnational co-operation. I do not know what that last phrase means, but I love the language.

The Government have argued instead that the focus should be on the poorer member states, notably the new ones. The Opposition agree: equally, we feel that many of the proposed schemes are too remote from the practical assistance that those countries want. A European police college, a disaster recovery capacity and a new European border agency—none of those begins to address the basic wishes of the people of the new member states. What they want is to get their basic infrastructure sorted out. That is more important than a disaster recovery capacity.

The impact of the structural funds is important, and that is true for much of the UK, as we have heard in the debate. The funds are important for parts of Cornwall, the north-west, Scotland and Wales, among other areas. Last Thursday, in answer to a question from the hon. Member for Tweeddale, Ettrick and Lauderdale (Mr. Moore), the Minister for Industry and the Regions spoke about the Government's plans. She said:

"If our recommendations are accepted, we will ensure that we increase the resources necessary in the regions and the devolved Administrations to continue the focus on productivity and skills and make the necessary investment to ensure that they are successful."—[*Official Report*, 10 June 2004; Vol. 422, c. 393.]

However, as questioners this afternoon have emphasised, the important point is what happens if the Government's recommendations are not accepted—an outcome that is quite likely. When she replies, will the Minister say whether she can still make that statement? The Paymaster General made a valiant effort to answer that, but hon. Members of all parties would appreciate a clear and unequivocal statement on that point.

Mr. David: The Dutch take over the EU presidency for the second half of this year. Is the hon. Gentleman aware that the Dutch Government indicated recently that they strongly support the British Government's proposals? Does he accept that that represents a gathering of momentum behind what the Government are arguing?

Mr. Prisk: I am grateful to the hon. Gentleman for adding that information to the debate. My concern is the lack of clarity in the Government's position, which was illustrated by the questions from Labour Members earlier. I hope that the Minister will provide that clarity when she winds up the debate.

Mr. David Stewart: Earlier, the hon. Gentleman remarked on the effectiveness of EU spending. Does he accept that spending in UK objective 1 areas has a very good effect? In my area, in the highlands and islands, 90 per cent. of the projects have a high effectiveness rating in terms of the efficiency of the spending. That has led to the creation of 1,800 jobs.

Mr. Prisk: I certainly accept that that can happen. My work in the Select Committee on Welsh Affairs has made that clear, but it has also shown that there can be problems. It is dangerous to tar the entire programme with one brush, one way or the other; the important point is that we must ensure that taxpayers' money is well spent. That is what we want to hear from the Minister.

Mr. Moore: The hon. Gentleman is equivocating slightly. I echo the comments made by the hon. Member for Inverness, East, Nairn and Lochaber (Mr. Stewart) about the effectiveness of money spent on programmes in Scotland. From Eyemouth and Hawick to Galashiels, Selkirk and Peebles, one will find very good projects that are both efficient and effective. What evidence does the hon. Gentleman have that wipes that out and proves that spending that money is a bad thing?

Mr. Prisk: The hon. Gentleman may have misunderstood. I do not claim that all objective 1 funds are good or bad: my concern is what the Government will do, because—as several hon. Members have pointed out—projects are anticipating that funding and may suddenly find that it will not be forthcoming. I hope that the Minister will be able to help us on that point.

Mr. Kelvin Hopkins (Luton, North) (Lab): On regional spending, surely we should measure not only whether the money has been spent well and effectively, but the cost in terms of the original input. We should measure the cost in terms of budget spend and contributions from member states, as well as the effectiveness when the moneys have finally been spent.

Mr. Prisk: I agree. The danger is that those Government programmes that are not carefully thought through—whether funded by EU or UK money—

simply transfer job creation from one area to another. We need to ensure that such programmes are fashioned in a way that takes into account the true spatial dynamics of both counties and regions. We need to ensure value for the taxpayer, whether money is spent directly through UK-funded programmes or through EU programmes.

The new financial perspective for the coming years, which the Commission has highlighted and which is contained in these documents, would, in our opinion, need to deliver radical reform of Europe's economies, if the EU nations are to compete globally. At the Lisbon European Council in 2000, member states committed themselves to a 10-year strategy for economic reform, in order to improve Europe's employment and productivity. We were told at the time that that would transform the EU into a dynamic, knowledge-based economy, achieving strong but sustainable growth and creating a thriving environment for enterprise in general, and entrepreneurs in particular.

Sadly, four years on, the reality is rather different. As the Centre for European Reform said earlier this year:

"Even the most enthusiastic proponents of the Lisbon agenda can only describe the EU's performance over the last 12 months as mediocre."

Indeed, the Commission seems to agree. The *Financial Times* reported on 25 March:

"Instead of catching up with the US, the EU has fallen even further behind. A report by the European Commission in January this year says that in the three most important categories—economic growth, productivity and employment—the EU is far from meeting its own goals.

With gross domestic product per head stuck at 72 per cent. of the US level, Brussels concludes that 'the Union cannot catch up on the US.'"

In recent months, there have been negotiations to try and revive the reform agenda. The Government have been making the right noises, but to date there seems to have been little actual progress. I hope that the Minister will be able to tell us how far the reform agenda has got and what progress she expects to see over the next year.

Finally, there is the question of member state contributions. Alongside proposals to increase the overall spending above 1 per cent. of gross national income, the Commission has set out a series of options for what it—to my pleasure—calls

"a relatively major and visible tax resource payable by EU citizens and/or economic operators".

Apparently, that would replace the existing system. I concur with the Paymaster General—we must not concur too often, or people will start to wonder—that such an EU tax would be wrong in principle and in practice. We are happy to join the Government in opposing that aspect, although I look forward to the Liberal Democrats' comments when the moment comes.

The Commission has also proposed a system of budget rebates that would replace our existing UK rebates. As I understand it, that system would be available to any member state making what the Commission describes as "excessive budgetary contributions", but unlike the current system, it would be entirely conditional on the application of what is called "the threshold" and all member states would be required to contribute. I have read carefully through the Government's responses and I see that throughout Ministers say that they will "defend" the current rebate. That is super—very encouraging—but what we really want to know is whether they will keep it—*[Interruption.]* The Paymaster General happily says that they will—

Dawn Primarolo: The answer to the hon. Gentleman's question is, "Yes".

Mr. Prisk: The Government will accept our amendment and now they are agreeing to my comments. I should probably retire gracefully while I am still ahead—*[Interruption.]* I shall do so in a moment, given that clamour from hon. Members.

Dawn Primarolo: I am sure that the hon. Gentleman will forgive me for saying this, but perhaps the Government can help the Conservatives to clarify their European policy if they are now declaring that they agree with us.

Mr. Prisk: It was all going so well, but then the right hon. Lady had to spoil it. Without pressing the point too much further, can she confirm that the Government have no intention of allowing the rebate to go? Can she confirm that it will not go and that it will not be amended?

Dawn Primarolo: I can confirm that to the hon. Gentleman.

Mr. Prisk: I am very grateful to the right hon. Lady for that confirmation; it will certainly put the minds of many Members at ease.

At the beginning of the debate, I said that the titles of the two documents underplay the significance of their contents.

Ms Atherton: The hon. Gentleman knows Cornwall well. What commitment will the Conservative party make on regional policy for the county of Cornwall? Will it match the Labour Government's commitment?

Mr. Prisk: Indeed, I know Cornwall well; I am an émigré, although perhaps ex-pat would be a better word. The hon. Lady knows that it would be quite wrong of me to try to make policy on the hoof and I have no intention of falling into that trap. I may be a relatively new Member of the House, but I do not intend to make that mistake.

Adam Price: Will the hon. Gentleman give way?

Mr. Prisk: No, I am coming close to the peroration. As hon. Members were keen for me to conclude, I shall accede to the wishes of the House and not give way again.

The issues covered by the documents include some important questions: how much should the EU spend and on what, and how much should we contribute? That is why the Commission's proposals deserve thorough scrutiny. The Conservative party supports many of the

[Mr. Prisk]

stated aims of the motion, especially on limiting total spending and on the "unrealistic and unacceptable" proposals for future spending priorities.

We are, however, concerned that the Government have not been forthcoming or clear in explaining their aims and plans for fulfilling their objectives and those of the EU. Further to that, the scandal of nine years of unapproved Commission accounts reflects a huge gulf in attitudes towards public financial management between the UK and those who spend our money in the Commission. We have yet to be convinced that the Government have either the will or the plans truly to resolve that problem.

Again, I commend the work of the European Scrutiny Committee and its continuing consideration of matters European. I hope that in her reply the Minister for Industry and the Regions will be able to answer the questions that I have raised. If she can also indicate that the Government fully accept our amendment and will include it in the resolution, we shall be quite willing to consider withdrawing it at the appropriate stage. I hope she will be able to give us that information when she responds to the debate.

Several hon. Members *rose—*

Mr. Deputy Speaker: Before I call the next speaker, may I respond to the point of order raised earlier by the hon. Member for mid-Suffolk—

Mr. Luff: Mid-Worcestershire.

Mr. Deputy Speaker: I am sorry. I must have been thinking of my own constituency—so close to my heart, as always. I meant the hon. Member for Mid-Worcestershire (Mr. Luff).

An expanded version of the table to which the hon. Gentleman referred is on page 11 of the original report of the Scrutiny Committee—House of Commons document 42-xv—but the table to which he referred and which should have been in the documents that we are discussing today is now available in the Vote Office. I hope that is helpful.

Mr. Luff: I am very grateful, Mr. Deputy Speaker.

5.25 pm

Mr. Wayne David (Caerphilly) (Lab): This is an important debate because it is all too easy these days to allow the draft EU constitutional treaty to dominate debate on Europe, whereas the financial perspective for 2007 to 2013 is crucial as well. I understand that the perspective represents the EU's multi-annual budget for those years. We are also considering EU cohesion policy this afternoon. That, too, will have a profound impact on the EU in the next few years.

The European Commission has proposed a budget for the next financial perspective of 1.26 per cent. of Community gross national income. That represents an increase in the EU budget of some 25 per cent.—a significant increase by any stretch of the imagination. The European Commission argues that that increase is needed to finance the common agricultural policy, to support a wide range of policy initiatives, some of which are new, and to fund the structural and cohesion funds—in other words, the instruments of regional policy. Of course, the Commission argues very strongly that that significant increase in the EU budget is necessary because of the recent expansion in the EU from 15 to 25 states.

Today, I want to question whether such an increase is justified, especially when, as has been said, the EU is concerned about the budget deficits of several member states in the eurozone. There is something of a contradiction therefore: the EU is saying, on the one hand, that certain member states should tighten their belts, but on the other that they should contribute more to the EU's budget. In particular, I want to question whether that large increase in expenditure is justified in two respects. I want to question the expenditure that is projected under the heading "Citizenship, freedom, security and justice", and I then want to say a little about regional policy.

I should like to spend some time questioning whether it is sensible to increase the CAP budget, but we have to accept the current practicalities and the commitments that have been made on the CAP. The Government of the United Kingdom are to be commended for ensuring that at least a modest reform of the CAP has taken place.

I find it very strange that the European Commission proposes in its draft financial perspective expenditure a raft of new proposals, on some of which there has been no agreement. I cite, for example, the European border guard corps, which has been suggested without any political agreement. The British Government have not agreed to that suggestion, yet the European Commission nevertheless proposes funding for that new entity. The European Commission also proposes that resources should be allocated to reinforce the political concept of European citizenship. That proposal is very dubious to say the least, given the belief of many hon. Members, myself included, that the EU should be based on the principle of subsidiarity. The regions, small nations and the nation states are the EU's essential building blocks, and that should be part of the mosaic of European citizenship.

I would question many other proposals, too, but I should like to focus in particular on the resource projection for what is called external representation. It is quite breathtaking, to be perfectly honest, that the European Commission suggests that funding should be provided for single external representation at the World Bank, the International Monetary Fund and the United Nations economic agencies. We should place a very large question mark against that.

I also question the need for the proposed increase on regional policy. The European Commission proposes in its draft financial perspective a regional policy that is financed to the tune of €336.3 billion. It proposes that roughly half the structural funds and the cohesion fund should be focused on the new accession states, the countries of central Europe, and that the remaining half should be focused on the 15 states that were members before 1 May this year. It wants to spend the money under three headings. The first is convergence, the second is regional competitiveness and employment and the third is the promotion of territorial co-operation.

The first part of the Commission's proposal makes a great deal of sense. We should focus our attention on the accession countries of central Europe. They are very poor by our standards and they are struggling to come to terms with the single market. They certainly want to develop their economies up to the standards of ours. From an economic sense, and also from a moral and social sense, we should give the greatest possible support to the development of those new democracies.

I have problems, however, with other aspects of the Commission's proposals on regional policy. In purely monetary terms, it makes no sense at all for the United Kingdom to have to contribute €1.6 to get €1 back. That situation applies not just to the United Kingdom, but to other member states, and it is quite unsatisfactory and illogical.

Mr. David Stewart: Does my hon. Friend agree that the argument is about direction rather than speed and about finding the best organisation to add value? Is it the EU or the nation state?

Mr. David: The argument is partly about that, and I shall specifically address that point a little later. However, it is also about hard cash. It does not make sense for the United Kingdom Government to give large sums of money to other quite prosperous regions, but receive only a small amount of money to spend on our regions. It is far more sensible for the 15 member states to control finance themselves.

Mr. Hopkins: I remind my hon. Friend that every single region of the United Kingdom is still a net contributor to the European Union.

Mr. David: To be honest, I am not sure that that is absolutely the case, but I suspect that my hon. Friend's facts are probably right; he would not have made that point otherwise.

As Members will know from my accent at least, I come from a part of the United Kingdom, south Wales, where we have had large amounts of structural fund assistance—under the current financial perspective, the figure is £1.3 billion. That is because the south Wales valleys and west Wales are classified as objective 1 areas. It is true to say that the programme is very successful: large sums have been spent successfully. To be rather parochial for a moment, I refer to my constituency of Caerphilly and the Tredomen business park and the Ystrad Mynach college, which provides fantastic training opportunities, especially for young people. Widespread intermediate labour market measures have been introduced to help the long-term unemployed and many others.

It is important to recognise, however, that although much has been done, there is still much more to do. As we have heard this afternoon, a debate is going on among many of the regions that support the structural funds about whether they would be better off with an extension of the current arrangements with the European Commission or with the Government's proposals. There is a genuine worry that money from Europe might dry up, but it is difficult for us to debate specific sums at the moment because the budget has not been agreed. The European Commission is talking hypothetically, so we will know exactly where we are only when the European Union budget is agreed.

There is much to commend about the Government's firm commitment that the regions of the United Kingdom will not lose out—that genuine statement was reiterated this afternoon. However, if we leave finance aside, we must take account of other considerations, as my hon. Friend the Member for Inverness, East, Nairn and Lochaber (Mr. Stewart) suggested. A few months ago, the British Government published a Green Paper entitled "A Modern Regional Policy for the United Kingdom". The document suggests a new way forward for the United Kingdom's regional policy and I commend much of what it contains, not only because of financial considerations, but because of administrative considerations.

I followed closely the way in which the European single programme document was drawn up because it has governed the expenditure of objective 1 moneys in south and west Wales. Much of the document should be commended, but it would have been much better if more local control had been exercised over it. One of the problems encountered when drawing up such documents is that they must comply with European Union agreements—in other words, they must fit in with what the European Commission says. I shall outline a case in point. The south Wales valleys face the specific problem of a lack of transport because of the area's topography. We desperately need more roads so that we may open up our valleys. That suggestion could not be written into the single programme document because the European Commission was against it. In other words, despite the fact that local people wanted the scheme, European money could not be spent on it because people in Brussels deemed that it was against the blueprint that they had established. That situation is unsatisfactory.

I hope that future policies will be determined according to the principle of subsidiarity. Local plans would thus be drawn up by local people who understand their areas, so in the case that I outlined, the National Assembly for Wales would do that. I want any funds that come via Brussels to match the strategy outlined in the Assembly's national economic development strategy, "A Winning Wales". At the moment, the European programme runs in parallel with that, but sometimes the complementarity is not perfect. The Government's proposal to streamline the system represents a far more logical and sensible approach on regional development.

The Green Paper deals with regional policy and structural funds, but it also places important emphasis on the future of European state aids, which is equally important. The key word must be "flexibility". We must have flexibility so that the regions of the United Kingdom may tackle market failure. The current situation is unsatisfactory. For example, when the Government wanted to introduce regional venture capital funds to benefit regions, they had to wait 12 months for the European Commission's permission. Why should that happen? Why on earth are such measures not determined nationally and regionally, which would be far more sensible and straightforward? Let us consider what happened with the Government's implementation of stamp duty reductions. Again, they had to wait for the European Commission to approve

[Mr. David]

the proposal. There is no logical reason why that should have happened, and I argue that it should not happen in the future.

Mr. David Stewart: Does my hon. Friend share my concerns about a possible double whammy for areas that lose objective 1 funding? First, they will lose the maximum amount of European funding, and secondly, they will lose the highest amount of dedicated state aid.

Mr. David: There must be a response to cases of need, and people must choose whether they want the British Government or the European Commission to make that response. I am a committed European, but I have more confidence in the ability of our Government than in that of the European Commission to recognise what is needed here. That was not always the case, however, with previous Governments.

Ms Atherton: Does my hon. Friend agree that objective 1 created a stand-alone pot of money that enabled communities such as mine to develop new projects that might have taken longer with Government structures? I hope that the Government will address that in their proposals after 2006.

Mr. David: My hon. Friend makes a fair point. There is much to be commended in various European programmes and we can all cite examples of good practice and innovation. However, that is balanced by the drawbacks. I have cited the lack of complementarity, but there is also an emphasis on convoluted forms of partnership. In my own area, for example, there has been partnership after partnership, and excessive red tape and bureaucracy. We could all think of ways in which we could streamline the system in our area to make it more effective and ensure that resources get through quickly to the projects and people who need them. I hope that such an initiative will be realised.

In conclusion, we have some way to go in discussions on the financial perspective and the future of EU regional policy, and I am sure that detailed negotiations will take place in the coming months. The Government are certainly correct to argue for a ceiling of 1 per cent. of gross national income in the EU budget, not 1.26 per cent. as proposed by the European Commission. I hope that they will not just be tough in the negotiations—it is all too easy to take such a stance—but persuasive.

It is no longer enough for us to stand in splendid isolation and be self-righteous about our proposals. We must engage effectively with our partners in Europe so that we win the argument and make sure that our interests, along with other interests, are to the fore. The European Union and the budget used to finance it should be responsive to its citizens and reflect concerns about their priorities. Europe should not centralise for the sake of it, and should genuinely serve the people, having recognised their needs. I therefore look forward to the Government arguing their case strongly, passionately and persuasively in the EU, and to their success.

5.43 pm

Dr. Vincent Cable (Twickenham) (LD): Last week, a vigorous national debate raged about Europe, but it seems to have passed us by this afternoon, as there is a substantial and, indeed, alarming consensus, to which I propose to add. I largely agree with the essential points in the Government motion, including the fact that the budget should not exceed 1 per cent. of gross national income, the fact that the Commission's proposals are unrealistic and unacceptable, and the need to refocus and reprioritise. If anything, the Conservative amendment strengthens the motion, so I support it as well.

Our debate this afternoon has not been about the EU at all but about British regional policy, and what exactly happens when we nationalise or repatriate—I am not sure whether my terminology is correct—the regional budget. There has been insistent questioning from Members representing the north-west, Cornwall, the borders, the Scottish highlands and Wales about the meaning of the Government's guarantee that the regional flow of funds will continue. The more subtle question is how areas whose needs are met by European budget allocations will be sustained under a national regime with different priorities. There is a series of questions there that have been only partially answered so far.

Returning to the essence of the budget, on the 1 per cent., a pertinent question was posed earlier by the hon. Member for Preston (Mr. Hendrick), who asked why only 1 per cent.—after all, there are more countries coming into the EU, so should not the budget be enlarged? The answer to that is partly a national interest point that the hon. Member for Inverness, East, Nairn and Lochaber (Mr. Stewart) made in an intervention—a larger budget would mean a larger net contribution from the UK. Apart from the national interest point, there is a wider point that is summarised in the letter from the six net contributors, of which we are one, that makes the case that until the European budget in general is tightened up and reformed, there is no case for its substantial enlargement. The formula must therefore remain at 1 per cent.

Some balance is needed, however. The right hon. Member for Wokingham (Mr. Redwood) spoke about waste and corruption, as did the Conservative spokesman, the hon. Member for Hertford and Stortford (Mr. Prisk). We know that there has been waste and corruption in the European Union budget. It is evidenced, the audit trail exists and there are many anecdotes illustrating the point, but not everything that the EU does through its budget is wasteful and corrupt. We have heard examples today of good European budget allocations, such as the descriptions from the highlands of Scotland.

I can quote an example from my constituency, which does not involve European regional funding but none the less shows that, when the EU gets things right, it can make a useful contribution at the margin. I have in my constituency the Twining centre, an institution that specialises in retraining the mentally ill—people who, for the most part, are permanently unemployed. The centre was established to retrain them for the labour force. There was no other source of funding. The council cannot afford to fund the centre. The Government do not regard Twickenham as a particularly high priority

area in urban deprivation, so there was no funding from the Government. The private sector is sympathetic and will use the graduates of the centre, but will not fund its running costs, so the European social fund did. Hundreds of local mentally ill people now owe their employability to that well-focused and well-managed centre, which has Spanish management drawing on best practice from the EU.

There are similar examples all around the country and we should not disregard them by painting a wholly negative picture of waste and corruption. Moreover, there is a paradox associated with the arguments about waste and corruption: the greater the concern, the greater the need for detailed documentation of application and monitoring. As a result, some European applications and monitoring are extraordinarily complex. Of course, that is not unique to Europe. Anyone who deals with local area-based initiatives or with the Department for Environment, Food and Rural Affairs will know that bureaucracy was not invented in Brussels.

Mr. Prisk: One of our concerns is that, in the absence of properly audited accounts, we do not know how much is wasted or lost in fraud, so the accuracy of information is fundamental. Without that, all the funds and the priorities on which we may or may not agree are undermined by that lack of confidence. Does the hon. Gentleman agree?

Dr. Cable: Of course. The hon. Gentleman makes the point moderately and sensibly. Of course there must be audit. Much of the discussion over the past few weeks has been at a populist level, which is not the substantive point he makes, and much of the waste and corruption, as we well know, comes out of the agricultural budget. Because I regularly attend DEFRA questions, I know that many of the hon. Gentleman's colleagues are assiduous supporters of the common agricultural policy when it comes to their own constituencies.

That is my next point. One of the key problems associated with the European budget is a disastrous decision a few years ago, which was heavily discussed in this place and over which the Government appear to have had very little control: the so-called Berlin agreement between France and Germany, which has maintained the share of agricultural spending in the budget for the next decade, effectively paralysing any real innovation in budget initiatives. That utterly disastrous decision reminds us of the many iniquities of the CAP. It paralyses the budget, is enormously detrimental to the consumer, harms the environment and damages international trade and international trade policy.

Although this argument is about the budget, not agricultural policy in general, I hope that the Government will continue to reassert in Europe the fundamental belief that we should be aiming not only for reform at the edges, but for a world in which agricultural products are traded as freely as cars and televisions because there is no reason why they should not be. That is the open market destination to which we should all commit ourselves.

I have a specific question about agriculture in the budget. Given that the Paymaster General said that sugar is next on the agenda for reform, what does that mean for the sugar tariff? As sugar is one of the EU's own resources, the EU has an interest in increased tariff revenue and therefore in resisting the liberalisation of the sugar regime. What is the Government's view, and how do they see the future of the sugar tariff in relation to their reform proposals?

The hon. Member for Hertford and Stortford asked about the UK budget rebate. I joined the consensus on the rebate—I support it, as does my party. It was an achievement of the Conservative Government to have negotiated it and an achievement of this Government to have maintained it. Nevertheless, we could do better. Even after the rebate, we are still substantial net contributors. Over the past three years, we contributed an average of €4 billion a year, which, in comparison with France and Italy, would not be merited on any equitable basis. Although the rebate has secured enormous gains relative to what they could have been, the formula is still not entirely satisfactory.

Moreover, in every negotiation with the European Union, we are hamstrung by the fact that, if the British Government make major demands, the other European countries—particularly the French—will pop up and say, "In that case, let's reopen the whole question of the British rebate." Instead of a special dispensation for the British, it would be better to have an automatic compensation mechanism for all net contributors similar to the system of floors and ceilings that has been developed in local government finance. Of course, that cannot be achieved in the short term—there is no proposal on the table and no political will to achieve it—but we cannot argue for the next 20, 30 or 50 years that the funding of the European Union must be built around the British rebate. There must be a better mechanism and we should keep that as our long-term strategic objective.

My final point relates to the refocusing of priorities. It is a simple matter of logic that, if there is a limited budget pot of 1 per cent. of GDP, an expanded membership of predominantly poor countries and redistribution based on income, the existing recipients will lose revenue. The UK regions and regions of the other relatively high-income member states will have to accept that European regional aid will be phased out, albeit with transitional relief, because that is an inevitable consequence of the way in which the budget is evolving. There is a whole set of practical questions about how transitional relief is managed and how the Government's guarantee to honour regional payments will be met.

Ms Atherton: I am interested in the hon. Gentleman's argument, but does he think that his Cornish colleagues would agree?

Dr. Cable: All hon. Members who have spoken rightly advanced strong arguments for maintaining funding for their regions. The Government have guaranteed that that will be sustained under the new arrangements. Several of my hon. Friends say, as would my Cornish colleagues, that they want not only the quantity of money, but the quality of the programmes to be maintained. We have not yet received clear answers from the Government about how that will be maintained. I do not disagree with the hon. Lady or my Cornish colleagues on that matter.

[Dr. Cable]

There is a more fundamental question. The poorer areas and depressed regions of the European Union will have to cope without much help from European funding. Even if the European budget were expanded, the money would be a drop in the ocean compared with the economic needs of the depressed areas and poorer regions of Europe. They will have to adjust in other ways and that is why the overall economic framework must be right. There are two key elements to that.

Mr. Bolkestein, the Liberal Commissioner in Brussels, stressed the first element yesterday. It is the importance of the Lisbon approach, which essentially provides for a market mechanism to ensure a proper disciplined system for state aid, competition and the maintenance of the original principles of the Common Market.

Secondly, the poorer areas of Europe cannot be constrained in their application of tax policy. Taxation is not simply a British red line issue; it is about the future of Europe. The poorer countries in Europe must have the flexibility to vary their corporate tax rates. There is nothing wrong with tax competition, which is entirely healthy and should be embedded in the institutions of the European Union.

Mr. Hopkins: I agree with the hon. Gentleman but does he agree with me that it is right for those countries to retain their currencies so that they can secure appropriate parity and maintain competition in that way, too?

Dr. Cable: The hon. Gentleman knows that I perceive some merit in a common currency but he makes a clear point. Such a currency would increase the importance of the need for other forms of flexibility. That is essential not only for taxation but for regulation. Trying to impose uniform regulation can be damaging, especially in a monetary union. One of the most important elements in the treaty negotiation therefore relates to the terms of the protocol on subsidiarity. That should give maximum scope for national Governments to pursue independent approaches on regulation.

Mr. Prisk: Does that mean that the hon. Gentleman agrees with his Liberal Democrat Member of the European Parliament for the eastern region who has submitted to the Convention the proposal that the European Union should establish a system of its own revenue resources, which may include levying taxes and duties?

Dr. Cable: No, I do not agree with my colleague. I have disagreed with him publicly and privately on many occasions, not least on the issue that we are considering.

The hon. Gentleman has conveniently helped me on to my concluding point about whether there should be a European tax system. I believe that my colleague from the eastern region advocated that, but we do not. It is unnecessary because mechanisms for funding the European Union already exist. The third and fourth dimensions of own resources are perfectly adequate. The problem is the way in which the money is spent. It should be spent in a disciplined way and the terms of the motion capture the essence of what we all agree should happen.

5.58 pm

Ms Candy Atherton (Falmouth and Camborne) (Lab): I am pleased to participate in the debate. It will not surprise hon. Members that I want to talk about Cornwall.

Mr. Luff: A fine county.

Ms Atherton: A very fine county, but one with some difficulties. Its gross domestic product is 59 per cent. of the European Union average. Everyone would agree that that is unacceptable for this country.

I shall say a little about the history of how we obtained objective 1 funding. When I was first elected in 1997, not much had been done to tackle the economic problems of the county, which was in slow decline. We had high unemployment and low wages. We still have low wages but unemployment has fallen. People and the community wanted to tackle the problems and we came together in a campaign to try to secure separation from Devon.

Standing alone, separate from Devon, is popular in Cornwall. However, it was difficult to achieve because the Commission was dead opposed to it on the ground of statistics. In its view, one should not separate geographical areas because it is then impossible to follow long-term statistical analysis. We had a campaign and when I went to see our Prime Minister, he instructed our civil servants to make our case with the Commission. When, just a handful of weeks later, an agreement was reached that, statistically, we would be separated from Devon, we immediately stood out as a shining example of a community that needed objective 1 status and we started to receive the funding from 2000. That involved more than £300 million, plus public and private match funding.

Mr. Luff: The hon. Lady has already acknowledged my recognition of the fact that Cornwall is a fine county. However, if I heard her correctly just now, she seemed to be calling for the separation of Cornwall from Devon. How does that fit with the Government's plans for regional government for the south-west?

Ms Atherton: The hon. Gentleman misunderstands me. For Cornwall to qualify for objective 1 status, we had to be considered statistically on our gross domestic product. Devon's relative prosperity pulled us up above the 75 per cent. level of GDP, which meant that we did not qualify. Thanks to the Government, once the argument that I have described had been put to the Commission, we were able to stand alone and our relatively low GDP enabled us to obtain the objective 1 funding. As I have said, that involved about £300 million of European structural funds, plus match funding from the private and public sectors, including the Government. So the Government are putting money in through the European Commission as well as through match funding. Certain hon. Members on the Liberal Democrat Benches were convinced that that match funding would never materialise, but I am glad to say

that it has, and I am very grateful for it. We now have a number of projects in place, which I shall talk about later.

The funding has also opened the door to other pots of money. It was as though a curtain had fallen away from the eyes of civil servants and politicians in Whitehall, and a number of other programmes suddenly came together. The pots of money filled up to provide a sizeable amount with which to tackle our problems. One area in which we have used this money has been the combined universities in Cornwall. Anyone who knows the county will know that our young people fly across the Tamar bridge, possibly never to be seen again until they retire. However, we need their ideas and their capacity to create new companies.

We had a fantasy about having a university in the county, prior to obtaining the objective 1 funding. Our fantasy involved a university simply landing near Penzance just like the Tardis. However, the fantasy was not funded, which meant that it had a serious problem. But, because we had our stand-alone pot of objective 1 money, Falmouth college of arts and other higher education providers in the county came together with me to develop the concept. A new campus was purchased and the first students will arrive at combined universities in Cornwall this September.

To deliver an idea—a dream—by planning, through the Commission and the British Government, and to have the first students arriving on time, to the day, is a tremendous achievement and I pay tribute to everyone who has taken part in the project. That all took place during the run up to the 2001 general election, when money was getting tight and Ministers were moving around. However, the appropriate Ministers were brought together and they put their hands in their pockets to get the match funding on to the table. They made this happen, and I have a real fear that that would not have been the case if those Ministers had not been brought together in that way. The graduates of the university will create new companies, which will create new jobs. They will be higher-level jobs than we have had in the past, which has to be good for the county.

We are also leading the way on broadband. Being at the periphery of the country means that infrastructure and communications are our most difficult problems. However, once someone has broadband, they are at the centre of the universe. Cornwall now leads the United Kingdom with broadband. By this time next year, any small or medium-sized enterprise in Cornwall that wants access to the internet, either by means of broadband or wireless, will have the opportunity to get it. That will be a huge step forward for any business working in the county.

That is why I have been so supportive of structural funds and I could go on to talk about the many other ways in which they have helped us. That pot of stand-alone money has enabled us to be creative, to think outside the box and to approach the Government for the appropriate match funding. I must be honest with Ministers: I am sympathetic to the case, and, clearly, I understand the economics in relation to why we want to renationalise, which is a nicer term than "repatriate", the structural funds money back to the United Kingdom. But I am concerned that we need to be able to think outside the box—not to come up with central programmes that other parts of the country are following but innovative, new ideas that we want to work in Cornwall.

I ask Ministers to think creatively over the next few months. I will be supportive of their plans to, so to speak, get our money back. I accept that the Government have made a commitment to Cornwall way beyond any commitment that any previous Government have made to the county, but I am concerned that there will be a lapse in the couple of years after 2006, because we cannot plan now for what will happen in those two years. We cannot make planning applications in case things are not quite in place. I ask Ministers to consider how we can move forward quickly and efficiently to deliver for the county of Cornwall.

Once again, I am grateful to Ministers for their commitment to Cornwall. Our GDP and our need stand out, and I hope that Ministers will continue to work with us to improve the economic prospects of the whole county of Cornwall.

6.6 pm

Mr. Peter Luff (Mid-Worcestershire) (Con): I am slightly surprised by the relatively sparse attendance in the House this afternoon, particularly after the interesting results of the European elections which were declared at the weekend. Perhaps it is a similar situation to that scene in "Fawlty Towers" in which Basil Fawlty says, "Don't mention the war." Perhaps that is what we are trying not to do this afternoon.

This is a debate of huge importance, the significance of which I simply had not realised until I made the mistake of starting to read the documents available for the debate. In that context, I am grateful to you, Mr. Deputy Speaker, for your assistance in obtaining the omission from one of the key documents—that valuable piece of paper is now in my hands.

Having said that, to my absolute amazement, I must agree with every word of the Government motion—*[Interruption.]* It is not easy, but I am afraid that I must. I associate myself particularly with the following:

"the Government's efforts to refocus allocations within a budget of 1 per cent. of EU Gross National Income . . . and that the future European Union Budget should be reprioritised and refocused in line with the principles of subsidiarity and spending that adds value at the European Union level."

Of course, I am freed from the obligation to speak about regional and cohesion policy, not because it is not important in British terms, as it is for counties such as Cornwall—my father-in-law comes from Cornwall, hence my love affair with the county. It is also important for the whole future of the enlargement project, which is supported on both sides of the House. The enlargement project is tremendously important, and it is tremendous news that the former Soviet countries are now part of the enlarged, democratic European Union, which we want to make a success, as we do future enlargements, as the process has not ended yet.

My part of the world, however, including the constituency of my neighbour, the Minister for Industry and the Regions, the right hon. Member for Redditch (Jacqui Smith), who will wind up the debate, does not benefit from regional policy funding, although we have pockets of poverty, as she and I would admit.

Mr. David Stewart: Does the hon. Gentleman share my view that it is not just important to help the poorest people in Europe but that there are great export opportunities for the UK to the 10 accession countries? It is a win-win: we help the poorest countries, but we also help UK enterprise.

Mr. Luff: That is absolutely true. I agree entirely with that comment. The spirit of consensus rules yet again. Many concerns have been expressed about outsourcing of service sector jobs to India, for example, but we enjoy a trade surplus with that country at present, because of economic success and dynamism and our success—which has not always been the case—in selling to that country.

The House owes a debt to the European Scrutiny Committee for its report—

Mr. Richard Bacon (South Norfolk) (Con): Hear, hear.

Mr. Luff: I guess that my hon. Friend is a member of that Committee. I had forgotten. I repeat that we owe a debt, particularly to him. It is a useful report, particularly the second paragraph of the summary, which says it all:

"The new Financial Perspective will determine the overall revenue and expenditure of the EU and the expenditure on each category of EU activity for the seven years from 2007 to 2013."

One of the most important jobs that the House does is agreeing expenditure, so this debate about the future development of the EU is one of the most important debates that we could have.

The report says:

"It will also largely determine the net contribution to the EU of each Member State, and the future of the UK's budget rebate."

I do not intend to say anything about the rebate, except that I was delighted to hear the marvellous achievement of my right hon. and noble Friend Lady Thatcher so widely acknowledged throughout the House. I am sure she would be very pleased to hear Liberal Democrats and Labour Members praising her for that historic achievement. I am also delighted to hear of the Government's robust intention to defend the rebate in the face of the rather worrying proposals in the Commission's document.

According to the European Scrutiny Committee's report,

"As well as determining the shape of the EU's finances it"

—the new financial perspective—

"will set the Commission's policy agenda."

Two thirds of the document on which I want to concentrate, "Building our common Future", consists of a manifesto for the development of the European Union, while the remaining third is a bid for funding and management of that funding. We are therefore engaging in a debate of huge significance. The Committee concluded that the decision on the financial perspective was

"therefore one of the most crucial forthcoming EU decisions",

and I entirely agree.

If we look at the missing page that you obtained for us through your good offices, Mr. Deputy Speaker, we see that the Commission plans about a threefold increase in spending on

"Competitiveness for Growth and employment",

a tiny reduction in spending on agriculture, and almost a threefold increase in spending on

"Citizenship, freedom, security and justice".

It plans to spend half as much again on the EU as a global partner, and there is a planned increase of a third in administrative costs. I can imagine how both the Chancellor and the shadow Chancellor would feel about a proposal from any UK Department to increase its expenditure by a third over the next seven years. Overall, this is a total increase of 31 per cent. in real terms EU spending.

Tucked away in the document, and highlighted by the Committee's report, is possibly the most horrifying recommendation of all—a recommendation for a Euro-tax, to be levied by the EU on individual citizens of individual member states. It would be

"a relatively major and visible tax resource payable by EU citizens and/or economic operators"

—whatever they are; it is a lovely phrase. That could partly replace GNI contributions. Three routes are proposed for the securing of tax revenue: a tax on corporate income, a "genuine VAT resource"—in other words, a sales tax imposed at European level—or an energy tax. It is all right, we are assured, because

"In each case, the tax burden for citizens need not increase as the EU tax rate need not increase as the EU tax rate could be offset by an equivalent decrease in the rate accruing to the national budget in the same tax, or of the rates of other taxes."

That means the EU becoming more and more like a state, a country in its own right, with its own flag, president and constitution and tax-raising powers. That is huge. I am delighted to hear that the Government are resisting what is, for me, a sticking point, but it is extraordinary that the idea has even surfaced in the document.

I made the mistake of reading the document. I think that every Member should be compelled to read it, because it would horrify most of them. The introduction gives us three hints about why the Commission is driving in this direction. I love this:

"To give Europe a Constitution is a powerful and symbolic act, but it is as yet unrealised. The European Union must continue down the path of integration, and avoid the trap of unwieldy inter-governmentalism."

Unwieldy inter-governmentalism! That is the view of co-operation between nation states: it is unwieldy and out of date, and we must have integration.

According to the second principle, Europe has not been doing terribly well economically compared with the United States. That, of course, is true. There is a paragraph on growth rates, and how much better the US has done than the EU-15. The Commission's solution is not the solution it should be proposing—deregulation. It says:

"Robust, coordinated and coherent action is needed to reverse this trend."

We know what that means. It means more expenditure on intervention by the European Commission.

The third thing in the document that takes my breath away is the idea that the Union's

"value added lies in transnational and Europe-wide action. Here, national authorities are ill-equipped to take into account the full benefits or costs of their actions. Effectiveness requires large critical masses beyond the reach of national governments alone, or in networking efforts made at national level."

In other words, we always know better than the member states.

The document is quite extraordinary at every level. It includes this charming little comment:

"It is a question of political direction, to be made on the basis of a clear vision of what we want to do. These choices will determine whether the European Union and its Member States are able to achieve in practice what European people expect."

I wonder whether the European Commission really knows what European people actually expect of it.

Mr. Hopkins: I strongly support what the hon. Gentleman is saying. I suggest that the idea that the European Union knows best is certainly not true of its international aid, which is inefficient and misdirected, whereas the international aid given by our Government is much more efficient and better directed.

Mr. Luff: Consensus is again the order of the day. I can only agree robustly with what the hon. Gentleman says. He is absolutely right, and that point gives the lie to the old argument that spending more is always automatically good. If we just repatriated our money that is spent by the European Union on humanitarian aid, and spent it ourselves, the poor of the developing world would be so much better off. I entirely agree with what the hon. Gentleman says, which enables me to remove a whole section of my speech. I am grateful to him for that, because I am already beginning to talk for too long.

Mr. David: To extend still further the consensus in the Chamber, may I commend the hon. Gentleman on his trenchant analysis of the European Commission? May I therefore take it that he will be supporting the draft European constitution, because one of its key elements is giving nation states more power over the Commission?

Mr. Luff: I think that you might get a little impatient, Mr. Deputy Speaker, if I started to speak on the European constitution. I would be the first to acknowledge that there are some good things in the European constitution, but I still think that we do not need it and that there are good things about other routes.

The document comments on other things that we need. It says:

"European citizenship must serve to guarantee concrete rights and duties, in particular, freedom, justice and security, and ensure access to basic public services at European level. The benefits of membership for citizens now extend beyond market freedoms, and these issues must be prioritised."

In other words, the European Commission has to start to get its hands on the delivery of health, education and all the other fields that we thought were the preserve of national Governments.

There is also a plea for Europe to be a

"strong global player. No one can question the importance of the role that Europe has to play in the world, starting from its responsibility vis-à-vis its neighbours . . . Be it development assistance"—

which the hon. Member for Luton, North (Mr. Hopkins) was just talking about—

"trade policy, foreign and security policy or external aspects of other policies, the expectations for Europe are growing."

Well, the European Commission might not hold that view quite so clearly if it studied the results of the European Parliament elections from all across Europe. This document is based on an extraordinarily outdated concept of what Europe is all about.

I could spend hours dissecting the document, because it is extraordinary. I shall have to be selective, but I shall not miss out the section on the three priorities for the next financial perspectives. This point, one of the most important in the whole document, is tucked away. The section begins:

"The Internal Market must be completed".

That is absolutely right—there is no higher priority for the European Union than that, and we have not achieved it yet. Although it is years since we thought that we had achieved it, we still have not. The great thing about achieving the internal market is that it would hardly cost a penny. It would not require any increased expenditure. It is the single most important thing that we could do to make the European Union more effective for its members, and it would not cost a penny. There would be no need to increase expenditure from 1.24 per cent. of GNI—no need at all. We would not have to spend any money. The document then goes on about European citizenship and being a global partner as the other two priorities. I just disagree with that, and I think that my constituents, too, would disagree pretty strongly.

I turn to the question of improving the quality of education and training in the Union. Here it is in black and white:

"In view of these declining indicators"—

that is, the performance of education systems throughout Europe—

"there is an urgent need to speed up the pace of reform and modernisation of Europe's education and training systems."

That is a bid by the European Commission to get into spending directly on education.

We then come to

"A social policy agenda: Helping European society to anticipate and manage change".

I shall need your guidance, Mr. Deputy Speaker, on a word that I am going to use to describe the following paragraph:

"The Union needs to adapt, trigger and absorb change. By dynamically addressing challenges related to rapid change in international competitive conditions, the Social Policy Agenda is the Union's roadmap for policy and action in the employment and social sphere, as part of the overall Lisbon Strategy. Through the combination of legislation, the open method of coordination and social dialogue, and EU budget support, the agenda is instrumental in modernising the European social model."

I think that there is a technical term for that, and I doubt whether it is parliamentary: it is bullshit. Such comments are extraordinary and this document is full of them.

[Mr. Luff]

Here is another such comment:

"The EU level is also the most appropriate place to successfully promote social dialogue, as foreseen by the Treaty."

I disagree, whatever "social dialogue" is. That said, I can guess what it means and I do not like it one little bit. Indeed, here is what I thought it meant:

"The EU level is also the most appropriate place to successfully enhance"—

another split infinitive, but never mind—

"the quality of industrial relations and promote social dialogue as foreseen by the Treaty."

Aha! They are getting their hands on something else.

Fascinatingly, about a third of the budget—the common agricultural policy—merits only a page of this document. Of course, there is no mention at all of the really malign impact of that policy: the trade-distorting subsidies that do so much harm to the developing world.

I love this one:

"Freedom, Security and Justice are core values which constitute key components of the European model of society."

Motherhood and apple pie in spades, but here is an interesting comment:

"Through the integration of the Charter of Fundamental Rights into the Constitutional Treaty the Union will have a legal obligation to ensure that fundamental rights are not just respected, but actively promoted as well."

Is that a consequence of the document, which was compared to a children's comic by one Minister? We are invited to believe that the charter is now a major driver for increased expenditure by the European Union.

Mr. David Stewart: The hon. Gentleman has adopted a rather sarcastic tone in respect of some issues, but does he not agree that funding a European social fund, for example, does much to promote equal opportunities within the UK? Is that not a positive thing?

Mr. Luff: There are some good things that the European Union can do better than member states, and it should concentrate on those. It should not be making this extraordinary bid for a wide-ranging increase in its competences and spending programmes.

The hon. Member for Inverness, East, Nairn and Lochaber (Mr. Stewart) said that I was being sarcastic, but I shall really lay on the sarcasm with this one. Another goal is to

"Increase the rate of European films distributed outside their country of origin from the current 11 per cent. of the market to 20 per cent. in 2013, double the number of cinemas programming European films by 2010 and training 35,000 audiovisual professionals by 2013".

Are they going to double the audiences going to see European films? I doubt that very much. In fact, I would rather that they doubled the number of cinemas showing Bollywood films, because that is the market currently growing in the UK.

This is one of the most extraordinary and alarming documents that I have ever read. I was going to quote from the section on European aid, but I shall not do so in view of the comments of the hon. Member for Luton, North. The prediction of what will happen if the EU keeps at 1 per cent. of gross national income I regard as both ludicrous and sometimes beneficial. For example, one of the first things that the document states is that efforts in terms of external aid will be reduced. Excellent. If that is the cost of keeping to 1 per cent., the poor of the world will be able to cheer, as we deny the European Commission the extraordinary ambition that it demonstrates in this very frightening document.

6.23 pm

Mr. Kelvin Hopkins (Luton, North) (Lab): It is a great pleasure to participate in this debate, which is almost a love-in involving Members of all three main parties. Although I do not want to upset Members too much, I want to go slightly further than those who hinted at certain things but perhaps dared not say them. To a lesser extent, this debate has taken place in European Standing Committee B, of which I am a member, over the past seven years, so I have spoken on such matters a few times before. I therefore apologise if I repeat comments that others have already heard.

The Government talk about rigorously reassessing the EU budgetary arrangements and I entirely agree. Indeed, rigorous assessment is perhaps an understatement, in that fundamental reform would be more appropriate. I have always supported enlargement because I believed that it would promote and provoke a proper reassessment of what the European Union is about and should be about, and that it would make for sensible reforms. That is indeed what is happening now.

In my view, the budget has always been deeply flawed, primarily because of the common agricultural policy and its effects. The CAP has a perverse effect on fiscal transfers between member states, with richer nations benefiting and poorer nations being net contributors. Denmark, for example, which is one of the richest countries, has been a big net beneficiary of the CAP. That was really unnecessary. Ireland, at one time a less prosperous nation—now much more prosperous, I am glad to say—has sometimes benefitted to the tune of 5 per cent. of its gross domestic product because of fiscal transfers from the EU. That is the equivalent of more than £50 billion in Britain. Imagine the EU giving us a net £50 billion every year—it would certainly make our economy fly along. I am pleased that Ireland has benefited. The CAP and related budget arrangements are perverse, and it is time we had some fundamental reform. I think that that really means the abolition of the CAP.

There seems to be a consensus that we should repatriate or renationalise structural or regional funding to the member states. I agree, but in doing so, no region in Britain should lose out in any way. Every penny should be replaced by national funding. Replacing European funding with national funding, however, amounts to a net increase in Government spending and the only way of overcoming that would be to get rid of the perverse effects of the CAP, as I mentioned. If, in future, there are to be transfers between member states through EU arrangements, they should be based on the relative prosperity of the different nations so that richer nations contribute and the poorer nations receive net gains. That could be done on the simple basis of prosperity by standard amounts being paid in and paid out accordingly in a planned and calculated way.

That will not happen if we have the CAP, which I understand is to be gradually introduced for the new member states. I believe that the CAP should be

abolished and repatriated, as I said, and that we should look again into how we subsidise agriculture—if we subsidise it at all. I think that there is a case for some selective subsidies, but they should be chosen at member state level. I am sure that we would want Welsh hill farmers, for example, to be protected. *[Interruption.]* I see that the hon. Member for East Carmarthen and Dinefwr (Adam Price) agrees with that. Livestock farming is very beneficial for the environment, even in prosperous rural areas, but I do not believe that big subsidies should be made for agribusiness producers of wheat and sugar beet. We need to think very carefully before we subsidise those producers. I believe that we should reduce their level of subsidy, but it should be done at the national level.

In dealing with trade in agricultural products, we should resort more to negotiation with fellow member states and, indeed, across the world through the World Trade Organisation. Again, that can be done only if we abolish the CAP, which is outdated and was always a mistake. I was writing papers about how wrong the CAP was 30 years ago, and everything that has happened since has confirmed my view. We are now reaching a point where the whole world agrees that the CAP is nonsense and should be got rid of.

I was going to mention the EU aid budget, but I intervened on that point earlier. If we abolish the CAP, repatriate structural and regional spending, and repatriate the aid budget, what is left? Not very much, I would suggest. If that happens, the whole EU would become a very different animal. If we want an EU that is going to work and be agreeable and acceptable to all, it should be based on international social justice. That is what I suggested earlier in my speech, when I said that the budget should be geared more towards helping the poorer nations by the relatively greater contributions of the richer nations.

That would be a beneficial result of enlargement. It would bring Europe together and help the poorer nations to reach our living standards. Internally, of course, every nation would have its own regional policy spending and budgets in accordance with its own needs and political decisions. I entirely agree with hon. Members who have spoken about areas in receipt of some sort of regional aid that our Government should compensate them for every penny—indeed, every euro—that they might lose from the reform of the European budget.

I have not said very much, because other hon. Members have already said what needs saying. However, I am very pleased that the Government are challenging what the Commission says, which is profoundly wrong. If the Government follow the suggestions made by me and other hon. Members we will have a much more sensible Europe, and one that is much more popular with all its citizens.

6.30 pm

Adam Price (East Carmarthen and Dinefwr) (PC): It is always a pleasure to follow the hon. Member for Luton, North (Mr. Hopkins), whom I thank once again for his support for beleaguered Welsh hill farmers.

I shall concentrate on the third cohesion report and on regional policy. At a time when trust and confidence in politics and the EU is collapsing, I want to say some good things about the Government—and about the European Commission, which has been castigated and caricatured by hon. Members of both left and right this afternoon.

I shall begin with some positive remarks about the Government. As the hon. Member for Twickenham (Dr. Cable) said, the debate is in part about the Government's domestic regional policy, which it is fair to say has acquired a higher profile over the past few years. For the first time, the Government are genuinely trying to address the regional economic disparities in the UK.

The Government are asking some of the right questions, although I do not know whether they have yet come up with the right answers. They have set themselves the ambitious goal of closing the GDP growth gap between the regions and nations of the UK. The policy levers do not exist at present to enable them to achieve that goal, but an interesting debate is going on in the Government. There is different mood music in the respective Departments of the Paymaster General and the Minister for Industry and the Regions. The divide may not be as great as that between the US State Department and the Pentagon over Iraq but, from afar, the slight divergence of emphasis and opinion is interesting to watch.

I do not want to suggest that either the Treasury or the Department of Trade and Industry are anything other than new Labour. However, the Treasury is possibly more neo-Keynesian in respect of regional policy, whereas the DTI is more neo-liberal or old-fashioned Thatcherite. The Treasury can therefore talk about an active industrial policy—I think that the Paymaster General used those words earlier—yet the Secretary of State for Trade and Industry has been trying to bury industrial policy over the past few years.

That is a slight digression, but it is relevant to the Government's proposals for repatriating regional economic policy. We look forward to seeing more detail on the Government's proposals for state aid. In the past, the Government have tried to roll back the state—at least in terms of state aid—across Europe, but now it is part of the package that the Government see a new role for state aid in their revived and rejuvenated regional policy.

European regional policy is one of the few European policies for which there is some hard evidence that it works. The third cohesion report presents the relevant data, which show that there is convergence among the original 15 EU member states. For example, between 1994 and 2001, the average annual GDP growth in those countries' objective 1 regions was 3 per cent., compared with an average of 2.5 per cent. across the EU. That is a strong performance over an eight-year period, and it suggests that European regional economic policy has worked.

However, the addendum that I want to add is that the policy has not worked so well that, all of a sudden, we need to get rid of it. The policy has worked especially well in the cohesion countries. As the hon. Member for Caerphilly (Mr. David) knows, those countries have access not only to the structural fund but to the cohesion fund as well. That fund is available only to member states that come below 90 per cent. of the EU average. There is an argument, to which I subscribe, that a

[Adam Price]

significant volume of funds has been transferred—along the lines suggested by the hon. Member for Luton, North—in an active policy of spatial redistribution across the EU, which has delivered an average annual GDP growth of 9 per cent. in the cohesion countries, especially Ireland, in the period to which I refer. European regional policy has been a success, and we have heard examples from Cornwall and elsewhere of successes in the UK. That is a justification for the level of increase in the budget for the structural funds—although I will not be drawn into saying that about the other funds. The data show that the policy works and that we should expand the budget, not only for the enlargement countries, but for those parts of western Europe that still have significant regional economic problems.

The Government have acknowledged the problems in the UK; the question now is which is the best mechanism to address them. Should we revert to a domestic regional policy or maintain the structural funds system for the UK regions? The European Scrutiny Committee rightly asked how we could measure the differential impact between the Government's proposals and the Commission's proposal. The Government have said that it is impossible to give accurate figures because of the imponderables that remain to be determined. I can make out the outlines of the Government's logic; the problem is that the proposals—from both the Commission and the Government—have been expressed in terms of a proportion of the existing levels of funds. In that case, it is possible to compare because we know the existing level of funding in those regions and the Government and the Commission propose different proportions for the transitional arrangements.

The Commission has produced a new category—the statistical effect category—to compensate regions in the UK for the effects of enlargement. If a region would have qualified for objective 1 funding after 2006 had enlargement not happened, it will be in that category. It will include west Wales and the valleys, where GDP per capita has fallen, relative to the original EU 15, since the determination of the last budget. Those regions have not improved economically, only relatively as a result of enlargement. The Commission proposes that those regions should have a cushion of up to 85 per cent. of the funding that they currently receive.

Mr. David Stewart: Is it the position of the hon. Gentleman's party that the UK should pay more than 1 per cent. of gross national income? Does he appreciate that, as a net contributor, we are paying twice?

Adam Price: I support the Commission's proposal to increase the level of funding for regional policy, but I cannot remember the exact figures. The hon. Gentleman is right, because the proposal is contingent on the Commission's proposals as a whole in the financial perspective. I support the case made by Commissioner Barnier to increase the regional budget, and that is clearly contingent on increases in the budget as a whole.

I want to find out about the impact of the different proposals. The Commission said that there would be transitional funding of up to 85 per cent., but the Government said that it would be 50 per cent., based on the current arrangements agreed at the Berlin summit in 1999. We know from the comments of the hon. Member for Caerphilly what the current EU funding is for west Wales and the valleys—£1.3 billion over the programme period—so, in a rough calculation, the Commission's proposals would give us, after 2007, a bit less than £1 billion while the Government's proposals would give us £650 million. That is a major difference. We would be losing out to the tune of about £350 million or £400 million.

Mr. David: I hear the argument that the hon. Gentleman is making, but what the European Commission is saying is hypothetical, because there is no budget.

Adam Price: I do not understand the logic of the hon. Gentleman's argument. Whatever the budget figures, the Commission is saying that its guarantee will be equal to 85 per cent. of transitional funding, whereas the Government's guarantee is 50 per cent. There is a simple solution: why do not the Government tell us that they will guarantee a transitional funding cushion of 85 per cent. because they believe that objective 1 regions need that level of funding? As those regions have seen no improvement in their economic position relative to the EU 15 and are losing out due to enlargement, why do not the Government tell us that 85 per cent. is a reasonable level of transitional support? There is no reason for their not making that commitment under their proposals.

How would the Government channel the funds, especially in relation to Wales, Scotland and Northern Ireland? Another dimension that the hon. Member for Caerphilly has been assiduous in raising is how the proposals relate to the Barnett formula. As some hon. Members will be aware, the match funding component in Wales was, in the jargon, Barnett-plus: it was additional to the moneys provided through the Welsh block, generated through the Barnett formula. It was over and above the moneys automatically given to Wales through increases in the comparable budgets in England.

If one factors into the equation the Barnett-plus element, the Government's proposals are even worse for Wales. The response that the Secretary of State for Trade and Industry gave the hon. Member for Caerphilly in Committee was clear: deviation from the Barnett formula would not be continued under the Government's proposals. That could mean an additional loss of about £200 million to Wales.

Mr. David: I thank the hon. Gentleman for giving way again. He was referring to the minutes of the Select Committee, but he should also acknowledge that, in response to my point, the Secretary of State said that it was not really her portfolio.

Adam Price: Perhaps I should be generous to the Secretary of State as she is not in the Chamber. We can forgive her for not being an expert in the arcane workings of the Barnett formula, but the issue is fundamental so I urge her to get souped up fairly quickly. There are several problems about using the Barnett formula in this context, one of which is a matter of principle. If one uses the Barnett formula to decide

levels of regional development funding, there is no mechanism for varying the level between the nations of the UK based on their economic performance.

The Barnett formula is an automatic mechanism that responds purely and simply to increases in relevant budgets in England. For example, if the Welsh economic position were to deteriorate further, there would be no ready mechanism—certainly, the Barnett formula would not provide one—to reflect that fact in additional funding for Wales, whereas European regional aid responds to clearly understood, published, hard-and-fast criteria. That is a problem, as is the fact that no mechanism would be provided directly for Barnett-plus additional funding, so I urge the Secretary of State for Trade and Industry to consider that issue.

Ms Atherton: Can the hon. Gentleman explain why the people of Cornwall should contribute to the Welsh Barnett formula when the GDP of Wales is higher than Cornwall's?

Adam Price: I entirely sympathise with the hon. Lady: I want to scrap the Barnett formula. It should have been scrapped 20 years ago; it should have lasted for only a year. It does not deliver to my nation, to her nation or to many of England's regions. It should be scrapped and replaced by a needs-based formula, irrespective of the Government's final proposals on regional economic policy.

Finally, I return to the guarantee. The hon. Member for Caerphilly also pressed the Secretary of State for Trade and Industry on how she could bind a future Conservative Government. I am sorry that the hon. Member for Hertford and Stortford (Mr. Prisk) did not feel minded to give way to me, because I would have asked him whether he would agree to sign up to the Government's seven-year guarantee. That is a serious issue. Under European regional aid, when the criteria and eligibility rules are determined, we know that we have security of funding for seven years. We do not have that same sense of security under domestic policy. There is always the possibility that the Government will change to a party that has never supported regional policy.

The hon. Member for Caerphilly said that he trusted the British Government more to know the local economic needs of our communities. He may trust this British Government, but would he trust a Conservative British Government? We know from our bitter experience—do we not?—that in the 1990s, when the Conservative party was dismantling the tools of domestic regional economic policy, there was only one game in town for many of our communities: European regional aid, and we were thankful for it. If it had not been for that aid, the devastation wrought by the Conservative Government under Mrs. Thatcher would have been even worse. What future security would we have if we renationalised domestic regional policy and a right-wing Conservative Government were returned at some point in the future? That is an honest question, and Labour Members need to address it—perhaps the Minister will do so in her closing remarks.

Mr. David: I thank the hon. Gentleman for giving way, as he has referred to me several times. I said that I trust this Government, and I did not trust the last Government, but I confirm to some extent the point that he makes about the long-term commitment. I hope that the Government are able to negotiate a long-term commitment to their policies, so that we can match the long-term perspective that the Commission is presenting.

Adam Price: That gives rise to the question, "How can we frame that long-term commitment?" No Government can bind a future Government in terms of economic policy or anything else, because of the sovereignty of this place. I have more faith in a European Union that has demonstrated social solidarity across the EU in the past. I believe that it should be helped to continue to demonstrate that policy of solidarity in the future.

6.50 pm

The Minister for Industry and the Regions (Jacqui Smith): We have had an engaging and wide-ranging debate. As many Members have commented, a major bout of consensus has broken out, which I largely welcome given that it is a consensus around the Government's motion. For the avoidance of doubt, I clarify that we have accepted the Opposition amendment, and that does no more than strengthen the consensus.

Mr. Prisk: There was a hint of uncertainty, so I am very grateful to the Minister for confirming that the Government have accepted the official Opposition's amendment.

Jacqui Smith: I am glad that there is not only consensus but a common understanding.

I thank the Select Committee on European Scrutiny for its important report and for giving us the opportunity to debate the issue today. My neighbour, the hon. Member for Mid-Worcestershire (Mr. Luff), was right to declare it to be a significant and important debate for the future of the EU and for our approach to regional policy. The hon. Members for Twickenham (Dr. Cable) and for East Carmarthen and Dinefwr (Adam Price) and my hon. Friend the Member for Falmouth and Camborne (Ms Atherton) focused at least part of their contributions on the important and significant issue of regional policy. Having focused our criticisms on the EU's approach to regional policy, it is important to put on record the Government's extremely strong and passionate commitment to a strong regional policy. It is at the heart of our efforts to achieve high and stable levels of growth and employment, ensuring that economic prosperity reaches every part of the country and the nations of the UK.

For too long, too many nations and regions of the UK have been allowed to fall behind; for too long, there have been huge differences in prosperity within the regions; and for too long, too many people have been left out, with their talents and ability to contribute to the prosperity of the UK wasted. We have rejected the failed policies of the past and developed a new framework for regional development, so that every nation and region of the UK can perform to its full potential.

The determination to tackle regional disparities is reflected in our public service agreement target—a target shared by the Department of Trade and Industry,

[Jacqui Smith]

the Office of the Deputy Prime Minister and the Treasury—to reduce the persistent gap in growth rates between the English regions. To do that, we have significantly increased spending on regional policy across the UK, focusing resources on the drivers of productivity, such as skills, enterprise, infrastructure and the development of new technology, which were identified by my right hon. Friend the Paymaster General in her opening remarks.

We have gone further than that, because regional policy will be effective only if it genuinely responds to local needs. That is why we have devolved power to Scotland and Wales, ensuring that decisions are taken democratically and by elected representatives. That is why we are legislating so that the English regions can choose to elect their own regional assemblies, and why we have established regional development agencies to act as a catalyst for regional regeneration while strengthening the role of local authorities in encouraging regional growth. We can therefore now boast of a dynamic UK regional policy, with—and this is important in the context of concerns that hon. Members have expressed about their regions—three quarters of public spending on regional development coming from domestic sources. Only a quarter comes from structural funds.

EU regional policy remains important to us, which explains our determination to push for effective reform in the forthcoming negotiations. I shall return to several issues surrounding the reform in a minute. The context for the reform of EU regional policy is the overall reform that is needed to the EC budget as a whole. That is why, as my right hon. Friend the Paymaster General spelled out in her opening remarks, we are pushing for a reform of the budget that will deliver a fair deal for UK and EU tax payers, and I think that many hon. Members welcome that objective. One of our key priorities will be to keep within a limit of EC budget spending of 1 per cent. of EU gross national income.

We will also take opportunities to reform further the common agricultural policy within the spending limits agreed. The hon. Member for Twickenham asked for more detail about our approach on sugar. It builds on the significant progress that we have made as an advocate for the reform of the common agricultural policy, and we are determined to press on with that. On the expenditure side of the equation, the UK is pressing for a radical reform of the sugar regime to provide a market-based simplified approach that will be in line with our broader trade and development objectives. On the revenue side, the own resources decision lays down four sources of Community revenue, including sugar levies. Any change to sugar levies as a result of reform that was not offset by savings elsewhere would be offset by adjusting other sources to meet the Union's budgetary requirements.

We want to focus spending on a smaller number of EU initiatives with demonstrable added value, and hon. Members made good contributions to the discussion on that today. I strongly agreed with my hon. Friend the Member for Caerphilly (Mr. David), who used his not inconsiderable experience of Europe to highlight some of the areas in which proposals put forward by the Commission would probably not add value. He also highlighted areas in which more value might be added. Although the hon. Member for Mid-Worcestershire adopted a more sceptical approach towards Europe than usual, he also said that too many proposals fail to demonstrate clearly either the effective use of resources or added value through European spending.

Our final objective within the overall budget reform is to strengthen support for the external objectives of the EU and the UK while retaining the flexibility to cope with evolving needs and crises. The hon. Member for Hertford and Stortford (Mr. Prisk) talked about the Lisbon agenda and emphasised the need to continue with economic reform. Economic reform is one of the UK's priorities for Europe and, as other hon. Members pointed out, it does not always necessitate large amounts of spending. We want member states and the Community to make more progress on labour market reform, enterprise and innovation, and external trade openness. The prospects for progress are boosted by a run of presidencies held by countries that are in favour of reform: Ireland, the Netherlands, Luxembourg and ourselves. We will certainly work carefully with those countries during that run of presidencies. The mid-term review of the Lisbon agenda gives us the opportunity to ensure that we focus our efforts on delivering economic reform. As the hon. Member for Twickenham said, such reform is important so that we achieve our objective of economic growth, development and regeneration throughout the whole UK.

Mr. Prisk: The Paymaster General and, indeed, the Financial Secretary are on record as saying that the EU budget should ensure sound financial management and budget discipline. Given that for nine years the Commission's accounts have not been audited, and there is no statement of assurance, how will the Government achieve their policies? What specific plans do they have to apply pressure so that we can have a budget that we can trust?

Jacqui Smith: Measures to increase the effectiveness of EU spending and the quality of EU finances through better financial management and the tackling of fraud and waste have continued to improve since 2003. In particular, we welcome the Commission's proposal to link administration expenditure with operational expenditure, as that will create a better activity-based approach to expenditure, although costs must not increase at the expense of policy delivery. We therefore share the hon. Gentleman's objectives of ensuring that spending is effective and that financial measures are in place to make sure that that is the case.

Mr. Prisk: We would certainly want to continue the consensual approach that has characterised our debate by trying to ensure that the accounts matter. I fully accept that it is difficult to turn words into practical action, but without genuine leverage I am doubtful, as are many members of the public whom we represent, whether, after seven years of asking the Commission to change its approach, progress has been made. Why does

the Minister believe that her policies will make any difference this year, and does she believe that next year's budget will be audited?

Jacqui Smith: Progress has already been made in Commissioner Kinnock's proposals, which I outlined earlier. Of course, it is a difficult challenge, but a programme of reform is in place and we are beginning to see progress.

Mr. Luff: In her dialogue with other EU member states, how much support has the Minister noticed for the ambitious programme set out in the document that I discussed in my speech? On page 27 of "Building our common future", for example, the EU talks about an attempt to

"saddle the Union with a set of goals and then deny it the resources required".

Does the Minister believe that there is an attempt to saddle the EU with a set of goals, or is the Commission wishing those goals on itself?

Jacqui Smith: To answer the first part of the hon. Gentleman's question, there is considerable support, as represented by the letter to President Prodi from our Prime Minister and the Prime Ministers of France, Germany, Austria and the Netherlands—the majority of net contributors to the EU budget, who share the objective of achieving EU goals while focusing on a budgetary limit of 1 per cent of gross national income. We may not share all the reform objectives of those member states, but they are a strong group, determined to limit EU spending.

Mr. David Stewart: Does my right hon. Friend share my view that it is important that state aid rules are applied consistently across Europe?

Jacqui Smith: Yes, I do. Several hon. Members have touched on state aid, and we need consistent state aid rules across Europe because excessive state aid, as my right hon. Friend the Paymaster General pointed out, prevents us from having a level playing field and can distort competition. However, that must be linked to the flexibility needed to enable us to focus regional and other spending on initiatives that will drive up productivity in our regions. My hon. Friend the Member for Caerphilly (Mr. David) mentioned the struggle to get clearance for regional venture capital funding. What we need in the system is sufficient flexibility to be able to focus on such serious contributions to tackling market failure and addressing regional development needs. We also need a system that ensures a level playing field, for the good of our business and consumers across the whole of Europe.

On our EU regional policy objectives, I have set the budget context within which we are pressing for a radical reform of EU regional policy in order to focus the EU's finite resources on key priorities, while also providing nations and regions with the flexibility to deliver projects that genuinely reflect local needs. Many hon. Members press the case for their constituencies with me as a Minister, but there are few, if any, who are more able advocates of their constituency than my hon. Friend the Member for Falmouth and Camborne. She was right to emphasise the need for creativity in the way in which we think about the development of projects and spending.

If the Government's proposals for the reform of structural funds were implemented, we would want to build on the strengths of existing objective 1 programmes in aspects such as multi-annual programming, partnerships and sharing of best practice. We would also want to build on our current devolved and decentralised arrangements so that our nations and regions have the flexibility, as my hon. Friend suggested, to be creative and to deliver innovative projects that reflect local needs.

As is apparent from the debate today, we have serious concerns about some of the Commission's proposals. Its approach is dependent on an unaffordable expansion in the EU budget, promising money to everyone from a pot that does not exist. Not only are we promised jam tomorrow, but we are promised it from a jam pot that has not even been cast yet. That creates some of the difficulties underlying the questions posed by hon. Members about the comparisons between UK and EU proposals, some of which I shall deal with in a moment in relation to the guarantee.

The Commission's proposals fail to focus on the poorest member states or to ensure that EU funding adds value in comparison with national measures. Under the UK's proposals, member states would agree to high-level objectives for regional policy. We still believe there is a role for the European Council to set the objectives for regional policy. We are not saying that Europe does not have a role with respect to regional policy, but the limited financial resources should be focused on the poorest members, where EU funding is likely to have the greatest added value and, as my hon. Friend the Member for Inverness, East, Nairn and Lochaber (Mr. Stewart) pointed out, is also likely to have value for the UK by promoting economic development and getting to the core of what cohesion and structural funding should be about—that is, enabling us to develop growth in the poorest EU member states, where it is most needed.

The hon. Member for East Carmarthen and Dinefwr seemed to suggest that we did not support that approach. It is precisely in order to ensure such cohesion that we want to focus support on the poorest member states. The scatter approach proposed by the Commission in the third cohesion report leads to the position where, despite the economic discrepancies between the older and the newer member states, the resources are divided 50:50, with 50 per cent. of the resources continuing to go to the richer member states. In our reform we must ensure that resources are better focused.

None of our proposals would mean a reduction in our support for regional development. On the contrary, we have guaranteed that if our proposals were adopted, we would increase domestic regional spending in order to pursue our ambitious programmes for economic regeneration. We spelled out in the details of our guarantee how we could use that to avoid some of the cliff edges in support that my hon. Friend the Member for Falmouth and Camborne and others highlighted as a concern.

[Jacqui Smith]

The hon. Member for Hertford and Stortford asked what would happen to the guarantee if the reform proposals were not implemented in full. The Government would be able to offer their guarantee to the UK regions if their proposals for structural funds reform were implemented in full within a budget of 1 per cent. of EU gross national income. An expansion in the EU budget would increase UK contributions, bearing in mind that we spend €1.6 for every €1 that we get back. In those circumstances, we would have to assess the budgetary implications for the UK and the level of domestic regional funding that we would be able to provide.

Mr. Prisk: The Minister is trying to provide a degree of clarity. She said that total spending could be maintained if the UK's proposals were not fully accepted, but what is the spatial dimension? In other words, what does it mean in reality? Does she mean that objective 1 areas in, for example, the Camborne and Falmouth area—I say it that way around for personal reasons—will be maintained or that the overall pot will be maintained? All hon. Members would find it helpful if she clarified that.

Jacqui Smith: It will be important to consider the way in which we deliver those resources. This guarantee is unprecedented. It provides some certainty in relation to the cliff-edge issue and our continued commitment to regional policy. It also goes some way towards answering the hon. Member for East Carmarthen and Dinefwr, who asked what would happen in the event of a Conservative Government. The nature and methodology of the guarantee, as well as the fact that previous Governments have maintained guarantees from one to another, would make it pretty hard, even for a Conservative Government imposing the cuts proposed by the Conservative party, to go back on it. I am sure that having pushed me so hard today, the hon. Member for Hertford and Stortford would not dare to do so were he to find himself in a ministerial position.

Hon. Members questioned the negotiation process. It is fair to say that the UK has focused minds on the need for radical reform. Indeed, the Commission has already adopted key aspects of our approach. We welcome its proposals for the Council to set the strategic orientation of EU regional policy and its commitment to develop more flexible mechanisms for the delivery of projects—although, as my hon. Friend the Member for Caerphilly argued, we need to align regional policy with regional and national priorities and to get away from the stifling effects of Commission bureaucracy on structural funds projects.

We are at an early stage in the reform process, but we have a considerable amount of support for our proposals. We have strong support from the Netherlands, Sweden, Denmark, Germany, France and Austria, which agree on the need for a smaller structural and cohesion funds budget and a better focus on new member states. Furthermore, the new member states have joined us in questioning the generous funding that would go to richer member states—including Poland, Slovakia, Slovenia, Hungary and the Czech Republic—under the Commission's proposals. Although the negotiations have some way to go, there is a strong view, first, that the Commission's proposals do not deliver what is needed; and secondly, that the radical proposals put forward by the UK require further consideration. I assure hon. Members that we will not only take the tough approach that is required, but build on the support that we have received to ensure that we make the necessary progress.

This debate has enabled us to clarify the Government's objectives as we take forward negotiations on the future of Europe's budget and regional policy.

Unlike some others in the past week, we can appreciate and will argue for the benefits of our membership of the EU for our jobs, trade, prosperity and security. However, that will not be achieved by an unrealistic budget expansion when we rightly expect fiscal discipline in member states. It will be achieved by focusing EU spending where it can demonstrably make a difference and provide genuine solidarity and economic growth and by ensuring that the UK Government can further fund our commitment to strong economic growth and regeneration in the regions and countries of the UK.

We shall continue to argue for that reform package, confident that it is in the interests of the UK and the EU. I urge hon. Members to support the motion, as amended.

Amendment agreed to.

Main Question, as amended, agreed to.

Resolved,

That this House takes note of European Union documents No. 6232/04, Commission Communication: Building our common future: Policy challenges and Budgetary means of the Enlarged Union 2007-2013, and No. COM(04) 107, Commission Communication: "Third report on economic and social cohesion"; supports the Government's efforts to refocus allocations within a budget of 1 per cent. of EU Gross National Income in support of the European Union's goals, with structural funding focused on the poorest member states; and in particular, supports the Government's view that the Commission's overall proposals are unrealistic and unacceptable, that its structural funds proposals are inconsistent with the United Kingdom's objectives for reform, and that the future European Union Budget should be reprioritised and refocused in line with the principles of subsidiarity and spending that adds value at the European Union level and calls on the Government to set out its principles and plans for those objectives and how it will achieve them.

Child Support Agency

Motion made, and Question proposed, That this House do now adjourn.—*[Jim Fitzpatrick.]*

7.15 pm

Mr. Eric Joyce (Falkirk, West) (Lab): I am aware that we are holding the second debate on the subject today and that my hon. Friend the Under-Secretary has had the joy of dealing with a long Adjournment debate about it this afternoon. Sadly, I was unable to attend and I therefore apologise in advance if I cover some of the same points that were raised in the longer debate in Westminster Hall.

The Department for Work and Pensions employs around 1,500 workers at the Child Support Agency office at Callendar business park in the centre of my constituency. The office deals with all CSA cases in Scotland and the north of England. In addition, the Department employs another 300 or more workers in jobcentres and other offices across the Falkirk and Stirling areas. Some of the workers in Stirling, in the constituency of my hon. Friend the Under-Secretary of State for Scotland, the hon. Member for Stirling (Mrs. McGuire), also work for the CSA and serve my constituency as well as hers and other parts of central Scotland.

I would like to raise the subject of staffing levels at the CSA in Falkirk, about which there is considerable concern locally. The issue has been raised with the Under-Secretary by several trade unions, including by the general secretary of the Scottish Trades Union Congress. I hope that my hon. Friend can give some indication of what will happen in the near and middle-distance future.

Before I go into detail about figures, I want to say a few things about the importance of this strategic Department for Work and Pensions asset—the CSA—to my constituency and the surrounding areas, and, of course, to everyone in Scotland and the north of England who is affected by the CSA's work.

The role of the CSA is perhaps best laid out for members of the public in the helpful question and answer section on the CSA website. It explains the services provided by the CSA in an easily understandable format, describes some of the technical terms and, importantly, provides the public and potential clients with an understanding of the intent and underlying objectives of the agency. The website sets out how calculations are currently made, essentially applying three rates of 15 per cent., 20 per cent. and 25 per cent. of a net weekly income of more than £200 of the non-resident parent's income, depending on the number of children involved.

The website is helpful and clear and provides good case examples. In any one week, doubtless in common with all Members of Parliament, I receive several new contacts from clients of the CSA or people who are not clients but who seek advice on whether to approach the agency.

In my experience, clients of the CSA fall into three groups. First, there are those, mainly but not exclusively men, who are required to pay a given amount, calculated by the CSA, to their former partners to help with the upkeep of their children until the children are 18. Secondly, there are those, mainly but not exclusively women, who receive such payments. Constituents are often accompanied by new partners and perhaps new dependants. That illustrates the potential complexity of the chains created by people moving naturally into new relationships when earlier ones have come to an end. The relationships can be complex. Members of the first group have come to see me, bringing their new partners, and it has become clear to me that the new partners belong in the second group but were perhaps not aware of that. I have suggested that they approach the agency.

In general, people in the first group—mainly men and their new families—contact me because they feel that the level of payment that they are required to make is too high, that there have been historical errors in their case or that certain factors are not being properly taken into account by the CSA. Those in the second group contact me because they feel that they are not receiving enough money, that there is an historical debt, or that some factors are not properly being taken into account.

For about a year, a growing number of people have begun to form a third group. It comprises those in the first group who accept—albeit sometimes reluctantly—that they are paying the right amount under the old system, but believe, sometimes incorrectly, that they would be paying less under the new one. This group—which is technically a sub-group, I suppose—relates to the nub of the staffing issue that I want to raise tonight. I shall expand on that in a moment, but first I want to give the Minister the impression of the CSA that I have gained through my experience over the last two or three years. I say "two or three years" because I know that the situation was considerably more complex and difficult before I arrived in the House, and I understand from my more senior colleagues that things are much better now than they were heretofore.

It is patently clear to me that the staff at the CSA are highly professional, extremely courteous and fully aware that they are dealing with people at a very difficult time in their lives. They are also aware, however, that from time to time clients may be less than accurate in their dealings with them, and also that the well-being of the children who should be in receipt of funds in such cases sometimes depends on the tenacity of CSA staff.

As the Minister knows, virtually all clients of the CSA have most, if not all, of their contact with the agency by telephone. I have toured the facility, which resembles—indeed, in some ways, is—a large call centre. That is potentially a highly efficient model and my constituents report that, on the whole, the agency has slickly designed systems for dealing with people on matters of detail and fact. To be fair, they also report that, owing to what appears to be a high staff turnover—I have no details of how high it actually is—they sometimes have to go through the same loop on the telephone several times. That can be frustrating for constituents who feel that their lives are on hold until their cases have been sorted out. Perceptions are important in this regard. If people feel that they are not being treated sensitively at such a difficult time, they can become upset. That in turn is reflected back on the CSA workers, whose jobs can therefore be stressful, thus adding to what I understand anecdotally to be a modestly high staff turnover.

The caseworkers at the CSA are not highly paid, yet, as I have witnessed, they are most certainly committed and professional. Errors are sometimes made, of course,

[Mr. Eric Joyce]

and miscommunications can happen on that imperfect medium, the telephone. It can sometimes be difficult to clear up difficulties on the phone, and it is often when clients have reached the end of their tether that they come to me for assistance and advice.

The CSA has an excellent parliamentary unit that accepts and deals speedily with inquiries from MPs on behalf of their constituents. It is often useful to arrange a face-to-face meeting between a constituent and a senior caseworker in my office. I have found those face-to-face meetings a revelation, in that the officer who attends the meeting, knowing that they may be about to meet an unhappy client—or an unhappy client plus family—without fail arrives with an impressive command of the facts of the case and armed with an exemplary direct but diplomatic manner.

I am not sure why, but Ms Cath McLaughlin is more often than not the officer who attends those meetings and she has my gratitude, and that of many of my constituents. She is one of the most impressive public servants whom I have met in my constituency in my time as a Member of Parliament. I was chatting to my hon. Friend the Member for Linlithgow (Mr. Dalyell), whose constituency borders mine, just before this debate and he has precisely the same impression of the agency and its officers as I do.

I find that while constituents may not always walk away from the face-to-face meeting ecstatic, they virtually always leave with greater understanding, and more often than not, with the satisfaction of having had their concerns taken seriously and sympathetically, with a human face rather than a voice at the end of a telephone. I appreciate that in most cases the telephone system works, and that human contact is labour-intensive, but that personal service epitomises the human face of an organisation that provides an enormously valuable service to society at large.

I mentioned the third sub-group of CSA clients earlier. All essentially have the same complaint. The details at the website questions and answers section that I mentioned earlier pertain only to new claimants and those who have been in the system since the rules changed in April last year. Those who were in the system prior to that are still dealt with under the old rules, which are more opaque and complex, and more specific in many ways. The challenge of making things simpler is that they will be less specific for specific cases. The new system seems unquestionably a marked improvement, but as the Minister knows, the migration of old clients to the new system is behind schedule, owing to difficulties with putting the new system in place.

The complaint of the third group of people is that they know of others who are in exactly their circumstances but who pay a very different amount owing to having come into the system since changeover and therefore being considered under the new rules. Owing to the simplicity of the new rules, such people are often, in my view, likely to be correct, because the calculation can be done as a percentage of their income. I accept, of course, that there will be those who know that they would be paying more under the new rules and who are therefore less likely to seek my assistance. It is not ideal that two systems should be operating at the same time for far longer than Ministers anticipated originally. It is important to recognise, however, that that is essentially the fault of the contractor, as I understand it, and that a penalty element is now built into the contract, which will apply until the Department is satisfied that the situation has been properly rectified.

Crucially, it seems to me and many of my parliamentary colleagues that the assumptions made by staffing planners projecting likely efficiencies, which arise as a result of the computing system, may well not be valid. That is the nub of my speech tonight. Of course, organisations must make themselves as efficient as possible and have a duty to do so. In this case, however, possibly significant staff reductions are juxtaposed with what seems to be a systemic problem, which is of particular note.

At this point, it is important to mention the political and managerial assumptions and imperatives behind the new system at the CSA. Those are politically relevant and relevant to the contact that I have with trade unions and constituents. The Government's goal is to deliver world-class public services through sustained investment and outcome-focused reforms to ensure that taxpayers receive the value for money that they expect and to which they are entitled. That means that the Government are committed to placing public sector efficiency and effectiveness at the top of the agenda. The Government's 2004 Budget set a target of a 2.5 per cent. reduction in public administration costs each year over the three years of the 2004 spending review. That will be in conjunction with a 2.5 per cent. per annum increase in current spending and a public sector net investment rise of GDP to 2.25 per cent. by 2007-08 to address the historic under-investment in the UK's infrastructure while remaining consistent with the Treasury's sustainable investment rule.

The Treasury and the Government as a whole are committed to delivering high-quality public services and the Treasury website gives ready access to the public of a document with exactly that title, "Delivering high quality public services", which introduces the crucial Gershon report on efficiency in the public services. Paragraph 6.7 states:

"achieving greater efficiency in the public sector will enable the government to deliver high and continuously improving standards within the public service by releasing extra resources for front line services. This means moving resources, as a result of more efficient procurement and streamlined back-office functions"—

such as those at the CSA in Falkirk—

"away from administration and closer to public service customers. The greater scale of the efficiencies that can be achieved within the public sector, the lower the increase in total expenditure that is required to achieve further improvements in the performance of key public services. Efficiency gains, therefore, also enable the Government to fulfil its responsibility to deliver value for money to taxpayers."

Paragraph 6.8 states that efficiency in the public sector involves making the best use of the significant investment in information and communications technology, which is precisely what is being put in place at the CSA. It also involves work-force reform and the sharing of best practice agreed for the spending review period. Other investments designed to modernise and enhance the delivery will build on that. The pursuit of efficiency also includes reducing bureaucracy, which both cuts headquarters administration costs—including

those of organisations such as the CSA—and frees the time of front-line professionals so that they can respond better to the needs of their customers.

The Lyons review—a parallel process also aimed at achieving the best outcome for taxpayers and service users, and conducted for the Treasury by Sir Michael Lyons—is intended to enable Departments to lower costs and provide a benefit to regional economies by moving significant elements of large Departments located in London. As a central Scotland Member, I would naturally like my constituency to benefit from such movement. Who knows whether it will, but I suggest that the various large Departments consider relocating to Scotland.

The general Lyons principles seem to have considerable merit. Moreover, as a Labour MP, I am committed to the importance of bringing about ever-higher standards of social justice through continuous improvement of our vital public services.

The local branch chair of the Public and Commercial Services Union has given me some figures, in good faith, to which I should like the Minister to respond. They may well be accurate; who knows? I am sure that in any case the Minister has access to absolutely accurate figures. I am informed that the Department aims to reduce the local work force of 1,500 by around 30 per cent. over the coming three years. Naturally, local workers and the PCS fear that that will be done before the new system is fully embedded and cause greater stress among the workers who are left. It has also been suggested to me that the CSA centre in Falkirk could close altogether. It is said that the building has structural problems and may not stand up to the alterations required for modernisation. I would be grateful if the Minister could clarify the situation.

In summary, let me ask the Minister three questions. First, can he assure me that there will be no precipitate reduction in the work force at the CSA in Falkirk, certainly until the new system has been embedded in the CSA? Secondly, can he give me some assurance that there are no plans to close the Falkirk office in the near future? Thirdly, can he indicate the likely levels of change in staffing at Falkirk over the next year?

7.32 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): I congratulate my hon. Friend on securing a debate on a subject that is so important to the lives of his constituents—CSA staff, and the parents and children whom the agency exists to serve. I am delighted to be responding to my second Adjournment debate on the CSA in one day.

Let me begin by emphasising that my ministerial colleagues and I are committed to the improvement of public services across Government, and specifically to the aim of creating an efficient, effective child support service. Modernisation of public services is vital to ensuring that our constituents receive the services to which they are entitled, and that taxpayers' money is properly spent. As one of the largest Departments, the Department for Work and Pensions is significant in the drive for efficiency and quality, as is the CSA itself.

The child support reform programme aims to create a child support system that is simple, transparent and easy for parents to understand. As my hon. Friend knows, the new child support scheme was introduced in March 2003. A vital component of the reform programme is the new information technology system, which is essential to the delivery of the scheme.

In introducing such sweeping and major reform to an organisation, we have made it a priority to maintain a good level of service for clients and to ensure minimal disruption. We did not want to make the mistakes from which the agency suffered when it was set up in 1993, so we decided to introduce the new scheme for new clients only in the first instance. Only when we could be satisfied that the new scheme was working well, and were confident that the system could cope with the large number of cases—more than a million—that would have to be transferred, would we decide when old scheme cases would migrate and be converted. I believe that that incremental approach was the most sensible and appropriate, even though I understand the frustration of those who want to see the new, simpler and fairer system in place immediately.

Although in the majority of cases liabilities will change under the new scheme, new liabilities will in any case be phased in via a series of steps to allow parents to adjust to the financial changes. It is worth remembering that if one parent sees an advantage in moving to the new scheme, the other probably will not. We are keen that all clients should benefit from the new reforms, but it would be irresponsible to move old scheme cases to the new scheme until we are sure that the IT can cope properly.

Inevitably, as part of the efficiencies that modernisation brings, it was always planned that the number of staff would reduce as the reforms were implemented. The agency has been planning that for some time. I am sure that my hon. Friend is well aware of the unexpected difficulties that the agency has encountered with the new IT system, and I can confirm that payments have in fact been withheld from our IT contractor, EDS—Electronic Data Systems—of between 15 and 20 per cent., to take account of that non-delivery. Those problems have impacted on some clients, and I want to take the opportunity, for the second time today, to apologise for that.

We must ensure that disruption for clients is kept to a minimum. Inevitably, some clients will have complained about the service that they have received, and the agency acknowledges that in some cases, the service that it has provided is not of an acceptable standard. I know that the agency places great emphasis on ensuring that complaints are properly dealt with, and during the past year it has improved the way in which it handles complaints, including accepting and registering complaints by telephone to make the process quicker and easier for clients. That has inevitably led to an increase in the overall number of complaints logged, although the number of complaints in relation to the old scheme has actually decreased.

It is not yet possible to set time scales for when all cases will be converted on to the new scheme, although I wish that I could do that. We will not do that until the IT system is working effectively—to do anything else would be irresponsible, and do a disservice to our clients and constituents. Where the new IT does work well, the feedback from staff and clients has been very positive: they say that the system is much quicker and simpler.

[Mr. Chris Pond]

Performance has improved and continues to do so, and there are plans for improving the system to prepare for the migration of old scheme cases.

The delays that the child support reform programme has encountered have meant that plans for staff reductions in the agency have been revised, but the fact remains that the new scheme will not only improve the quality of the service but release resources through greater efficiency and cost-effectiveness, as my hon. Friend acknowledged. The agency is currently undergoing a review of the business to ensure that the required reductions in the number of staff will not impact adversely on the service to clients, or prevent the successful implementation of the rest of the reform programme. That will ensure that greater efficiencies in working practices are identified and implemented.

Doing business by telephone and electronic means is, as my hon. Friend acknowledges, quicker and more efficient, and the agency is making great progress in developing the business in that way. However, I accept and appreciate my hon. Friend's comments on the importance of face-to-face contact between CSA staff and clients. I should like to take this opportunity to thank my hon. Friend for his generous comments about the professionalism and commitment of CSA staff, with which I fully agree, and particularly his comments about Cath McLaughlin and her colleagues.

Times of major change are understandably unsettling for some staff, and the agency is managing a number of support initiatives for managers and staff throughout the period. Consultation with the trade unions is, of course, ongoing. My hon. Friend asked for an assurance that there are currently no plans to reduce staffing levels in Falkirk, West by 500 staff, and I can give him that assurance. The current plan does include a reduction in staff of 94 by March 2005, a plan that has been discussed with the trade unions, which constitutes not a 30 per cent. but a 9 per cent. reduction in staff.

As part of the DWP, the agency will work with the other businesses to plan and manage reductions in staff in an integrated and joined-up way, in order to benefit the wider Department and the people whom we serve. The Department will manage these reductions through natural wastage, and I can confirm to my hon. Friend that staff turnover at the Falkirk centre is about 13 per cent., which is about average for the agency throughout the country as a whole. We will also seek to minimise compulsory severances. My hon. Friend also sought assurance that there are no plans to close the Falkirk centre, and again, I can give him that assurance. He will agree with me that the public deserve to receive quality services, and that taxpayers deserve to get value for money.

The vision for my Department is that it should become a leaner, more focused and efficient organisation, delivering first-class services to clients; the Child Support Agency inevitably has its part to play in this. Major reform is not simple or easy, but I have every confidence that, ultimately, the agency can deliver it successfully.

I would like to take this opportunity again to thank the agency staff in my hon. Friend's constituency and elsewhere. They work in difficult circumstances, dealing with clients at an often very emotional and sensitive time in their lives. It is because of the hard work of such staff that the implementation of the reforms will be successful, and that a reduction in staff numbers will not have an adverse impact. I should underline that where we have to make such reductions, we will do so whenever possible through turnover and voluntary severance.

The Government's aim remains to have an efficient and effective child support service that benefits parents and, ultimately, children. After all, they are our No. 1 concern.

Question put and agreed to.

Adjourned accordingly at nineteen minutes to Eight o'clock.

House of Commons

Wednesday 16 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Ilois People/Chagos Islanders

1. **Mr. Tam Dalyell** (Linlithgow) (Lab): What aid is being given to (a) the Ilois people and (b) the Chagos islanders. [178961]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): My Department provides no direct assistance to the Ilois people or the Chagos islanders at present. In the early 1970s, however, £650,000 was paid to the Mauritian Government to assist with the resettlement of the Chagossians. Under a 1982 agreement between Her Majesty's Government, the Government of Mauritius and representatives of the Chagossians, a further £4 million was paid by the UK into a trust fund for the benefit of the Chagossians. This was agreed at the time by all parties to be in full and final settlement of all claims.

Mr. Dalyell: But how about compensation now?

Mr. Thomas: I know that my hon. Friend has followed this matter for a considerable time. He will be aware that the Government do not accept any legal obligation to pay compensation to the Chagossians, not least because of the money that we have given on two previous occasions. It was agreed with the Mauritian Government and representatives of the Chagossians that that money was in full and final settlement of all claims. The High Court judgment in October last year established that the UK Government had no legal obligation to pay any further compensation beyond what had been provided already. However, I accept that there is a possibility that that judgment may be appealed.

Jeremy Corbyn (Islington, North) (Lab): Does the Minister not accept that many Chagossians live in desperate poverty in the Seychelles and Mauritius, and that they won the right to return to their islands in the court order of 2000? Does he not agree that it is disgraceful that, last week, the Foreign Office tabled an order before the Queen preventing those Chagossians from ever returning to their islands? Should not the historical injustice of the 1970s and 1980s, when the Chagossians were removed from their islands, be corrected? Should they not be allowed to go back home; and if that is what they wish to do, should we not assist them?

Mr. Thomas: I do not share my hon. Friend's view. We have looked at the question of resettlement, as he knows. It was concluded, by independent experts, that long-term inhabitation, of the outer islands in particular, would be precarious and prohibitively expensive. Even short-term settlement arrangements—which, by definition, would be on a subsistence basis—would leave the Chagossians exposed to natural events such as periodic flooding from storms and seismic activity, and that would be likely to make their lives very difficult. I therefore think that we have taken the right decision.

Debt-for-Nature Swaps

2. **Mr. Graham Allen** (Nottingham, North) (Lab): What encouragement his Department gives to debt-for-nature swaps. [178962]

The Secretary of State for International Development (Hilary Benn): Debt swaps are not an efficient way of providing development resources to poor countries, nor are they effective in tackling unsustainable debt. The Government have been at the forefront of global initiatives to tackle the unsustainable debt burden of developing countries, including through the heavily indebted poor countries initiative.

Mr. Allen: That was a very civil service answer from my right hon. Friend. I am rather surprised that he did not display his normal enthusiasm and imagination in considering these problems. Does he not realise that debt-for-nature equity swaps could be a very constructive way to make progress in tackling matters such as global degradation and world poverty? Will he look at the possibilities involved, especially when it comes to saving the Amazon rain forest and at the same time writing off debt? Will he make sure that he looks at these matters with a more open mind than was expressed in his first answer to me?

Hilary Benn: I am very sorry if my hon. Friend thinks, from my answer, that my mind is ever anything but open—especially to suggestions from him. The WWF—formerly the World Wide Fund for Nature—originally proposed debt-for-nature swaps. In my earlier response, I was simply making it clear that they have worked in various places in Latin America, but have not really taken off in the rest of the world. As far as debt sustainability is concerned, we have made real progress through the HIPC initiative, which so far has delivered debt relief worth $70 billion.

I do however accept my hon. Friend's point that issues to do with sustainability, protecting the rainforest and so on are extremely important. He will be aware of the forestry programmes that my Department supports in a number of countries, among them Brazil, Ghana, Cameroon, Indonesia, Malawi, South Africa and Uganda. He will know, too, of our support for the

global environment fund, and of our work on illegal logging. They are really significant contributions to tackling the problems about which my hon. Friend is so concerned.

Michael Fabricant (Lichfield) (Con): As on so many issues, I find myself agreeing with the hon. Member for Nottingham, North (Mr. Allen). Is the Secretary of State aware of the programme that was so effective in Costa Rica? It has been used to establish the rainforest in the area, and to promote the country as a major tourist destination for people who like hiking, trekking and enjoying all the things that Costa Rica can offer, as I do—*[Laughter]*—I mean, in the sense of nature. Is not Brazil a prime candidate for such a programme?

Hilary Benn: I am sure that the House is grateful to the hon. Gentleman for telling us his travel and holiday plans. We do not have a programme in Costa Rica, although we do provide support through the European Union. As far as Brazil is concerned, we have a £16 million commitment to a number of projects in the rain forest, some of which I was able to see when I visited a couple of years ago. Six of those projects have ended or will end their natural lives by next March. One project is continuing, which will help indigenous people in the Brazilian rain forest to secure their livelihoods.

Affordable Energy

3. **Mr. Andy Reed** (Loughborough) (Lab/Co-op): If he will make a statement on access to energy for the world's poorest people. [178963]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): We recognise the importance of continuing to improve access to affordable and sustainable energy services in developing countries. That is particularly difficult in rural areas, where conventional technologies, such as grid-connected electricity, are expensive or impractical. We are working with international agencies such as the World Bank, the global village energy partnership and the EU energy initiative to promote access to energy for those areas.

Mr. Reed: I am sure that my hon. Friend is aware that Intelligent Energy, a company in my constituency, produces fuel cell technology that allows rural areas, particularly in some of the poorest parts of Africa, to access energy at a cheap rate. Since it is fuel cell technology, it is also a renewable source, which gives us a double win. Will he accept a formal invitation to come and see that technology in action and to make sure that his Department invests in the technology, to ensure that the world's poorest people have access to energy, which is their future? For example, in health services in South Africa, fuel cell technology is being placed to power clinics tackling some of the worst deprivation in the world.

Mr. Thomas: I know, having visited my hon. Friend's constituency, that it has a series of superb energy companies, and I should be delighted to go there again to talk to representatives of those companies. He is absolutely right to say that we need to do much more to improve access to energy for the poor. Clearly, improving access to renewable energy is a key solution in that regard, not least because 1.6 billion people—almost 25 per cent. of the world's population—still do not have access to electricity, which is one of the fundamentals if we are to achieve improvements in access to basic health and other social services.

Mr. John Redwood (Wokingham) (Con): In order to make such vital investments, countries need more hard currency to come into them. What progress are the Government making in getting major reform of the common agricultural policy so that rural communities can sell their products to the rich western markets and then afford some of the life-saving improvements mentioned?

Mr. Speaker: Order. I call Piara Khabra.

Mr. Piara S. Khabra (Ealing, Southall) (Lab): The Department for International Development has selected four focus states in India for development aid—Andhra Pradesh, Madhya Pradesh, West Bengal and Orissa. Why were those states selected when others are much poorer? People suffer from grinding poverty in such states as Bihar and Uttar Pradesh.

Mr. Thomas: Let me reassure my hon. Friend that we not only work in the four states that he mentioned but have a series of national programmes. On my first visit, in my post, to India last September, I was able to see one such national initiative to do with the elimination of polio, which is helping to increase access to vaccines for all the people of India, not just those in the four states mentioned.

Norman Baker (Lewes) (LD): When, as he should, the Minister makes sure that the poorest countries have access to energy, what attention will he pay to climate change? There is no point in making progress in this country if we end up exporting fossil fuel generation to developing countries. Will he undertake not to support World Bank and International Monetary Fund projects based on fossil fuel generation?

Mr. Thomas: As I indicated earlier, we need to increase access, particularly to renewable energy, not just because of climate change but because it is often the only practical solution to increasing access to energy. We have had 75 projects looking into access to energy, more than a third of which relate to promoting renewable energy. I accept absolutely that the World Bank must do more to provide more funding for renewable energy projects. I am sure that the hon. Gentleman will be delighted by the World Bank's announcement at the Bonn renewables conference a couple of weeks ago that it intends to increase its financing for renewable energy by 20 per cent. in each year to 2010.

Mr. Khalid Mahmood (Birmingham, Perry Barr) (Lab): I thank my hon. Friend for his earlier answer to my hon. Friend the Member for Loughborough (Mr. Reed). Will he also consider the use of solar panels in

places where it is difficult to access grid, which would provide a localised and naturally available energy resource?

Mr. Thomas: My hon. Friend is right to flag up the issue of access to solar power as one of many renewable energy options that will potentially solve problems of access to energy in developing countries. I am delighted to say that I was able to sign yesterday a partnership between my Department and the Intermediate Technology Development Group, which works on issues such as increasing access to solar power in developing countries.

Zimbabwe

4. **Sir Nicholas Winterton** (Macclesfield) (Con): If he will make a statement on the humanitarian situation in Zimbabwe. [178964]

The Secretary of State for International Development (Hilary Benn): The Government of Zimbabwe's misguided policies, including on land, continue to fuel the humanitarian crisis, which is made worse by HIV/AIDS and erratic rainfall. The Government of Zimbabwe claim that there has been a bumper harvest and have said that they will not seek further international food aid. The UN and other independent observers do not believe those claims and have warned that they could delay international help if it is needed later in the year. We will nevertheless continue to work closely with the World Food Programme to monitor humanitarian needs in Zimbabwe over the coming months.

Sir Nicholas Winterton: I am grateful to the Secretary of State for that positive and detailed response, but does he share my anger and concern that despite the serious problems facing Zimbabwe—including the chronic fuel, food and currency shortages, a contracting economy and growing starvation—the Government have placed an order with the People's Republic of China for 12 jet fighter aircraft and 100 military vehicles? They have also bypassed their procurement board to place that order. Can the Secretary of State tell us what further humanitarian aid we can direct to the suffering people of Zimbabwe without going through their Government?

Hilary Benn: I share the hon. Gentleman's concern, because the priority for the resources that are available should be helping the people of Zimbabwe, who are suffering considerably. That suffering is not helped by the fact that, as well as making disputed claims about the size of the harvest, their Government have cancelled the UNICEF nutritional assessment, which is one piece of information that we need to assess the impact of food shortages, and the crop assessment mission—after it had begun—which will make it more difficult to reach a judgment on the harvest.

We continue to provide significant support, including supporting the World Food Programme in increasing its monitoring force. Those decisions by the Zimbabwe Government could make it more difficult to provide help if it is needed, but we will continue to do all that we can to help people who are suffering.

Mr. Peter Pike (Burnley) (Lab): Does my right hon. Friend agree that we see a continuing erosion of all the democratic principles—such as a free press—in Zimbabwe? It is true that the harvest has been nothing like as good as the Government claimed. How can we encourage those people in ZANU-PF who recognise that Robert Mugabe's days are up, because he is destroying the country and their party? How can we make them understand that they need to tell him that it is time to go—the quicker, the better?

Hilary Benn: The international community must continue to apply all the pressure that it possibly can. My hon. Friend will be aware of the steps that the EU has taken through the arms embargo, the assets freeze and the visa ban, but anyone who makes an objective assessment of the present circumstances in Zimbabwe—high inflation, unemployment and an estimated 90 per cent. of the population in urban areas living on less than a dollar a day—knows that they cannot go on like this. We hope that that pressure, and pressure from other African states—which have an important responsibility in that area—will lead to the change that we all wish to see.

Mr. John Bercow (Buckingham) (Con): Given that both the United Nations and the Southern African Regional Poverty Network insist that Zimbabwe will be short of approximately 600,000 tonnes of food this year, does the Secretary of State agree that the cancellation of the joint crop assessment and the refusal of the Mugabe Government earlier this week to meet the UN humanitarian envoy for special needs were sinister in the extreme? What particular representations about the latter has the Secretary of State made?

Hilary Benn: Well, I do agree with the hon. Gentleman, because those steps by the Government of Zimbabwe show clearly that they are not interested in discovering the true position. As I said earlier, in reply to the hon. Member for Macclesfield (Sir Nicholas Winterton), those actions will also make it more difficult for the international community to step in. Representations continue to be made to the Government of Zimbabwe—most recently, about the displacement following the farm seizures that have taken place in Kondozi and Charleswood. The UN humanitarian co-ordinator has written to express concern about that, but to date has received no reply.

Mr. Derek Wyatt (Sittingbourne and Sheppey) (Lab): In Zimbabwe, non-governmental organisations operate largely through the internet, but President Mugabe is bringing in a Bill that will stop internet access for NGOs by controlling the internet service providers. What pressure can we bring to bear on the International Telecommunication Union to stop that process and to give a quid pro quo—so that if it is done inside Zimbabwe, it will not stop the NGOs' external use of the international telecommunications system?

Hilary Benn: I am grateful to my hon. Friend for drawing my attention to that step proposed by the Government of Zimbabwe, of which I was not aware. I undertake to look into it and to talk to my right hon. Friend the Foreign Secretary and other colleagues to see what we can do to address it. It is a further sign of the desperate attempts of the Government of Zimbabwe to

stop people hearing about and reading about what is happening, as has also been shown by the action taken against the *Tribune* newspaper.

Mr. Bercow: Knowing that the right hon. Gentleman shares my disgust at the behaviour of the Zimbabwe Government in threatening to starve millions of people, spending extortionately on defence and sending the head of the Reserve Bank of Zimbabwe to this country with his begging bowl to stump up cash to sustain their brutal tyranny, may I ask whether he agrees that, rather than lamenting the limited effect of existing sanctions, as the Prime Minister did at column 523 of the *Official Report* on Monday, it would be better to seek to extend the EU sanctions so that the head of the Reserve Bank, Gideon Gono, is included in them? That would be a vital contribution in humanitarian terms to helping the people of Zimbabwe, who have suffered too much for too long with too little help from the outside world.

Hilary Benn: As the hon. Gentleman will be aware, the sanctions that were reviewed earlier this year were extended. There is always an argument to be had about which names should be included on that list and which should not, and the list was extended. The action that he advocates in relation to Dr. Gono would not affect Dr. Gono's current visit, but the Government have always said that, along with our EU colleagues, we shall continue to review the effectiveness of the sanctions to make sure that we take the right steps to affect those who are responsible while not further harming the people of Zimbabwe.

Africa

5. **Tony Baldry** (Banbury) (Con): What proportion of his Department's budget he expects to be spent in Africa through budget support in the next financial year. [178965]

The Secretary of State for International Development (Hilary Benn): In 2004–05, we expect that 30 per cent. of our projected total bilateral spending in Africa will be in the form of poverty reduction budget support; plans for 2005–06 will be decided during the rest of the year.

Tony Baldry: If budget support is to be successful, sustained capacity-building will obviously be needed in the receiving African countries. The Secretary of State is fortunate in heading the Whitehall Department with the largest number of fast-track civil servants, so does he agree that if budget support is to work, Ministers in the receiving African countries must be able to work up their senior management teams so that they, too, can call on good-quality officials both to work up and deliver policy?

Hilary Benn: I completely agree with the hon. Gentleman. As he will know, we take three steps before deciding whether to give budget support. The first is that there should be a thorough review of public financial management, which, of course, includes the capacity to manage resources effectively. Secondly, there should be agreement to reform any weaknesses that have been identified, and thirdly—recognising that giving budget support entails some risks—the risks should be outweighed by the development benefits.

As the hon. Gentleman will be aware, a large part of the work that we undertake is with the Governments of those countries and elsewhere to build that capacity, because once countries have that capacity they can do the job that we all look to Governments to do, which is to provide for our needs. If we can then provide financial support through budget assistance, it will enable the countries themselves to do more of the things that they have already decided they want to do.

Barbara Follett (Stevenage) (Lab): What consideration has my right hon. Friend's Department given to project, as well as budget, support in Africa? Such projects are far easier to monitor and are far less likely to be things that we do not want, such as military expenditure.

Hilary Benn: We undertake a large amount of project work in Africa. It is a question of deciding on appropriate development assistance, depending on the circumstances. Where there is a Government who have a clear plan and the capacity—to which the hon. Member for Banbury (Tony Baldry) referred—to provide more health care and education but lack the financial support to do so, it is sensible to give them additional resources to help make that happen. Kenya recently increased the number of children in primary school by 1.2 million because it received support from us and other countries. Where those conditions do not obtain, it is right that we continue, through other project and programme activities, to help make a difference to the people of those countries.

Mr. Julian Brazier (Canterbury) (Con): Does the Minister accept that the worst humanitarian crisis, with by far the greatest need for aid in Africa, is in Sudan? Last month, my hon. Friend the Member for Buckingham (Mr. Bercow) raised the question of the Government's support for Sudan's reappointment to the UN Commission on Human Rights, given that it is in no small measure responsible for parts of the disaster there. While we are thinking about aid for Africa and Sudan in particular, will the Minister tell us whether there has been any progress in getting those international monitors, on whom he put so much emphasis last month, to the areas where they need to be to expose the abuses that are going on?

Hilary Benn: I hope that two groups of monitors will be working in Darfur as quickly as possible. The first group is the African Union ceasefire monitoring team. As I reported to the House last week, the first part of that team has already deployed. We are looking to support the deployment of the remainder, so that the total of 120 is reached. The second group is made up of the eight human rights monitors. In fact, this morning, I spoke to the Foreign Minister of Sudan to urge the Government of Sudan to accept the arrival of those monitors in Darfur, because they will be able to report to us and the rest of the world about the serious human rights situations and the abuses that are taking place even now.

Helen Jackson (Sheffield, Hillsborough) (Lab): When my right hon. Friend considers his future budget spending for Africa—I hope that he gets as much as he

possibly can for that—will he particularly look at education, not simply what happens in schools to meet the millennium development goals, which is exceptionally important, but perhaps also some of the radio-based adult education that can be carried out by the World Service, the Open university and other bodies to raise awareness through education on that continent?

Hilary Benn: I will gladly consider my hon. Friend's suggestions because all the things that she describes can contribute to ensuring that Africa can build greater capacity, through education, to achieve a better economic future. Undoubtedly, that will be one of the things that the Commission for Africa will look forward to. We will increase our support to education in Africa with the resources that we have already, and I look forward to having more resources available to do more.

Somalia

6. **Mr. Andrew Robathan** (Blaby) (Con): If he will make a statement on British aid to Somalia. [178966]

The Secretary of State for International Development (Hilary Benn): We are increasing our aid to Somalia. In the present financial year, we anticipate that our total support will amount to some £6.5 million. That includes health and education projects, peace-building support and humanitarian relief.

Mr. Robathan: Does the Secretary of State share my concerns about the Somalia national reconciliation conference in Nairobi, funded in part by the British Government and attended by Somali warlords who are accused of war crimes—in particular, General Morgan, the butcher of Hargeisa, who, it is alleged, was responsible for the deaths of 50,000 people in Hargeisa in 1988, in circumstances similar to those at Srebrenica? Does the Secretary of State consider that the British taxpayer should be paying for the hospitality and entertainment of people accused of war crimes, who should be answering for their crimes at the bar of the international court?

Hilary Benn: I know that the hon. Gentleman is very concerned about this issue. The people of Somalia have suffered enormously from the activities of warlords and the conflict that has taken place over many years in that country, and I share his frustration, which he has expressed previously, about the slow rate of progress in those talks—this is, I think, the 14th occasion on which the parties have come together—but it is right that we should contribute to continuing to try to find a resolution to the conflict in Somalia. A timetable has been set for the latest round of talks, and the Intergovernmental Authority on Development has given the parties a deadline of the end of July to agree on appointing MPs to a new assembly, so that those MPs can elect an interim president. If that does not happen, the international community recognises that we will need to pause the process, but it is right to go on trying in the interests of the people of the country.

Tom Brake (Carshalton and Wallington) (LD): With 80 per cent. of the herds in some parts of the north having had to be killed as a result of drought in the past four years, and with 30 people killed in the south and 100 killed in Mogadishu in the past couple of months, is the Secretary of State satisfied that the UK is doing enough to bring stability to the region and to help civil society? Does he think that this is the right time for the Home Office to be sending asylum seekers back to Mogadishu?

Hilary Benn: On the hon. Gentleman's latter point, he will be aware that over the past 10 years, the UK has given asylum to 30,000 people from Somalia. I understand that the Home Office's decisions are being taken individually and on a case-by-case basis. I agree that the circumstances in Somalia remain difficult and serious. We are making the efforts that I described in reply to the question asked by the hon. Member for Blaby (Mr. Robathan), but in the end, there must be a political process, which means that those who are responsible for the fighting should reach some sort of agreement so that the Somali people may experience peace after all the instability that they have faced.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [178976] **Mr. Bill Wiggin** (Leominster) (Con): If he will list his official engagements for Wednesday 16 June.

The Prime Minister (Mr. Tony Blair): This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Mr. Wiggin: The Prime Minister will be aware of the horrendous crash on the A49 in my constituency last Monday in which lives were lost and the fireball was so large that houses nearby caught fire. Will he please look into what can be done to prevent such loss of life to my constituents in the future?

The Prime Minister: I am happy to look into the incident for the hon. Gentleman and I shall write back to him with details of what we can do.

Mr. Dennis Turner (Wolverhampton, South-East) (Lab/Co-op): Have I got good news for our Prime Minister? *[Interruption.]*

Mr. Speaker: Order. I do not know whether the hon. Gentleman has good news for the Prime Minister, but he must put a question to him.

Mr. Turner: In the fair-trade city of Wolverhampton last Thursday, Labour gained eight seats from the Tories and the Liberal Democrats. Does the Prime Minister have a message for the good folks of Wolverhampton about what was very much a wonderful Labour day?

The Prime Minister: My message to the good people of Wolverhampton would be, "Congratulations on your good judgment—try to spread it around a little bit over the next few months." Of course, that result was brought about by the Government's record on the economy and public services. Just today, we have some more good news for the people of this country: unemployment is at a 30-year low and there are now 2 million more jobs than when this Government came to power and the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) left office.

Mr. Michael Howard (Folkestone and Hythe) (Con): When he is in Brussels tomorrow, will the Prime Minister do what the majority of the British people want him to do and say no to the European constitution?

The Prime Minister: I will protect the British national interest on tax, foreign policy, defence and all the other issues that we have set out. It is important that Britain remains at the centre of decision making, and I wish to ensure that it does so. I believe that that is in the interest of this country, and that the position of the right hon. and learned Gentleman, or of those who explicitly want to withdraw from Europe, is totally wrong and contrary to our national interest.

Mr. Howard: But everybody knows that the Government's so-called red lines are red herrings. Everyone knows that the constitution transfers yet more power from Britain to Brussels. Even if the Prime Minister gets all his red lines, it will involve giving up more than 20 of our vetoes. If I were in his place, I would say no. The British people want him to say no. Which part of the word "no" does he not understand?

The Prime Minister: What everyone understands is that the right hon. and learned Gentleman's position is to say no to not only this constitutional treaty, but any constitutional treaty, and then to renegotiate Britain's terms of membership of the European Union. People know that that position simply cannot be maintained—*[Interruption.]* I shall tell Conservative Members why. It is for the reason given by the former Conservative Deputy Prime Minister yesterday. When he was asked about the renegotiation, he said:

> "It's not going to happen. Of course it's not going to happen . . . the fact of the matter is, if you are part of the European movement, as based in the Council of Ministers . . . you are not going to allow a substantial re-negotiation."

He said that because it is the reality of government. We should secure a good deal for this country that protects our fundamental national interest, but does not marginalise us in the European Union.

Mr. Howard: Well it is certain that no renegotiation will take place under this Prime Minister, but the truth is that the argument over the constitution and the constitutional conference that will take place this week provide this country with a huge opportunity. If other member states want to do things that we do not want to do, why cannot we say to them, "We don't want to stop you doing what you want to do, as long as you don't make us do what we don't want to do"? I do want to bring powers back from Brussels to Britain—that is exactly what I want—and this should be the opportunity to do that. Why does not the Prime Minister take that message to Brussels and say no to this constitution?

The Prime Minister: First, because the provisions for enhanced co-operation in this treaty allow other people to go ahead if they wish to do so, which is why it would be particularly foolish for us to veto the entire treaty. Secondly, on the right hon. and learned Gentleman's statement that he would negotiate many of the things in the European Union, perhaps he will confirm that he can do so only if every other member of the European Union agrees. That is why his position is fundamentally disingenuous; he cannot renegotiate our terms of membership. The true choice is either in or out. It is about time that he showed a bit of proper leadership and, instead of running towards the UK Independence party shouting, "Me, too," stood up to it and took on the argument.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): I have in my hand a Liberal Democrat leaflet that says:

> "Tony Blair has lost support over our run-down health services".

I can tell my right hon. Friend that, having extensively market-tested the service over the past few weeks, I can personally praise my GP service, the Countess of Chester hospital, the Mersey regional ambulance service and the cardio-thoracic unit. I say to him, keep up the investment—it is a fabulous service and it is the jewel in Labour's crown.

The Prime Minister: First, may I say how delighted we all are to see my hon. Friend back in his place and well again? His experience is one shared by many people in this country. People get absolutely fed up with those who continually run down the national health service when it is obvious that the combination of money and reform is delivering a better service. Waiting lists are down; waiting times are down; cancer and cardiac deaths are down; accident and emergency services are improving; and the largest hospital-building programme since the beginning of the NHS is under way. We can be proud of our NHS, provided that we keep up those policies of investment and reform.

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): In the House on Monday the Prime Minister acknowledged that he has little expectation that this United States Government will sign up to the Kyoto treaty on climate change. Does he agree that that further emphasises the need for Europe to be seen to be taking a lead? Will he commit the Government to join France, Sweden, Holland and Denmark in pressing the principle of contraction and convergence as the fairest way forward for controlling greenhouse gas emissions?

The Prime Minister: We already are working very strongly with the European Union to make the case for the reduction in greenhouse gas emissions; indeed, this Government have been leading the way. In fact, much of the Kyoto treaty would not have been negotiated but for the skill of my right hon. Friend the Deputy Prime Minister. I have to say to the right hon. Gentleman that in the end what is important, as well as those measures

that he mentioned, is the investment in science, technology and energy efficiency which gives us the best chance, in the long term, of combining economic growth and a reduction in greenhouse gas emissions.

Mr. Kennedy: The Prime Minister's positive tone is very welcome. On a practical example, to advance the green agenda, as such a large and growing proportion of Europe's greenhouse gas emissions comes from air travel, will he lead a push at European level to apply to the aviation industry the principle that the polluter must pay? Does he agree that the environmental agenda is a classic example of how Europe can lead in the world and Britain can be seen to be taking a real lead in Europe?

The Prime Minister: That may be a classic example of advocating a policy that one does not believe that one will ever have to implement. I say to the right hon. Gentleman sincerely that I believe that it is important that we take on the challenge of aviation fuel. I believe that the best way of doing that is investment in science and technology to produce better fuel efficiency. That is something that is happening in this country. To be fair, some of the main research is going on in the United States at present. I would not favour trying to impose arbitrary restrictions on people's travel.

Ms Christine Russell (City of Chester) (Lab): House prices in my constituency rose by a staggering 40 per cent. in the past 12 months and there is an urgent need for affordable housing. Will my right hon. Friend assure the House that the provision of affordable housing is a priority for his Government? In the light of the Barker review, will the Government encourage the use of brownfield sites and publicly owned land for affordable housing?

The Prime Minister: My hon. Friend is absolutely right in what she is saying. We are supporting the funding of affordable houses. We have doubled the funding for it, and we supported the creation of about 230,000 new affordable homes. My hon. Friend is also right to say that we have to try to expand housing development on brownfield sites particularly, which is why we increased the proportion of new build on brownfield sites. We put it up to 60 per cent., and we are exceeding that target at the moment. That, together with the protection of the green belt—that is important, too—gives us a viable housing option for the future. It is important that we build new houses. That is the only way to ensure that we are increasing supply in circumstances of rising demand.

Mr. Howard: Someone in my constituency has to wait 349 days for a knee operation; 60 miles away, they could be treated in 33 days. Does not this show that patients should have the right to choose which hospital to go to in the NHS?

The Prime Minister: It is precisely for that reason that we are introducing a programme of expanding capacity in the health service so that in the right hon. and learned Gentleman's area and others we are able to provide a greater range of opportunities for people. It is this Government, for the first time in the context of the health service, who have introduced the ability of people to choose.

Mr. Howard: Well, let us have a look at the difference between the Government's plans and our plans. Under the Prime Minister's plans, if someone has been waiting for more than six months they will, if they are lucky, get the choice of one additional hospital somewhere in the country, selected not by them but by the system. That is Labour choice. Under our plans, patients will have the right to choose whichever hospital they want to go to within the NHS, and free of charge. Is not that a real right to choose? Is not that what patients should have?

The Prime Minister: I am delighted that the right hon. and learned Gentleman wants to join battle on this issue. Let me tell him exactly what our policy is. It is to expand the choice as we expand the capacity. Without the investment in the NHS, choice is entirely meaningless. That is why the right hon. and learned Gentleman's proposal on choice—the patient passport—is to say that a Conservative Government would pay 50 per cent. of the cost of the operation within the private health care sector. What a typical Tory proposal. First, the choice goes only to the few who can afford to pay 50 per cent. of the cost of their operation. Secondly, it is to help people go out of the NHS, not stay in it. Thirdly, it takes money from the NHS. That is the difference between us and them. We want the NHS to be better and the right hon. and learned Gentleman wants to wreck it.

Mr. Howard: No, Mr. Speaker, the Prime Minister will never get away with that. The choice that I have been talking about is choice within the national health service, free of charge. Let me tell the Prime Minister that his Government have forced people into the private sector, as 300,000 people without any private health insurance have to go out of the national heath service to pay for their operations—three times as many as the number who did so when the Government came to office. We are not going to force anyone out of the national health service. We are going to give people choice in the NHS, which is the difference between his policy and ours. In every other walk of life, choice drives up standards. Why does the Prime Minister say that health should be a no-go area for choice?

The Prime Minister: We do not. We simply say that we have to expand capacity. When we took over the national health service in 1997, we found under-investment, waiting lists up for both in-patients and out-patients, and every single aspect crying out for extra investment. The right hon. and learned Gentleman had spent 10 years in government. I was reading his speech yesterday—very interesting, too—in which he said that he came back to the front line of politics because of his anger at the state of the national health service. He must have been incandescent when he was in government. He was so angry that it left him speechless, because he never raised the state of the national health service. If he wants the debate between now and election day to be about who cares for Britain's national health service, let him come on and have it.

Mike Gapes (Ilford, South) (Lab/Co-op): Will the Prime Minister find time to visit the London borough of Redbridge? Although we have not had a local council election, he will find that the Tory-majority council now has a Labour leader—Councillor Elaine Norman—because the Tory group split. The 33 Tories divided 16:16, with a tossed coin deciding the remaining vote. Eleven of those councillors then stayed away, so that Labour and Liberal members had to form the administration. Is that not another example of the shambles of the modern Conservative party?

The Prime Minister: At points I found it quite difficult to understand what was going on in the Conservative party, but yes, it certainly seems a shambles.

Q2. [178977] **Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): Is the Prime Minister aware that prisoners in Gloucester jail can get dental treatment on demand, paid for by the NHS? One of my constituents, however, was told the other day that he would have to wait 18 months for a missing filling to be replaced, as no NHS dentists in Gloucestershire are taking new patients. What is the Prime Minister doing about that situation, or is it case of going to jail if you want dental treatment?

The Prime Minister: Again, if the Conservatives want to mention the state of dental services in our country, I should say that yes, there are real problems, which we are addressing, but they arise primarily because of the contract for dental services negotiated when the leader of the hon. Gentleman's party was in office.

Mr. John MacDougall (Central Fife) (Lab): Would my right hon. Friend join me in expressing concern about the growing number of young people throughout the country involved in substance abuse, particularly the inhalation of lighter fuel? Will he also welcome and support the many campaigns and groups, some of which, such as the LOST campaign—the Lee O'Brien Solvent Trust—in Central Fife, were founded on tragic personal loss and are doing a tremendous job to raise awareness in young people?

The Prime Minister: My hon. Friend is quite right to raise that issue, and I know that the Scottish Executive take it very seriously. We have started to consult with the key stakeholders in preparation for an attempt to put together a national approach to substance abuse. That is part of a changing series of laws on issues that impinge on antisocial behaviour, and I hope that we will be able to publish the outcome of the consultation in the next few months.

Q3. [178978] **Mr. John Bercow** (Buckingham) (Con): My limbless, Thalidomide-victim constituent, Vivien Barrett, who has a few fingers only at shoulder level, nevertheless embroiders, knits, teaches music and sings for charities, and surely deserves our unqualified admiration. Given that her needs and those of all the other Thalidomide victims will inevitably increase with age, would the Prime Minister accept that a decision to make all payments from the Thalidomide Trust tax-free, as well as being right in itself, would be warmly welcomed by my constituent, Members across the House and people throughout the country?

The Prime Minister: First, the whole House would join in the admiration that the hon. Gentleman expresses for his constituent. I am not sure of the position in relation to tax-free pay-out, but I will certainly look into it. If there is something we can do, I am sure that we will, but obviously that must be balanced with other considerations.

Ian Lucas (Wrexham) (Lab): On 2 July—a very important date—Sharp Manufacturing of Japan will be opening its manufacturing centre for photovoltaic cells and solar cells in Wrexham. What effect does my right hon. Friend think withdrawal from the European Union would have on that investment decision?

The Prime Minister: My hon. Friend makes a good point—the importance of people understanding that it is in this country's interest to be part of the largest economic market in the world, and that many companies come and invest in the UK, locate here and provide jobs here on the basis that it is an entry into the European Union. That is why to withdraw from the EU would be such a disaster for our economy.

Q4. [178979] **Dr. Andrew Murrison** (Westbury) (Con): Sedgefield's Thrislington limeworks will mean that the Prime Minister is familiar with Environment Agency proposals to amend the substitute fuel protocol to potentially allow the burning of toxic industrial waste in lime and cement kilns. Does the right hon. Gentleman still hold the view that he expressed in 1994, when he called for a ban on the burning of industrial waste at Thrislington? If he does, will he join other constituency MPs in objecting to the Environment Agency's ridiculous proposals?

The Prime Minister: The Environment Agency explanation, of course, is that there will be sufficient controls to meet environmental objections. It is important to realise that the agency's position is not that it does not accept that there is a legitimate issue that must be dealt with, but it has proposed safeguards and controls that it says are adequate to meet those objections. When we have an independent Environment Agency, it is important that we take account of what it says.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend share my concern that in a modern parliamentary democracy, the self-regulation of the opinion polling organisations has broken down and there are no longer any standards or barriers to stop unscrupulous operators moving into the industry? Will he initiate talks with other party leaders so that we can get a cross-party agreement that opinion polling should be honest and have integrity?

The Prime Minister: I think we will wait and see what direction the polls move in—*[Laughter.]* No, my hon. Friend makes a serious point. I will make sure that the chairman of the Labour party is aware of it, and perhaps he can take it up with the other parties.

Q5. [178980] **Mr. Mark Simmonds** (Boston and Skegness) (Con): I hope that the Prime Minister and the House will join me in condemning the violence that we

have seen in Portugal, and the appalling behaviour and rioting that we saw in several towns and cities in this country after the England football defeat. Regrettably, one of those towns was Boston in my constituency. To stop further repetition of such events, will the Prime Minister guarantee that there will be no repeat of the Home Secretary's decision to penalise the Lincolnshire police authority as the only authority in England and Wales that had its per head funding cut last year? Furthermore, will the Prime Minister—

Mr. Speaker: Order. There are other hon. Members who want to get in.

The Prime Minister: I do not think that the hon. Gentleman is right to make the latter point and refer it back to what happened in his constituency. I should point out that there are more police officers in his constituency than there were seven years ago, and also that the funding has gone up for all police authorities as a result of the minimum guarantee that was given by the Home Secretary. In respect of the outbreaks of disorder, let me make it clear that those are intolerable and the police should come down heavily—I have no doubt that they will, as they have new powers that enable them to do that—and make sure that those who engage in such disorder face heavy penalties. It is worth pointing out that those, whether in England or in Portugal, who have engaged in disorder are a tiny minority. I do not believe that they are true English football fans. They bring shame upon our country and upon the vast majority of decent English football fans who simply want to enjoy the game.

Mr. David Clelland (Tyne Bridge) (Lab): My right hon. Friend is aware that advances in medical science mean that life-threatening diseases can be kept at bay by the use of drugs, rather than unpleasant and invasive treatments such as chemotherapy. He is also aware that those drugs are often very expensive and are not provided free on the national health service. Will he undertake to look into the matter and see what more might be done to assist people on modest incomes who need drug treatment in order to fight diseases such as cancer?

The Prime Minister: The point that my hon. Friend makes is one of the reasons why we introduced the National Institute for Clinical Excellence in order to evaluate drugs and say whether they should be available on NHS prescription. By and large, it does an excellent job of work. He is right, however, that drugs are continually coming on to the market that can improve people's conditions. That is one of the reasons why we have been able to reduce cardiac deaths, for example, by 20 per cent., through the use of statins. It is best that, in the end, these decisions are made by the institute, but we certainly make sure that the funding is available when it decides that a drug should be made generally available.

Q6. [178981] **Mr. John Baron** (Billericay) (Con): So that nurses are not recruited from prohibited developing countries and are properly checked, there are guidelines stating that the NHS should use only recruitment agencies that are on the approved list. However, the case of Mr. Tawanda Machingura, an illegal immigrant from Zimbabwe who recently pleaded guilty to sexually assaulting a vulnerable patient while working as a nurse in a local hospital, clearly shows that those guidelines are failing, as he was recruited via an agency that was not on the approved list. I have raised this issue with the Secretary of State for Health, but have not received any indication that any further action will be taken. As a matter of urgency, will the Prime Minister therefore now introduce measures to ensure that the NHS does not recruit illegal immigrants or nurses from prohibited developing countries, to ensure that patients have the security that they deserve and require?

The Prime Minister: We do, of course, have guidelines in place, and we look the whole time at whether they need to be strengthened. The vast bulk of the nurses whom we bring in to this country—we need more nurses as we train more—are not from places such as Zimbabwe, but it is obviously important that we look to see how we can strengthen the guidelines, and we do so. Regrettably, there will always be cases in which those guidelines are not implemented as they should be, but in each case, and in the particular case to which the hon. Gentleman refers, we sit down and try to learn the lessons, and if changes are necessary, we will make them.

Mr. Patrick Hall (Bedford) (Lab): Will the Prime Minister congratulate the Bedfordshire and Luton road casualty reduction partnership, together with other similar partnerships in other parts of the country, which, through the programme of speed cameras and other measures, have successfully reduced the number of people killed and injured at camera sites by an average of 35 per cent.? Does he agree that we should expand and develop that programme of speed cameras, on the basis of the compelling evidence that is widely available? Does he also agree that the campaign against cameras—

Mr. Speaker: Order. One supplementary is fine.

The Prime Minister: It is important that we use speed cameras where it is clear that there is a proven benefit to the safety of motorists and others. That is precisely the policy that the Government pursue. My hon. Friend is right to say that, although there is obviously concern, for perfectly understandable reasons, about the use of speed cameras, the reduction in deaths has been approaching the region of 900 in a year as a result of the introduction of such cameras in places where there are accident hot spots, and they can play a real role. We require a balanced policy, and that is the one that we have.

Q7. [178982] **Tony Baldry** (Banbury) (Con): When the Prime Minister uses the word "choice" in relation to the delivery of public services, what does he mean?

The Prime Minister: I mean that as capacity in the health service, for example, expands so that we have more nurses, doctors and hospital provision, and the new diagnostic and treatment centres, we can say to the patient, "Instead of having to wait as long as you used to wait, you can choose to go to where there is capacity in the national health service." That is our position, in counterpoint to the position of the Conservative party, which is to say that people who can afford half the

payment to go privately get choice. That is the difference between Labour choice within the national health service, and Tory choice to go out of it.

Geraldine Smith (Morecambe and Lunesdale) (Lab): Does the Prime Minister agree that the frequently espoused view that the British people are intrinsically anti-European is absurd? But does he also accept that there is widespread antipathy to the waste, bureaucracy and lack of accountability associated with some of the EU institutions, and to the perceived decline in power of the nation state? Can he tell me what the Government intend to do to tackle both the perceptions and the realities associated with those issues?

The Prime Minister: The important thing is to ensure that we engage in reform in the European Union but we cannot reform the European Union by leaving it. It is therefore important to recognise the basic point that membership of the European Union is in Britain's political and economic interest. It is best to form alliances with others to seek change in the European Union rather than getting out of it, with all the disastrous consequences that that would entail.

BILL PRESENTED

DIRECTORS' AND EMPLOYEES' PENSIONS (PROVISION OF INFORMATION)

Harry Cohen presented a Bill to require companies to provide information about payments in respect of directors' and employees' pensions: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed. [Bill 118].

Marine Wildlife Conservation

[Relevant document: The Sixth Report of the Environment, Food and Rural Affairs Committee of Session 2003–04, on Marine Environment, HC 76.]

12.30 pm

Mr. John Randall (Uxbridge) (Con): I beg to move,

That leave be given to bring in a Bill to amend the law relating to nature conservation and the protection of wildlife in respect of the marine environment; to provide enforcement powers for marine wildlife conservation to competent marine authorities; and for connected purposes.

In moving the Bill, I have feeling of déjà vu because I introduced a private Member's Bill with the same title after I was lucky enough to come top of the ballot in 2001. As was the case then, the Bill that I am introducing today enjoys support from all parties. Indeed, the enthusiasm in this place for stronger and better laws to protect and manage our seas is well illustrated by the fact that early-day motion 171 on "Protecting the Marine Environment", which I tabled at the beginning of the Session, again with cross-party support, has been signed by more than 300 members. Only two early-day motions have attracted more support this Session.

It is an especially apt time to consider the need for better marine conservation, given that the United Nation's world oceans day was celebrated last week. There is an increasing recognition around the globe that the oceans are not a limitless resource to be plundered at will. The UK can and should give a clear lead on how to manage the seas better.

The 2001 version of the Marine Wildlife Conservation Bill dealt specifically with the lack of proper protection for nationally important marine wildlife, but today I would like to consider the need for wider legislation to conserve marine wildlife and the marine environment.

Many hon. Members will be aware of the campaign that the Wildlife and Countryside Link is running. That body is a coalition of environmental non-governmental organisations, which include the Royal Society for the Protection of Birds, WWF, wildlife trusts and the Marine Conservation Society. Link's campaign calls for comprehensive new laws that would do a variety of things to secure better protection for our seas.

A range of measures is needed to improve the management and protection of the marine environment. Central to that is the designation of nationally important marine wildlife sites, which was the subject of my private Member's Bill. More than 6,500 sites of special scientific interest around the United Kingdom offer protection to important wildlife on land, but there is no equivalent designation at sea, yet more than half our biodiversity is found in the marine environment. It is surely time to catch up and protect marine wildlife properly.

That is only one aspect of the new legislation that is necessary. Protection of marine species, wherever they are, must be strengthened, and proper resources must be made available to ensure that the law is rigorously enforced. The antiquated legislation that governs inshore fisheries needs an overhaul. Perhaps most fundamentally, we need a vision for how we plan future activities at sea. As well as teeming with sensitive and exciting wild creatures, the offshore environment is

[Mr. John Randall]

increasingly being used for development and economic purposes, whether shipping, dredging for aggregates, identifying areas to develop renewable energy installations or more traditional activities, such as fishing.

A marine spatial planning framework would allow rational decisions to be made about areas that should be prioritised for development, for fisheries and for nature conservation.

I know from my own experience with the Marine Wildlife Conservation Bill mark one that a great many groups and organisations took an interest in my proposals, reflecting the fact that people make use of the sea in so many different ways. Inevitably, different organisations will sometimes have different priorities and emphases, and it is fair to say that not all the stakeholders had an entirely benign interest in my earlier Bill. However, a proper planning framework for the sea could allow potential conflicts to be resolved before they arose. It could also help to streamline the complex and outdated tangle of regulations currently governing the marine environment.

So what are the Government doing to take forward the objectives of my Bill? To be fair, the Department for Environment, Food and Rural Affairs has been making the right noises on this agenda. I believe that the current Minister for the Environment and Agri-environment, the hon. Member for Scunthorpe (Mr. Morley), understands the need for better marine laws, and I think that he has been fighting his corner on that within the Government. His predecessor, the right hon. Member for Oldham, West and Royton (Mr. Meacher), was similarly helpful with my first Marine Wildlife Conservation Bill. Now, as a Back Bencher, he is a co-sponsor of the Bill that I am introducing this afternoon. I am grateful for his support, then and now.

We all know that, if new Government legislation is to emerge, it needs to be supported across the various Departments and clear numerous hurdles. In this case, those hurdles might be the Department of Trade and Industry, the Department for Transport, the Office of the Deputy Prime Minister, the Treasury and, of course, we must not forget No. 10. I hope that these Departments are looking constructively at the need for marine laws, rather than trying to put obstacles in their path. Perhaps I am being unduly uncharitable, but I am disappointed not to see a Minister sitting on the Treasury Bench at the moment, in accordance with the normal procedure.

New marine legislation should be seen as an opportunity for those with an interest in the seas, not as a burden on them. The sea needs, and deserves, champions within the Government well beyond DEFRA. The Government now have an opportunity to demonstrate that they are truly committed to improving the protection of our seas. I believe that their review of marine nature conservation, which brought together interested Government Departments and stakeholders, will report soon. Let us hope so. I also hope that it will recommend that legislation is needed. If it does, Ministers should procrastinate no longer. We have seen a range of different reviews, reports and publications, but it is now time to draw a line under the review stage and start on some legislation. Warm words become hot air if they are not followed up by action.

The Environment, Food and Rural Affairs Committee, chaired admirably by my right hon. Friend the Member for Fylde (Mr. Jack), reinforced the need for action in its recent report on the marine environment, and a very good report it was, too. In it, the Committee noted that

"the current legislative and institutional framework governing marine environmental protection is too fragmented and complex, which is to the detriment of both economic development and environmental protection".

It went on to say:

"There is a pressing need to update both arrangements for marine nature conservation and for licensing for development and it may be necessary to do so through a wide-ranging Marine Act. A marine spatial planning system may prove necessary in order to manage the wide array of activities at sea."

So the consensus is that new laws are needed, and this Bill is my contribution to that debate.

I know that my party is taking seriously the need for better management of the marine environment, and I am extremely grateful to my hon. Friend the Member for Croydon, South (Richard Ottaway) and other colleagues for giving their support to the Bill. I hope that the Government can now show the same desire to rise to the challenge. The time is ripe, and the support is there, in Parliament and in the country. As a maritime nation, we will be guilty of a real and lasting failure if we cannot now seize the chance to protect our marine heritage for future generations.

Question put and agreed to.

Bill ordered to be brought in by Mr. John Randall, Mr. Michael Meacher, Mrs. Helen Clark, Andrew Bennett, Andrew George, Richard Ottaway, Gregory Barker, Mr. Peter Atkinson, Mr. Peter Luff, Tim Loughton, Mr. Andrew Robathan and Mr. David Kidney.

Marine Wildlife Conservation

Mr. John Randall accordingly presented a Bill to amend the law relating to nature conservation and the protection of wildlife in respect of the marine environment; to provide enforcement powers for marine wildlife conservation to competent marine authorities; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 16 July, and to be printed [Bill 119].

Mr. Tam Dalyell (Linlithgow) (Lab): On a point of order, Mr. Speaker. Those of us who were deeply upset by the treatment, particularly by certain Members of the other place, of the private Member's Bill of the hon. Member for Uxbridge (Mr. Randall) last time round were a little sad that no DEFRA Minister was to here to hear him present his ten-minute Bill. In view of the history of this saga, in which his other Bill was scuppered against the overwhelming majority will of the House of Commons by certain maverick elements in the House of Lords, can we examine the procedure of this business, and express the hope that the Government on

this occasion will consider a ten-minute Bill favourably, to see how its objectives, which many of us think are extremely important, should be progressed?

Mr. Patrick McLoughlin (West Derbyshire) (Con): Further to that point of order, Mr. Speaker—

Mr. Speaker: Order. Let me answer the point of order from the Father of the House. I make no comment on the merit of the hon. Gentleman's Bill—that is for the House to decide, and it has already done so. There is a courtesy that must be observed, however, which is that the appropriate Minister should be in his or her place when a ten-minute Bill is introduced. Certainly, I hope that the Whip on the Treasury Bench will send my message, in no uncertain manner, that that courtesy must be observed at all times.

Mr. McLoughlin: Further to that point of order, Mr. Speaker. Your guidance is useful on that, and your ruling is useful. May I remind you, however, that DEFRA is a serial offender on this point? You had to make the same point about six or seven weeks ago about the same Department. Rather than the Whip on the Treasury Bench communicating your message, would it not be more appropriate for the Speaker's Office to communicate it strongly?

Mr. Speaker: I have a good memory, and this is the first time that I have come down so hard on any Minister. There is therefore no need for my Office to do anything—the message will be arriving as we speak.

Mr. Henry Bellingham (North-West Norfolk) (Con): Further to that point of order, Mr. Speaker—

Mr. Speaker: Order. We are finished with this point. The hon. Gentleman should not milk it.

European Affairs

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jim Murphy.]*

12.42 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): The Irish presidency of the European Union will chair the European Council in Brussels this Thursday and Friday. Today, the House has its customary opportunity to debate the Government's priorities.

The fight against terrorism, a timetable for discussions on the EU's future budget, further EU enlargement and foreign policy issues are on the agenda, along with nominations for a number of EU posts. But the main business of the European Council will be negotiations on a constitutional treaty for the European Union. Let me begin by putting those negotiations in context.

Europe's history has been one of rivalry and war. That history could easily have been today's reality, save for the European Union, which has changed profoundly the political culture of our continent, and made war between former sworn enemies unthinkable. Indeed, it is fair to say that the EU has been "uniquely successful" as

"a bastion of stability and shared democratic values in a volatile world; the largest trading unit in the world; and the largest aid donor. We have much to be proud of".

We do, and those are the words of none other than Margaret Thatcher, speaking when she was Prime Minister.

Britain continues to benefit greatly from the EU, which, today, is the market for more than half our trade. Many of our companies rely on access to the European single market for their success. By working through the EU, and with the EU, we have cleaner beaches, air and water. British citizens are able to travel, study, work, retire, get fairer legal redress and obtain free medical help anywhere in Europe, without restrictions. We work together better to stop international gangs bringing drugs, terrorism and illegal immigrants into our country. It provides a network of trade, aid and co-operation that covers most of the world, giving us greater influence, stability and prosperity.

Of course, as with any level of government or politics, it is easy to knock the European Union. The fact that its institutions are more distant and more recent contributes to the unease felt by some about the way in which the EU works. Nearly five decades after its foundation, its institutions and procedures—designed originally for six members—are struggling to cope effectively with 25.

Helen Jackson (Sheffield, Hillsborough) (Lab): When speaking to constituents during the recent elections, I observed their continuing failure to become aware of the many practical benefits conferred by European intervention, excellent regulations and excellent rules on them and the firms for which they worked, and the effect on goods that they bought in the shops. Does my right hon. Friend agree that that was a characteristic of the elections? When talking to his European counterparts, will he see what we can do to improve public presentation of what Europe does?

Mr. Straw: I agree that that was one of the messages of last week's European elections, although we should bear in mind that the main message was that nothing like a majority favoured Britain's withdrawal from the European Union or its marginalisation within the EU.

Let me take up the theme that my hon. Friend has introduced. My Dutch colleague Ben Bot described the position eloquently in a speech in Berlin just before the European elections, a fortnight ago. Europe's leaders, he said, must "confront reality", "give citizens a say", and

"ensure that the rights and freedoms of member states and citizens are given adequate protection"

if Europe is to succeed.

Those and similar considerations lie behind the British Government's approach to the constitutional treaty, as set out last September in our White Paper. While the EU does bring great benefits, it needs reform to become more effective, more flexible and more efficient. Institutions and procedures need to be clearer and simpler, and national Governments and Parliaments should have a stronger role. We want majority voting where it brings benefits, but we must retain the veto in areas of vital national interest.

In short, we want a treaty that strikes the right balance between the powers exercised by its sovereign nations and the powers that nations confer on the Union in order to act together better.

Mr. Michael Ancram (Devizes) (Con): The Foreign Secretary has twice described what he is keen should be discussed in Brussels this week as the "constitutional treaty", as though that were somehow different from the constitution. For the sake of accuracy, will he confirm that the treaty is described in its own terms as establishing a constitution for Europe?

Mr. Straw: I shall come to that in a moment, but—for the sake of accuracy—let me make clear, as I will again, that the treaty is no different a legal animal in international law from any of the earlier treaties, including the Maastricht treaty, which the right hon. and learned Gentleman recommended to the House so eloquently in 1992.

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): A moment ago the Foreign Secretary mentioned not just his Dutch colleague but, rightly, the battle against drugs across Europe. I am sure he will recall, from his earlier incarnation as Home Secretary, the case of Curtis Warren. It was owing to the British Government's intervention that Curtis Warren walked away unconvicted in that major drugs case. The Dutch were able to teach us a lesson in how to apprehend such people. The fact is that drugs are not contained in one country; they are a Europe-wide scourge. Will the Foreign Secretary comment further on benefits to the fight against crime, in the light of that example?

Mr. Straw: Of course I remember the case of Curtis Warren. My hon. Friend is absolutely right. The more we can co-operate in the EU on issues of justice and home affairs—drugs, crime, terrorism—as well as the issues that originally bound the Union and the single market, the better it will be for our citizens, and the more we should proclaim the benefits. There is no doubt that the streets of Liverpool were made safer by the actions of the Dutch police and the Dutch courts.

Mr. John Bercow (Buckingham) (Con): Will the Foreign Secretary give way?

Mr. Straw: I will give way one last time.

Mr. Bercow: Given that we have repeatedly, for more than a decade, been promised the protection of national Parliaments through the application of subsidiarity, given that the Foreign Secretary admitted to me on the Floor of the House on 21 May last year that the doctrine had proved unsatisfactory and given that the Prime Minister earlier this year failed to give a single example of the successful repeal of law through the application of subsidiarity under Amsterdam, will the Foreign Secretary accept that as an antidote to the pervasive cynicism in the country we now need as a minimum requirement a quantitative target for legislative repeal? What is his target?

Mr. Straw: First, there is a quantitative target for reduction in the volume of regulation in the European Union. I have discussed that with Commissioner Kinnock, who has been taking a lead on that recently. Secondly, I have accepted that the subsidiarity mechanisms have not worked particularly satisfactorily. That is why the British parliamentary delegation, led by my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart), took the lead in securing what is now a protocol and provisions for far better arrangements by which this House will be able to scrutinise draft EU legislation. That has been called a "yellow card" procedure, but it essentially enables this House, in combination with a third of other national Parliaments, to refer any draft legislation back to the Commission and the Council.

I have already brought forward proposals by which we will change our procedures in the House, if the House agrees, to make a reality of the subsidiarity mechanisms, which, I have to say, were raised in principle by the former Prime Minister John Major, but never followed through in practice.

Mr. Alex Salmond (Banff and Buchan) (SNP) *rose—*

Mr. David Heathcoat-Amory (Wells) (Con) *rose—*

Mr. Straw: I shall give way, for the last time, to the hon. Member for Banff and Buchan (Mr. Salmond).

Mr. Salmond: The Foreign Secretary will know that on the 20 April in the House, in response to my hon. Friend the Member for Moray (Angus Robertson), the Prime Minister said in respect of fishing:

"Fishing is still a shared competence, and we believe that that is right."—[*Official Report*, 20 April 2004; Vol. 420, c. 171.]

However, in correspondence and meetings with me, the Foreign Secretary has pointed out that the vast majority of fisheries policy is to be under exclusive competence. What hope is there, therefore, for a Prime Minister to negotiate on behalf of our fishing communities who is not even aware of the provisions of the constitution?

Mr. Straw: My right hon. Friend the Prime Minister is very well aware of the provisions and knows well, because he has seen it, that the early articles set down the conservation of marine biological resources as an exclusive competence, while the other aspects of fisheries are shared competences under articles I-12 and I-13.

I am surprised that the hon. Gentleman should have raised fishing and the common fisheries policy, because he campaigned in Scotland on only one issue: the repatriation of the common fisheries policy. He contrived to claim that he was involved in some kind of negotiation with me when I had offered him a meeting, as I would out of courtesy to any Member, and explained to him that the conservation of marine biological resources had been an exclusive competence since before we entered the European Union and was laid down in the accession treaty to which we signed up. The hon. Gentleman campaigned on the repatriation of the common fisheries policy, and what happened? He was roundly defeated in the elections in Scotland. Just to rub it in, he would do well to read a devastating article against him in today's edition of the Glasgow *Herald*, with the headline, "With fishing, there's always some catch".

Mr. Heathcoat-Amory: Will the right hon. Gentleman give way?

Mr. Straw: I shall give way later, but I want to make progress now. If agreement is reached—*[Interruption.]*

Mr. Speaker: Order. The right hon. Gentleman is not giving way.

Mr. Straw: I shall give way to the right hon. Member for Wells (Mr. Heathcoat-Amory) later, provided that he observes the usual courtesies.

If agreement is reached, this treaty will give us the chance to achieve reform of the way in which the European Union operates. We will have a single document that sets out what the European Union does and does not do. It will make it clearer than ever before that the European Union is a Union of nations that freely choose to share certain powers in order to achieve objectives that they have in common, and which acts only where its members have given it the authority to do so and where it can add value.

The treaty contains four important innovations. First, for the first time, it would give the body where Europe's national Governments take decisions—the European Council—a full-time chairman, replacing the present six-monthly rotating chairmanship. That post will strengthen the European Council, ensuring that the nations of Europe set the European Union's agenda and drive it through. For the life of me, I cannot understand what those on the Conservative Front Bench find to object to in that, because it will strengthen member states.

Secondly, the treaty would give national Parliaments, for the first time, a serious role in EU legislation, including the chance to send back draft legislation that goes too far. Again, for the life of me, I cannot see what the Opposition find objectionable in that. It was not in Maastricht, but it is going to be in this draft constitutional treaty. It will strengthen the power of every Member of this House to hold the European Union to account.

Mr. Richard Spring (West Suffolk) (Con): That is not enough.

Mr. Straw: It is a damn sight more than we ever got out of the Tories, or out of the hon. Gentleman when he was supporting the previous Conservative Government. My determination, if we get this treaty, is to make that mechanism work effectively. That is why I have already proposed new procedures for the House to decide on about where we would implement that mechanism.

Thirdly, we hear talk about the repatriation of powers. This draft treaty makes explicit provision, for the first time, for competences shared between the European Union and nation states—which is the vast bulk of them—to be transferred back to full national control when European Union members decide that they no longer wish to exercise them in common. We hear demands, including from the Leader of the Opposition a few minutes ago, for powers to be repatriated back to the United Kingdom and other member states. I assume that he was working on the basis of where we could get agreement with our partners. But the Leader of the Opposition's Government failed ever to achieve those powers. They are not in the existing treaties, but they are in article 1.11 of this treaty. Again, I completely fail to see what it is in provision 1.11 to which the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) takes exception.

Fourthly, the treaty would set out better procedures for what is known as "enhanced co-operation", allowing smaller groups of members who wish to co-operate more closely in certain fields to do so. Dare I say it—that is a live-and-let-live approach to Europe, exactly what the right hon. and learned Gentleman the Leader of the Opposition says that he wants. However, the Opposition are now setting their face against exactly the mechanism that would strengthen national Governments and Parliaments and enable member states that want to go faster than we do to do that.

Mr. Tam Dalyell (Linlithgow) (Lab): Before we move too far from fishing, may I ask the Foreign Secretary as a senior and influential member of the Cabinet to do what he can somehow to resuscitate the original ten-minute Bill, in the form of a private Member's Bill, on marine conservation? That very important measure was scuppered in the other place, quite frankly frivolously and disgracefully. It seemed to be the will of the House of Commons to pass the Bill of the hon. Member for Uxbridge (Mr. Randall), and anything that my right hon. Friend could do for that Bill would be of great help to the fishing community and the marine cause.

Mr. Straw: I listened to most of the debate on that Bill, and of course we will take it seriously. I also listened to what my hon. Friend and the hon. Member for Uxbridge (Mr. Randall) had to say today by way of complaint at the absence of any Minister on the Bench, and I listened to what you had to say on that,

[Mr. Straw]

Mr. Speaker. I assure my hon. Friend that I will personally pursue the substance of the Bill, and I will also pursue the issue of the absence of a Minister on the Bench.

Mr. Heathcoat-Amory: The right hon. Gentleman is claiming all sorts of new powers for national Parliaments in the constitution, but they simply do not exist. I am on the House's European Scrutiny Committee, and we already have the supposed right to scrutinise proposals on subsidiarity grounds, but the Commission may take absolutely no notice. The position will be exactly the same under the constitution, and there is no power for national Parliaments to block measures that breach the principle. That was spotted by the Government representative on the Convention, and the necessary amendment failed to pass. Will the Foreign Secretary confirm that?

As an illustration, will the Foreign Secretary comment on the new declaration in the draft on combating all kinds of domestic violence? Is that not an immediate, standing, obvious breach of the subsidiarity principle being newly written into the draft constitution? Even before it has been ratified, the principle is being breached and this House will be able to do absolutely nothing about it.

Mr. Straw: The right hon. Gentleman's first point is half serious. However, page 152 of the document that I put before the House shows that the protocol provides a far better scrutiny procedure than currently exists. I commend the European Scrutiny Committee for its work, but the problem is that it does that work only at a late stage in the legislative procedure. The protocol proposes that that should happen much earlier. I and my ministerial colleagues in the EU are determined to make the protocol a reality, and it will then be up to this House to seize the opportunity. I repeat that I have been in the vanguard of making proposals to the House to strengthen how it and the other place scrutinise our work inside the EU. That is increasingly welcomed in Brussels.

The right hon. Member for Wells made a second point in his intervention. I wonder what his women constituents will think when they hear that he objects to a straightforward declaration—which has no direct legal effect—against domestic violence across Europe. The right hon. Gentleman's position is absolutely extraordinary.

Kali Mountford (Colne Valley) (Lab): As someone who supported with vigour the Domestic Violence, Crime and Victims Bill, I am very pleased by what my right hon. Friend had to say about domestic violence. However, does he agree that the question of a European constitution is often used by the Opposition to frighten people about a so-called European state? It is not as though only states have constitutions. The rugby and cricket clubs in my area also have constitutions, but none of them can claim to be a state. Is not the Opposition's attack designed to frighten people away from the benefits of Europe? Does it not have more to do with the Conservative party's natural Euroscepticism, the divisions within it and its confusion about the messages from the public than with the treaty itself?

Mr. Straw: I entirely agree with my hon. Friend.

Kate Hoey (Vauxhall) (Lab): It is all very well for my right hon. Friend to say what he has said about scrutiny, but what is the point of scrutiny if, when people in this country say that they do not want something to happen here, they are unable to implement that decision by means of the veto? Will not the constitution mean that we will lose the right to exercise the veto in 42 areas? A good practical example of that is the recent problem with vitamins. Many sensible people in this country wanted to continue to use certain vitamins. We made it clear that we did not want the proposed change to happen here, but it was simply bulldozed through by an elite in Europe that does not really care about ordinary people.

Mr. Straw: The Government will continue to ensure that the veto is maintained in respect of key areas of vital national interest. My right hon. Friend the Prime Minister has spelled that out, as have I. The White Paper also makes that very clear. The vitamins regulations have nothing to do with what is in the draft constitutional treaty, as they arise from existing legislation passed under the Single European Act and the Maastricht treaty, for both of which the Conservatives were responsible.

Secondly, my hon. Friend the Member for Vauxhall (Kate Hoey) worked with me on justice and home affairs issues. She will remember that we dealt with them not by walking away from the touchlines and out of the stands, but by getting engaged. Time after time, when we are engaged, we win for Britain. That was the experience for the Conservatives in the early 1980s, but the experience was the exact opposite when the Leader of the Opposition was running EU policy in the early 1990s. Finally, most of the 40 or so issues to which the question of the veto is relevant are pretty obscure.

Several hon. Members *rose—*

Mr. Straw: I want to provide some further reassurance for the right hon. Member for Wells. I have spelled out many of the areas in which the roles of national Governments, nation states and national Parliaments will be enhanced by the new draft constitution. I have spelled out how the draft meets one of the Leader of the Opposition's key red lines—that some member states should be able to advance faster than others. That process is called enhanced co-operation.

Another reason why some hon. Members—those who want the UK to leave the EU altogether—should vote in favour of the draft constitution is that, at present, there is no procedure that allows member states to denounce the treaties and leave. The present provisions can only produce a mess. Article 159 provides a very clear procedure for member states to leave the EU. I do not believe that to do so would be in our interest, but the

option should be available. The draft constitutional treaty provides for that option, where existing provisions do not.

Mr. Henry Bellingham (North-West Norfolk) (Con): Will the Foreign Secretary give way?

Mr. Straw: No. I want to make progress.

One would have thought that the Opposition would welcome the benefits in the constitutional treaty most warmly. After all, they say that they want a more flexible Europe and a stronger role for member states and their Parliaments, and this treaty will deliver all that. Instead, even before we have the finalised text, the Leader of the Opposition is committed to rejecting it, whatever it says. It is no surprise that he and the right hon. and learned Member for Devizes (Mr. Ancram) are busying themselves, not with arguments based on the reality of this text, but with spreading myths about it that bear little or no relation to the facts.

Let us look at some of those myths. First, there is the myth raised by my hon. Friend the Member for Colne Valley (Kali Mountford)—that the existence of a constitution makes the EU a country. My hon. Friend noted that plenty of organisations have constitutions. Golf clubs and the Boy Scouts have them—as does Kent county council, which covers the constituency of the Leader of the Opposition. The right hon. Member for Skipton and Ripon (Mr. Curry) wrote a very good piece for his local newspaper the other day. In it, he placed the argument that having a constitution makes an organisation a state into the

"bears-are-black, this-is-black-therefore-it-is-a-bear category".

It is a complete nonsense to say that the existence of an EU constitution means that the EU must be a country. Opposition Members need to produce a much more intelligent level of debate and criticism.

Every international organisation needs a rule book, including the EU. The right hon. and learned Member for Devizes knows enough about law to know very well that the legal status of the constitutional treaty would be the same as its predecessors—that is, a treaty under international law. We will judge the treaty by what it does. It will not build a superstate, but it will strengthen the nations in a modernised EU.

Mr. Bellingham: Will the Foreign Secretary give way on that point?

Mr. Straw: No, I want to make progress.

Next, the right hon. and learned Member for Devizes has claimed that the charter of fundamental rights incorporated in the treaty will stop us from running our own industrial relations policy. It will not, as article 2.28 spells out very clearly. The text makes it clear that the charter would create no EU powers, and that general rights such as the right to strike are subject to "national laws and practices". We shall ensure that we have legal certainty in the way that that is interpreted.

Next, the right hon. and learned Member for Devizes says that we will hand over control of our foreign policy, but what he objects to is already in the treaty of Maastricht, which he wholeheartedly supported. The present shadow Chancellor, the right hon. Member for West Dorset (Mr. Letwin), wrote in *The Sunday Telegraph* of 7 March 1993:

"Post-Maastricht, Britain and France become the mouthpieces for the European Union at the UN."

That was the prediction but, when I appeared before the Security Council on behalf of this country, I did not get the impression that France was appearing as a mouthpiece of the EU, and neither was I there as a mouthpiece of the EU. France spoke for France, and I spoke for the UK. The prediction therefore turned out to be complete nonsense, but that has not stopped the Opposition from peddling the same myth 12 years on.

Any new treaty to which we agree will keep the national veto for foreign policy. That means that the EU will act together only when every member, including Britain, agrees to do so. There are other scare stories about the primacy of EU law, but the veto has been a fact since the EU's inception, and was part of the terms of our membership. It was written into UK law by section 2 of the European Communities Act 1972.

Today's Opposition spend a great deal of effort denigrating and demeaning the EU while suggesting, unconvincingly, that they still want Britain to remain a member. They square that circle by claiming that they would renegotiate Britain's membership. Far from representing some sort of centre ground, however, that policy of renegotiation has long been espoused by isolationist anti-Europeans both inside and outside the Conservative party. It was the rallying cry of the Maastricht rebels in the early 1990s, and it was taken on by Sir James Goldsmith in the run up to the 1997 general election. Until recently, the Conservative leadership rightly rejected it. Baroness Thatcher never touched the idea of withdrawing from EU membership. John Major called it "absurd". Even the right hon. Member for Richmond, Yorks (Mr. Hague) refused to go there. Yet today's Conservative leadership—eager to appease the hard-liners and the Europhobes—is now committed to what the right hon. Member for Wokingham (Mr. Redwood) described a few weeks ago as a "thoroughgoing renegotiation".

Mr. Ancram: I am grateful to the right hon. Gentleman for pointing out that the Conservative leadership has never suggested withdrawal from the European Union. Will he confirm that the only leadership of a major party ever to do so was that of his party in 1983? Will he also confirm that he supported his leadership in that?

Mr. Straw: What we did in 1983 provides, I think, a very good case study in how to suffer the most devastating defeat in electoral history. I invite the right hon. and learned Gentleman to pursue that course. He has, incidentally, given me an opportunity to give a wider audience to a most perceptive piece in *The Times* on Monday by Mr. Tim Hames, who wrote that the pledge of withdrawal and exit from the EU

"is not a pledge that the Conservatives can deliver and, if they could, Michael Ancram, the shadow Foreign Secretary, is hardly the figure to do so credibly. Mr Ancram is, somewhat grandly, to deliver a lecture next month entitled 'Whither India?' After his performance over the past few weeks, India might respond by organising an address called 'Whither Michael Ancram?'"

Let me be clear about what thoroughgoing renegotiation would involve. It would mean withdrawing from the common fisheries policy, as

[Mr. Straw]

signed up to by the Conservatives. It would involve withdrawing from the EU's overseas aid system, as praised by Margaret Thatcher and signed up to by the Conservatives. It would involve "abandoning"—the word used by the right hon. and learned Member for Devizes—the common foreign and security policy, as signed up to by the Conservatives and actively supported in the House by the right hon. and learned Gentleman himself. And it would mean withdrawing from the social chapter.

The hard-liners do not even want to stop there, and why should they? Some want Britain to withdraw from the common agricultural policy. Some even question fundamental concepts, such as the primacy of EU law and qualified majority voting. It all sounds deceptively easy—a pick-and-mix approach, where you can have your cake and eat it. But it is a sham. The big problem for the Conservatives is that renegotiating the terms of Britain's membership requires the unanimous agreement of all 24 other member states of the EU.

For the Europhobes, that, of course, is exactly the point. Because when the so-called renegotiation failed—as it surely would—Britain would have no option but to withdraw. The Conservative leadership, notwithstanding the denials that we have heard today, is gradually being pushed into that place. Last Wednesday, we had the most extraordinary spectacle as the right hon. and learned Member for Folkestone and Hythe went on the radio—I heard every word—to offer his view about what would happen if "renegotiation" of the common fisheries policy failed to secure the agreement of the other 24 member states. He said, explicitly, that the Conservatives would not withdraw from the European Union:

"That was not the way in which it was done before, and I do not think it would be sensible again."

But then, within four hours, after huge pressure and panic in the Conservative party, the right hon. and learned Leader of the Opposition adopted the extraordinary device of writing a letter to his own shadow Fisheries Minister to set out the position in greater detail, saying

"should negotiation not succeed ... we would introduce the necessary legislation to bring about full national and local control."

Mr. Ancram *indicated assent.*

Mr. Straw: That is right, says the right hon. and learned Member for Devizes, but this is where the position of the Conservative party is simply a deceit and a sham. Unilateral withdrawal from international treaty obligations on that scale would completely undermine our continued membership of the European Union. Such an organisation can operate only if all member states agree to abide by the rules.

When the right hon. and learned Gentleman stands up to talk about withdrawing from the common fisheries policy and seeking to impose unilaterally legislation that undermines—*[Interruption.]* He mutters about the growth and stability pact, but that is not inside the treaties while the common fisheries policy is: if he does not understand that, he understands absolutely nothing about the legal basis of the European Union.

The right hon. and learned Gentleman must stand up and explain how, when and if a new fishing Bill is put through to "repatriate" the common fisheries policy, it will be consistent with obligations in the accession treaty that we entered into in 1972, and which his Government reconfirmed time, time and time again. Then he has to explain whether we would pay the fines that the European Court of Justice would impose on us for our breach of treaty obligations. Then he has to spell out what would happen in British courts when those disadvantaged by the change in national law claimed their treaty rights, which are also part of British law. I can tell him what would happen then: as long as we remained inside the European Union, the British courts would find in favour of the treaty rights. Next, the right hon. and learned Gentleman has to explain how his exercise would lead to absolutely nothing except the humiliation of the United Kingdom. He needs to stand up and spell all that out.

Were we to go down the road of withdrawal, as an increasing number of members of the Conservative party want to do, we must be clear that it would not be cost free, as the Conservatives try to pretend. I invite hon. Members to read the interesting article in *The Independent* today that spells out the fact that not being a member of the European Union would not be cost free.

Mrs. Angela Browning (Tiverton and Honiton) (Con): Rubbish.

Mr. Straw: Rubbish, we are told. But it would mean applying European legislation while having no say in deciding it. It would mean contributing to the European Union budget but getting almost nothing back—Norway alone pays €230 million a year to finance EU enlargement. British exporters, who can today trade free of obstacle throughout Europe, would have to fill out a 12-page form every time they wanted to send their products across the channel—extra red tape, extra costs and extra delays.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Nonsense.

Mr. Straw: The right hon. Gentleman can say that, but I have the form here and will happily give it to him, all 12 pages of it. The Conservatives talk about trying to scale back bureaucracy and red tape, but withdrawing from the European Union would disadvantage every business in Britain and increase red tape.

Withdrawal would also mean losing the global influence that we have as part of the single market, with a quarter of world gross domestic product and a third of world trade. That is the vision that the Eurosceptics of the Conservative party have of Britain. It is not my view; nor, I believe, is it the view of the majority of British people.

At the beginning of this speech, I quoted a passage from Margaret Thatcher offering high and justified praise for the European Union. That was in the early 1980s, when the Conservative party was actively and constructively engaged in the European Union, campaigning for qualified majority voting to ensure that the single market would work and for a common foreign

and defence policy. However, as the Conservative party became more and more despondent about its own long-term future, so it became about Britain's influence in the world. Therefore, as it has done repeatedly over two centuries, the Conservative party turned in on itself on the issue of the UK's relations with the rest of the world, particularly Europe. Conservative pessimism has produced a defeatist attitude to Europe and a similarly defeatist view of Britain's place in the world. It is a view based on the belief that Britain can never succeed in Europe, and that all we can aspire to do is to hold back the tide. It betrays a total lack of confidence in the force of Britain's influence.

We take a different view. By engaging in Europe, we can lead reform. If we put Britain at the margins, our partners will go ahead and, quite naturally, arrange things that may not suit us. If we want Europe to pursue the right policies to make us more prosperous and more competitive in the world, we need to be at the centre of decisions, making our case and winning the arguments. That has been our approach on the constitutional treaty. We have made clear what we will not accept, but we have also shaped the debate in our favour. Now we have the chance to agree a treaty that encapsulates Britain's vision of an effective, reforming Europe, in which 25 proud and rather different nations can work together to enhance their prosperity and their power.

It is a chance that the Government are determined to seize. If a treaty is agreed, we will make the case for that kind of Europe to Parliament and then to the British people, who will have the final say. The case will be for a Europe in which Britain is stronger, not weaker; winning, not whining; powerful, not powerless. And we will be negotiating for a treaty that sets out the framework of a modern and effective Europe of nations, in which Britain is leading reform to ensure that the organisations from which we have benefited so much in the past continue to deliver the jobs, growth and security that we want in the future.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): On a point of order, Mr. Speaker. I am sorry to interrupt this excellent debate, but I wish to apologise unreservedly to the hon. Member for Uxbridge (Mr. Randall), to you and to the House for not being in my place for his ten-minute Bill a few moments ago. It was a complete oversight on my part and I apologise for the discourtesy that was shown to the hon. Gentleman and the rest of the House.

Mr. John Randall (Uxbridge) (Con): Further to that point of order, Mr. Speaker. It is very gracious of the Minister to return to the House to make that apology, which does not always happen. I accept his apology entirely, and I hope that he will read my speech and become a champion for puffins and sea squirts.

Mr. Speaker: Thank you. I call Mr. Ancram.

1.20 pm

Mr. Michael Ancram (Devizes) (Con): Before that dignified apology by the Under-Secretary, the House was being entertained by one of the Foreign Secretary's famous rants. Interestingly, he spoke for 40 minutes before he came on to what his party stands for in Europe. He spent most of the rest of the time attacking what he said my party stands for. I have learned one thing about the Foreign Secretary, and it is that when he rants like that it is a sign of uncertainty.

Hon. Members will recall a debate earlier this year when I called for a referendum on the European constitution. In reply, we heard a remarkable rant from the Foreign Secretary, in which he told us how disgraceful an idea it was even to suggest a referendum on such an issue. He gave me all the reasons why a referendum would be wrong and then, 10 days later and apparently at his direction, the Government changed their mind. I am not sure what we should read into his rant today. Perhaps our wish will come true and the Government will go to Brussels and say no to the constitution.

These biannual debates on European affairs, which occur shortly before the meetings of the Heads of Government in the European Council, are traditionally useful occasions when Members of Parliament, as elected representatives of the British people, can express our views on the position that the Prime Minister should take at the summit. Rarely can there have been a debate as relevant and timely as today's. On the day before the Prime Minister flies to Brussels to finalise agreement on the European constitution and three days after the results of the European Parliament election results were declared, there can never have been a clearer message for him to carry to the Council: the British people do not want this constitution.

A year ago, when the full impact of the draft constitutions became apparent, it was publicly argued that if people did not like what they were offered, they could vote against the Government in the European elections this year. The elections, it was argued, would more or less coincide with the end of the process on the constitution, and we were given to understand that the Government would be

"quite happy to fight the . . . European elections on a Labour platform endorsing this treaty, and the Conservatives can oppose it, and then the people will decide."

Those are not my words, but those of the Leader of the House on the "Today" programme on 27 May last year. Well, the people have decided.

The Foreign Secretary referred to the votes of the Scottish people as an endorsement—he claimed—of his position on fishing. Interestingly, he did not talk about the national results. In last week's election, more than 50 per cent. of people voted for parties opposed to the constitution. If the Prime Minister presses ahead with agreeing the constitution, he will do so in the face of the democratically expressed will of the British people. If he does so, he cannot claim that he is representing the British people. That vote has rendered invalid his mandate to agree the constitution, if he ever had one. *[Interruption.]* The hon. Member for Rhondda (Chris Bryant) makes his usual protestations, but my understanding is that one has a mandate to do something that was in one's manifesto. Perhaps he could show me where the Labour manifesto for 2001 makes any mention of the introduction of a European constitution. After that vote, the Prime Minister has no

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moral authority to agree the constitution. He should heed the will of the British people and go to Brussels and say no. If he does, we for our part would welcome it.

Geraldine Smith (Morecambe and Lunesdale) (Lab): Most of the British people are not aware of the detail of the constitution, so I do not see how the right hon. and learned Gentleman can say that they are against it. I think that they would welcome greater co-operation on measures to tackle illegal immigration and asylum, and the enhanced power of the nation state that the constitution contains. The Conservatives have got this all wrong.

Mr. Ancram: We do not need a constitution to do any of the things that the hon. Lady mentions. She appears to scorn the advice given by the Leader of the House, who saw the elections as a chance for the British people to pronounce on the constitution. The British people took up that invitation and they have clearly spoken.

I fear that the Prime Minister will not return from Brussels having said no to the constitution. He will tell us proudly about his red lines, which are part of a carefully choreographed battle for British interests that have already been conceded by his European colleagues, but which must appear to be fought and won in the battle of spin to allow him to claim victory. It will be a hollow and deceptive victory, because it will not deal with the real dangers to British interests that the constitution poses.

Mr. John Redwood (Wokingham) (Con): Will my right hon. and learned Friend confirm that the Prime Minister could veto every aspect of the constitutional treaty that he did not like, and he could go further and say that he would also veto enhanced co-operation, which France and Germany want, unless they give us our fish back? Would that not be a sensible approach in the negotiations?

Mr. Ancram: My right hon. Friend sets out an important fact ignored by the Government, which is that negotiations are about such arguments—getting what one wants, sometimes in return for something that someone else wants. But this Government do not negotiate. They never argue Britain's corner. Indeed, from what they have said recently, they appear to believe that negotiation means saying to colleagues, "We want this, but if you don't want to give it to us, we will not press you any further."

In the next two days, we shall hear a lot about the so-called red lines. It has already started, with talk in today's newspapers of keeping national vetoes for treaty change, tax, social security, defence, criminal procedure and, as a general rule, foreign policy. We were told that there was no need for a European public prosecutor. I thought that the Foreign Secretary might tell us today what was happening on that, but he was too busy talking about us. Making the charter of fundamental rights anything other than a political declaration was also to be a red line. The Government will undoubtedly claim that if those points are met, the constitution will be acceptable.

Mr. Straw: The right hon. and learned Gentleman asked about the European public prosecutor, but we have a veto over whether it even happens.

Mr. Ancram: I presume that the Foreign Secretary hopes to be able to tell the House when he returns that he has achieved all his red lines. However, he may remember that he told us in December that they had already been achieved.

Admittedly, if the red lines were not met, the constitution would be even worse. But, as my right hon. and learned Friend the Leader of the Opposition said earlier, in reality the red lines are red herrings—a last-ditch and somewhat desperate distraction from the fact that, even in the Government's own terms, the current text is very different from the one they originally aimed for.

During the course of the Convention on the Future of Europe, as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) will recall, the Government tabled 275 amendments to the text of the constitution. Only 10 were accepted into the final text. To put it in football parlance, the score to date is Giscard 265, British Government 10! So what happened to the other 265 important amendments? Let us look at just a few. Last year, the Leader of the House tried to strike out the article giving the constitution legal primacy. So why is that not still a red line?

On the question of an EU Foreign Minister, the Leader of the House wrote:

> "We do not accept the title 'Foreign Minister' as it is misleading as he/she will have no Ministry . . . We suggest 'EU External Representative'."

What an extraordinary phrase. The Leader of the House continued:

> "This is unacceptable as it stands."

So why is it no longer a red line? Is it because the Government are now hell-bent on creating an EU diplomatic service, with its own embassies and its own ambassadors working to its own Foreign Minister?

The Government wanted to rewrite completely the article on asylum. They described it as "a fundamentally important amendment". They failed. So why is that no longer a red line?

Geraint Davies (Croydon, Central) (Lab): Is there any new provision in the treaty that the right hon. and learned Gentleman actively supports? Or is his position one of blanket opposition, in order to mimic Robert Kilroy-Silk without having the integrity to advocate withdrawal?

Mr. Ancram: If the hon. Gentleman had read our manifesto for the European elections, he would know that we actually support the principle of what the Foreign Secretary called the yellow card provision to enable national Parliaments to exercise a veto, but we do not think that it goes far enough. Indeed, like us, some Labour Back Benchers have suggested that the yellow

card should become a red card. That is how we can ensure that we achieve stronger support and ability for national Parliaments.

Mr. Straw: So is the right hon. and learned Gentleman saying that he does not want national Governments to have a greater and more enhanced role in the running of the European Union, which will be achieved by a full-time chairman but cannot be achieved by a rotating presidency that would take 12 and a half years to come around for each member state? Does he object to what is in article I-11, which for the first time provides, as the Leader of the Opposition called for only half an hour ago, for powers to be repatriated from the EU back to member states?

Mr. Ancram: Once again, the Foreign Secretary raises the extraordinary idea that if the head of the Council is not an active politician in his domestic Parliament—someone who does not represent a Government in the EU—that somehow strengthens the position of national Parliaments. He should take the time to visit some of the accession countries, which feel that that would remove their ability to influence the European Union because they would never have a chance to take part in its presidency.

Angus Robertson (Moray) (SNP): The right hon. and learned Gentleman will probably know that neither red nor yellow cards will have an impact on the exclusive competences of the EU. That being agreed, why did a Scottish Conservative MEP, Struan Stevenson, propose in the European Parliament that fishing should be an exclusive competence of the European Union?

Mr. Ancram: I can say only that Struan Stevenson stood on the manifesto at the European elections—*[Interruption.]* Under our present system for electing our MEPs, devised by the Government, candidates stand only on their party's manifesto, and our manifesto makes it clear that our position on repatriating control over fisheries is maintained.

I was asking what had happened to all the other amendments. Why have they apparently been surrendered? I shall not try the patience of the House by going through the whole long list, but unless the great bulk of those amendments is secured by the Prime Minister this week, the Government will have done something quite extraordinary: they will have demonstrably failed—not in our terms, nor even in the terms of the British people, but in their own terms. What the Prime Minister will be facing tomorrow is not a tidying-up exercise, not a mere consolidation of existing treaties, but what the Belgian Prime Minister has described as the "capstone" of a federal state.

If we are to believe that the Government are fighting to protect British interests, there are some simple benchmarks. The Prime Minister should firmly say no to any constitution. Countries have constitutions; the EU is not a country and must never aspire to become one. Indeed, only three years ago the Prime Minister told us that a constitution was not necessary.

Mr. Harry Barnes (North-East Derbyshire) (Lab) *rose—*

Mr. Malcolm Savidge (Aberdeen, North) (Lab) *rose—*

Mr. Ancram: I will give way to the hon. Member for Aberdeen, North (Mr. Savidge) for old times' sake.

Mr. Savidge: Can the right hon. and learned Gentleman tell us whether the Conservative party has a constitution? I would concede that it is in a state.

Mr. Ancram: I do not know whether the hon. Gentleman has read the EU constitution, but if he thinks that a political party, or a golf club—one of the other organisations that is often mentioned—has 175-page constitutions of intense and obtuse language, I do not know where he has been. I know constitutions. I know golf clubs. This ain't no golf club constitution.

Apart from one slip of the tongue, the Foreign Secretary told us again that this was a constitutional treaty and thus somehow not a constitution. That is a form of sleight of hand, because the treaty describes itself as

"establishing a Constitution for Europe".

Throughout, the document refers to "the Constitution" and until the Government accepts that it is a constitution we shall hear the sort of meaningless and irrelevant rant that we heard from the Foreign Secretary today.

Mr. Barnes: It is very courteous of the right hon. and learned Gentleman to give way. If the word "treaty" were to replace the word "constitution" throughout the document, would that be okay for him?

Mr. Ancram: I do not know whether the hon. Gentleman has read the document—*[Interruption.]* I am about to give the hon. Gentleman an answer—the Foreign Secretary really must restrain himself. He sits on the Treasury Bench chewing away and I know that he is anxious about the next few days, but he must restrain himself.

The document is a constitution; when one considers the way it is set out, it must be a constitution—it cannot be anything other than a constitution. When one has an elephant it is worth calling it an elephant; if one calls it other than an elephant, one tends to get trampled on.

Sir Menzies Campbell (North-East Fife) (LD): Will the right hon. and learned Gentleman give way?

Mr. Ancram: I shall give way in a moment. I want to make some progress.

The Prime Minister must meet other benchmarks. He has to say no to the constitutional imperative of a Europe "united ever more closely". We were told that that concept would be removed, but there has merely been a change in the wording—it actually means the

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same thing. Following on that, he should say no to giving the EU a single legal personality. It does not need one unless it is seeking to become a state in its own right. It has not had one in the past and can perform perfectly well without one.

The Prime Minister should say no, as the Government tried to do in their earlier amendment, to the article giving the EU constitution legal primacy over our own. He should say no to the EU having control over our asylum or immigration policy. Of course, we can co-operate, but we should not be told what our policy is by Brussels.

The Prime Minister should say no to the EU having any control over our criminal law. Of course, we need to work together to fight international crime and terrorism, but that must not mean the emergence of an EU criminal code that supplants our own.

The Prime Minister should say no to the charter of fundamental fights. If it has only the legal force of the *Beano* it is unnecessary. If it has legal force, which our Government promised us it would not have, it must be opposed. I seem to remember that the Government's exact words were, "There is absolutely no possibility of us agreeing to this". We can look after our own fundamental rights. We do not need Europe's judges to tell us how to do it.

Sir Menzies Campbell: Will the right hon. and learned Gentleman give way?

Mr. Ancram: I shall give way in a moment.

We must be wary of accepting bold assurances that attempts to harmonise taxes and to create a single foreign and security policy have been thwarted by the brave actions of our gallant Prime Minister. Left behind in the text will be the "aspirational" articles, I-14 and I-15, requiring co-ordination of economic policies within the Union and active and unreserved support for the Union's foreign and security policy,

"in a spirit of loyalty and mutual solidarity and compliance with the acts adopted by the Union in this area".

Mr. Straw: That was in the Maastricht treaty.

Mr. Ancram: The right hon. Gentleman keeps shouting about Maastricht, but Maastricht was about an intergovernmental system; this constitution is creating something very different and those words have a very different meaning when they form part of a constitution.

If, in a constitutional context, the first of those two articles does not mean a long-term aim of achieving tax harmonisation, it is not only hard to see what it means but even harder to see why it is still in the document. If the Prime Minister's claims to have achieved that red line are to be believed, that should have gone, too.

The second article is even more serious. It could make anything that is not an EU common foreign policy justiciable before the European Court of Justice. It is the backdoor to a single European foreign policy, something which would be disastrous for us and which the Government have also assured us would not happen. If the Prime Minister means that assurance, he must insist that that article goes, too.

I give way to the right hon. and learned Member for North-East Fife (Sir Menzies Campbell).

Sir Menzies Campbell: I am most grateful to the right hon. and learned Gentleman, although he has to some extent passed on from the point on which I wanted to intervene. He and I will have to agree to disagree about the word "constitution", but what does his party propose to do in the event that this legal instrument were not to receive the approval of the British people? Would his party be content to operate under the four existing treaties and the Single European Act? How would that provide the clarity that is necessary for a European Union expanded from the original six to 25?

Mr. Ancram: We have never had a problem with looking at what might loosely be called a charter of competences that sets out clearly what the European Union can do and what national Parliaments should be able to do. However, if the right hon. and learned Gentleman thinks that this document is an example of clarity, his time in the law may have clouded his judgment as to what is clear.

We are still told that the proposed constitution does not cross the threshold between the room marked "A Europe of Nations" and the room marked "A Sovereign European State". Perhaps, in totality, it does not, but it certainly moves from the anteroom of one to the anteroom of the other, and it does not take an immense step to move from one room to the other anyway.

Let me quote from the evidence given to the Lords Select Committee on the Constitution by Professor John McEldowney of the university of Warwick on 15 October last year. He said:

"While the Constitution may constitute the sum total of the existing Treaties revised and refined, it is also endowed with the status of a Constitution—even though this status is not well defined or explained. Inevitably the status of a Constitution invites interpretation by the courts and this adds an additional dimension of how judges might interpret the terms of the Constitution."

That goes to the absolute heart of why the constitution is objectionable.

If the Prime Minister was true to his past words and recognised the strength of feeling expressed by the British electorate last week, he would go to Brussels to say no, and I still hope for Britain's sake that he will, but I fear that he will not. He is, after all, the Prime Minister who twice in the past four years has called for the creation—his words, not mine—of a European superpower. That is the Government's real agenda. They talk the talk of the Europe of nations; they walk the walk of an increasingly integrated and politically united Europe.

The signs are there. First, we saw recently a report of Romano Prodi's group, set up under the chairmanship of Dominique Strauss-Kahn, including a former Government Minister and confidant of the Prime Minister, Lord Simon of Highbury. The report says that the formation of the EEC was no more than a first step in the federation of Europe. It clearly maps out the desired path and states:

"The time has now come to take the second step: that of the march towards political union".

Mr. Strauss-Khan helpfully explains how it will all be achieved:

"As demonstrated by the draft Constitutional Treaty, there will be no 'revolutionary leap' to a political Europe: it will be built by small reforming steps."

He went on, very helpfully, to set out those steps. The first stage is to adopt the draft constitutional treaty produced by the European Convention. The second is to develop the context and the financing of Union policies in negotiations on the next financial perspective. The third is to bring to life the European model within the first European constitution. The fourth is to make use of the experience acquired to define the next political phase. He ended up by saying:

"The need to make further progress towards political union will become clear."

It is absolutely clear that that is a road map towards political union—he makes no pretence about it—and I find it strange that the Government are still denying that that is what the constitution is about, but we are told that that is not the Government's position. It might not be, except for another report—the declaration by the European Socialists party, published last February, called "Europe 2004—Changing the Future". That is an interesting document. For a start, it talks about eliminating

"all unfair competition between the national social security systems of our Member States."

Where would that leave the Government's red line? It says:

"The idea of an international tax continues to gain ground and should be explored, such as a tax on speculative movements of capital, on CO_2 emissions, or a global tax on multinational corporate profits."

Again, where would that leave the Government's much proclaimed red line? It talks about "a common immigration policy" and

"a move towards single EU seats in the different international organisations."

For a start, that would mean losing our seat on the United Nations Security Council to an EU representative who, on all past evidence, would rarely represent the British view—*[Interruption.]* The Foreign Secretary laughs. He ought to read that document; it is very informative.

We were told, much to my astonishment, that that was not the Government's position either. That argument does not work this time because that document—I have a copy here—is actually signed by the Minister for Europe. When that was disclosed, we were told, rather surprisingly, that he did so in his political rather than his ministerial capacity. Again, not quite: the document sets out against his signature the term "Minister for Europe, UK", so he signed it in that capacity.

The Minister for Europe (Mr. Denis MacShane) *indicated dissent.*

Mr. Ancram: Not in that capacity—if the Minister for Europe does not speak for the Government on Europe, who does? The Deputy Prime Minister told me last week that that was not Government policy. All I can say is why is the hon. Gentleman sitting on the Front Bench as the Minister for Europe if what he now signs is not the Government's policy?

There is something rather endearing about the Minister for Europe. When the Government are busy laying down the usual smokescreens, he invariably—if I may mix a metaphor—lets the cat out of the bag, and this time the cat is the cat of further European integration, which has always covertly been the Government's aim. To disguise that, the Government, led by the Prime Minister and aped by the Minister for Europe, set out, extremely foolishly, to suggest that the only question on Europe was whether to stay in or get out. They sought quite deliberately to polarise the argument and to deny that there was any position in between. The result of that polarisation was clear on Sunday and the Government have only themselves to blame. They deliberately set out to try to hide the fact that there is another option—a more constructive, more sensible and more forward-looking way. It is our way, and the results of the election show that it was the option that secured the most votes.

Our policy would make the EU more open, more accountable and more efficient. It would be an EU that would not try to do everything, but that would do what it does better. We want to build a flexible Europe, following the precedents set by the opt-outs from the euro and the Schengen agreement, which shows how flexibly Europe can work. Enhanced co-operation enables some member states to go ahead with further integration, even when others do not want to do so. So countries that wanted to integrate still further could do so, but others would not be compelled to join them. That is why we keep on stressing the importance of a flexible Europe.

Chris Bryant (Rhondda) (Lab): I have heard many of the right hon. and learned Gentleman's speeches, and as I understand it he is arguing that he would never sign up to, negotiate or start to negotiate anything that looked like a constitutional treaty or a constitution of any kind, but that he would like a charter of competences, as I think he referred to it earlier. However, I have yet to find another country in Europe that is prepared to take part in that negotiation with him. Therefore, unless he is prepared to sign up to the treaty to allow a change in the process of negotiating the treaty, there is no means to establish what he wants.

Mr. Ancram: The hon. Gentleman should study not just this country's election result, but those right across Europe. If he did so, he would find some very strange results, with countries, particularly those that have just joined the EU—inasmuch as they bothered to vote at all—showing a very strong and healthy concern about the way that the constitution is directing Europe.

The Conservative approach will anchor national Parliaments at the heart of the EU law-making and decision-making process. As I said earlier, we want a red card system to be introduced: if, say, five or more national Parliaments object to new or existing European legislation on the grounds of subsidiarity or proportionality, it should be withdrawn or repealed, not just reviewed. The EU Commission should lose its monopoly right of initiative on legislation and share it with member states.

The current rotating Council presidency should be, and can be, reformed by establishing rotating team presidencies of perhaps one year, involving big and

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small members. That would allow the burden of chairing the Council of the European Union to be shared between members, rather than held by an individual character for five years. The acquis communautaire needs to be systematically reviewed, so that powers that would be better administered by the nation states are returned to them. Defence and foreign affairs co-operation should be defined in practical, organisational terms. That would allow ad hoc coalitions and pan-European action where desirable and task specific, but all within the NATO structure. The common fisheries policy is emptying our seas of fish and utterly failing our fishermen, so we will negotiate to restore local and national control over British fisheries.

That will be the start. For too long, we have sat back as powers were leached away from national Parliaments to Brussels.

Mr. Straw *rose—*

Mr. Ancram: I have given way to the right hon. Gentleman—*[Interruption.]*—I have given way three times—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. The right hon. and learned Gentleman is clearly not prepared to give way.

Mr. Ancram: I give way to the Foreign Secretary.

Mr. Straw: I am grateful to the right hon. and learned Gentleman for giving way; I shall try to reciprocate. On fishing, let us suppose that we repatriate the powers by a decision of the House and the other place. What happens when that repatriation of fishing powers turns out to be completely inconsistent with the treaties?

Mr. Ancram: That is the negative answer that we hear all the time. My criticism is that we have had two years of the renegotiation of treaties through the Convention and the process that has led to the constitution. The Government should have been arguing the case for our fishermen during those negotiations, but they did not. We will not find ourselves in that situation when we are in government. We will argue for British interests. Our case in negotiations will be strong, and we will succeed.

We have sat back for too long as powers were leeched away from national Parliaments to Brussels. We intend to reverse the conveyor belt by restoring to Westminster powers from Brussels that can be exercised better and more efficiently here. We are not alone, although the Foreign Secretary keeps trying to suggest that we are. The Dutch Foreign Minister, Bernard Bot, called for cultural policy, parts of the common agricultural policy and the social chapter to be returned to nation states' control. When the constitution fails, as I believe that it should and will, and Europe goes back to the drawing board, we will at last have the opportunity to negotiate a Europe in which the nations matter again.

The whole weight of evidence, argument and popular opinion is ranged against this wretched constitution. The opportunity to reject it and build a more people-friendly Europe is there. I fear that due to all the deeply inculcated arrogance of new Labour and its contempt for democratic opinion, that opportunity will be squandered. I fear that the Prime Minister will return to the House on Monday full of tales of negotiating derring-do and red lines protected, but with an agreed and damaging constitution in his hand. If that happens, in the face of British public opinion, he should accept one valid challenge: put the constitution to the people in a referendum now. He should not wait 14 months in the hope that he can bamboozle the British people into supporting it. He should have the courage of his convictions, get on with it, and let the people decide. He could do even better by the British people by going to Brussels this weekend and rejecting the constitution now.

1.51 pm

Mr. Austin Mitchell (Great Grimsby) (Lab): Although this point has fortunately not flowed into the debate, I was surprised by the reaction of both major parties to the European election results because the most striking thing about them was the increase in the vote for the UK Independence party and the National—non-Jordan—Front. The reaction of the party leaders seemed to be that we should dismiss the support for UKIP and the National Front, but that would be like adopting the old Militant argument from 1983 that if people did not vote for our Trotskyite policies, we should change the electorate rather than our policies. I do not mind hearing a few jokes about how a permatan can be maintained in the European Parliament—it is quite possible to maintain one here in the British Parliament. Wondering about how my friend Robert Kilroy-Silk will maintain an income and an audience in his new role is harmless stuff. However, it would be dangerous to dismiss what the electorate told us through the vote.

I do not think that the electorate told us that they want to come out of Europe. That is not a salient issue, and we waste far too much time denouncing the possibility of withdrawal to create fear. If our only defence of the proposed constitution is that the alternative is withdrawal, it has no defence at all. The people were not making that point about Europe. Opinion polls show that British public opinion has consistently been divided, with about 40 per cent. of people thinking that our relationship with Europe is a bad thing and about 40 per cent. thinking that it is a good thing. The rest are undecided about, disinterested in, or bored by, the whole affair.

British people do not have a passionate belief in withdrawal, but they are not happy with Europe, our relationship with Europe, the stream of regulations and commitments that is handed down to us, or the projects of the Euro-enthusiastic elite for whom Europe is a matter of religion rather than national interest. The reality of the situation is that the Euro-enthusiastic elite are foisted on us, so the electorate are saying, "No more than that." However, the fact that they are saying such a thing means that it would be dangerous to rush into or propose any endorsement of the European constitution. Such an action would put an imposition on the people—they do not want that.

A pathetic argument on the front page of today's edition of *The Independent* predicts the horrifying consequences of withdrawal, such as national

disintegration and dissolution. As if European countries would stop sending us manufactured goods. We are told that we do well with trade at present, but that we have constantly been in deficit, so this country would lose manufacturing jobs to Europe. As if European countries would stop forcing their overpriced food on us and stop us from buying food on the cheapest market, which is usually the world market. As if they would stop us passing social legislation for our purposes so that we may handle social provisions in our own way. All that is nonsense within the debate.

Mr. Salmond: The hon. Gentleman has great experience of these matters, so will he explain why the constitution, as proposed, has only four exclusive competences: the customs union; the commercial policy of the single market; the euro, for those who are in it; and the conservation of marine biological resources under the common fisheries policy? Why is the Foreign Secretary so reluctant to correct an obvious historical blunder that has given the fisheries policy such a status?

Mr. Mitchell: I absolutely agree with the hon. Gentleman's point. The constitution must be the first in the whole world to include fish. I read several constitutions during my days as a political science lecturer, but I never found one that included the marine biological resources of the sea and fish. What is the basis on which that is being done? I think that the exclusive competence will extend competences because it will apply to not only the 12-mile limit, but right up to the beaches, which was not envisaged even when the Conservative Government signed up to the common fisheries policy. The inclusion of that competence is a mystery. However, the provision is ominous because the fact that it is included implies that it has a purpose, but that would have to be damaging to our national fishing interests. That is only one aspect of the constitution that worries me.

We were told that the constitution represented a tidying-up operation to make way for new member states, but we were also told that the Nice treaty would do that job for us—it was sold to us and pushed through the House on exactly the same basis. Evidently, more tidying-up is necessary, so I have no doubt that more will come later.

The constitution is a product of the European elite. Euro-enthusiasm and commitment to the European vision were prior requirements for those who participated in the Convention that produced it. Critics and Eurosceptics formed only a pathetically tiny minority of the people involved in its production, although the right hon. Member for Wells (Mr. Heathcoat-Amory), along with my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart), maintained a consistently critical stance.

The arrangement shows how Brussels and its bureaucratic elite are constantly striving for an ever-closer Union. There is a constant desire to breed a 1950s-style centralising state that hands down rules and decrees along the lines of the model of the French state, which has a powerful bureaucracy to drive it. However, the time has passed for exactly that kind of state. People no longer want such states. Even the European bloc is less relevant in a world in which tariff barriers are falling, there is greater emphasis on corporations, globalisation makes for common standards and every barrier is coming down.

A bloc such as Europe is less and less relevant and less and less necessary, but there is still a drive from the centre to turn it into a state of a type whose time has passed. There is no need now for a European state that is constantly strengthened in that way. Enlargement sounded the death knell of that process, and this constitution is its last throe—an attempt to reverse the consequences of enlargement, which means that, as an association, Europe will be not only bigger but looser. One cannot impose the framework of a state on such a diverse, massive population or collection of nations. This is the last desperate throe of outdated centralism, but it is still dangerous and we in this country should oppose it.

We want national management of our fishery resources, and I support the desire to come out of the common fisheries policy, but it is not only on fishing that we should oppose the constitution. It will transfer more power to the centre and create a situation in which more power still can be transferred to the centre. I refer here to the excellent Fabian Society pamphlet "The Making of Europe's Constitution" by my hon. Friend the Member for Birmingham, Edgbaston, in which she raises several of the dangerous points that are still implicit in the constitution. She says that

"assent for changes moves to the European institutions, without the further involvement of Westminster or other national Parliaments."

She argues further that the constitution

"gives the Commission wider powers to act where there is no specific treaty basis"

for that action. She adds that

"the draft Constitution contains no mechanism to review and return powers from the Union to Member States"

and it has

"rigid rules to determine future actions or how power is to be exercised but it also initiates processes."

My hon. Friend says that

"in practice the present scope of the *acquis*"—

the acquis communautaire that all the new members have to accept—

"is not reconcilable with the professed objective of subsidiarity and taking decisions at the lowest feasible level."

That is absolutely true. We have a massive acquis of regulations imposed from the centre. My hon. Friend goes on to say:

"The draft Constitution proposes in at least 36 separate policy areas that the national veto is to be abolished".

Finally, there is the question of the EU having its own resources, which is central to the ideas of Giscard d'Estaing. The constitution is so long, so turgid and so complex that it is like the Schleswig-Holstein question beloved of Lord Palmerston, and anyone who says that they understand it and its implications is either insane or a genius. I do not think that there are many of either calibre on either Front Bench. I therefore think that the question of own resources is an open one, but steps seem to be being taken towards providing those.

Mr. Salmond *rose—*

Mr. Mitchell: Perhaps the hon. Gentleman is going to explain the issue to me; I will be very grateful if he does.

Mr. Salmond: The hon. Gentleman is mad and I have forgotten. I agree that a long document is capable of different interpretations, but, in my interpretation, on anything that is a shared competence we have the protection of article 1.11, which the Foreign Secretary specified, and we are covered by subsidiarity, but anything that is an exclusive competence has neither of those protections. That is why I am so concerned—as, I know, is the hon. Gentleman—that fisheries have ended up in the wrong category.

Mr. Mitchell: That may well be the position, and since we are dealing with abnormal psychology here, in which I am not an expert, although I accept that the Scottish National party may be, I will have to accept that explanation.

Our interests in Europe lie not with this constitution but in a looser association in which we can, if we want, pick and mix. There are proposals for strengthening the constitution's central core, but there are no proposals for allowing the kind of pick-and-mix process that is in our interests. All parties have been saying for decades that we will fundamentally reform the common agricultural policy, but it never happens. The CAP goes on costing more. It is a declining proportion of the Community's expenditure but a bigger total, and it is never effectively reformed. It is a drag on trade negotiations, particularly for this country, all over the world. We need to come out of that policy, but if the constitution is accepted there will be no possibility of doing so or of coming out of the common fisheries policy. It is interesting, is it not, that all the common policies of this European monster—the CFP, the CAP and the common economic policy—are the most disastrous areas of Europe's machinations.

We do not want to be subject to endless regulations about how many or what mixture of vitamins pills we can take. What use is it to regulate all that from the centre and impose it on the British market? Yet that is a classic example of the lunacy of this centralisation process.

John Robertson (Glasgow, Anniesland) (Lab): What would be the situation, particularly for the CAP, if we did not participate at the centre of the EU and try to mould what is happening? Does my hon. Friend agree that the alternative to participation is total withdrawal from the EU? We cannot try to change anything from the periphery; we must either be in the middle or out of the EU completely.

Mr. Mitchell: I had hoped that my hon. Friend was going to intervene on the question of vitamin pills, which I am sure we both take. What he said is absolutely wrong. I remember the classic reforms proposed for the CAP in Agenda 2000. Reform was agreed, and we went along to the Council in Berlin. Giscard simply walked into the negotiations and said no, and all the reforms that we had agreed were scrapped. Our presence had no influence and we could not stop that. Our interest lies in allowing states to contribute what they want to their own agricultural policy and in our buying in the cheapest market. It is ridiculous to say that the alternative to reforming the CAP is to come out of Europe altogether. That is palpably absurd, and it would palsy the hand of Government in trying to secure any reform in anything. To say, "If we reform this, we'll be out" is no negotiating position for a British Government to take. That is the kind of despair that I want no truck with.

The problem that the Government face is deciding whether we should accept the constitution. If we do, we will have a weaker base from which to resist further depredations, regulations and impositions of central control. The threats that are held out if we do not accept it—that we will be on our own and out of Europe—are totally unrealistic. We face a simple question of whether or not we accept it. I do not expect the Prime Minister to be so bold as to take his courage in his hands and veto the constitution, saying "Up with this we will not put." However, he might attempt, as Pope put it, to

"Damn with faint praise, assent with civil leer,

And, without sneering, teach the rest to sneer",

providing a rallying post for those nations, mostly the smaller ones, who need support, who are unhappy with the provisions and want to oppose it and certainly to stick to the red lines. My position on the constitution is

"Thou shalt not kill"—

and perhaps I may not be able to kill—

"but need'st not strive

Officiously to keep"—

this farce—

"alive."

There is no need for the constitution and the British people do not want it. If my Prime Minister comes back from Europe and, like his Conservative predecessor, proclaims "Game, set and match", which is what everyone comes back from European Councils triumphantly proclaiming, I have to tell him and my Front-Bench colleagues that the British people will simply not believe it.

2.10 pm

Sir Menzies Campbell (North-East Fife) (LD): It is instructive to look around the Chamber. I do not exempt my party from this criticism, but one would hardly believe that the debate is taking place only a few days after European elections in which one party achieved 12 Members of the European Parliament for the United Kingdom and 16 per cent. of the vote on the thesis that Britain should withdraw from the EU. Perhaps the proper argument about the EU and Britain's role in it should start in the Chamber, with a greater attendance of Members from all parties.

The right hon. and learned Member for Devizes (Mr. Ancram) said that the debate was timely. I hope that he will not think it churlish of me to say that I am not so sure about that on this occasion, because we have mainly heard—I suspect that we will continue to hear, and I do not exempt myself from this criticism—a rehearsal of old lines by the same actors.

That makes me think, to continue the theatrical theme, that the debate is rather like the porter's scene in Macbeth. We are an interruption to the dramatic narrative, but there is little likelihood of our having any impact on the plot. We need to know, to inform this debate and the debate in the country, the outcome of the negotiations over the weekend and what, if anything, the Prime Minister will bring back.

I hope, therefore, that there will be an opportunity if not for a reprise, at least for the chance to examine in some detail, as soon as decisions have been made, what took place over that weekend and what the United Kingdom may be invited to endorse in a referendum.

Mr. Redwood: Will the right hon. and learned Gentleman tell us what policy changes the Liberal Democrats will make in the light of the strong Eurosceptic opinion expressed in the election?

Sir Menzies Campbell: We shall continue to reflect our policy in the terms of the manifesto on which we stood. In the most recent European elections we increased our number of Members of the European Parliament and we increased our percentage of the popular vote. I think that was a reasonable endorsement of our position. I wish we had been third rather than fourth, second rather than third and first rather than second but, unhappily, my wishes do not always prevail in these matters. I am confident that the position that we took was entirely legitimate. We shall not do anything other than stand on the manifesto on which we fought the election campaign.

Mr. David Taylor (North-West Leicestershire) (Lab): I am sure that the right hon. and learned Gentleman would agree that access to the Liberal Democrat manifesto, or its summary, was not present in many election leaflets in the east midlands. The probable reason for the slight increase in the vote was the smokescreen of promoting Iraq as the prime issue on which people should elect Liberal Democrat MEPs. There was little about Europe in the leaflet that we received in the east midlands.

Sir Menzies Campbell: If the hon. Gentleman thinks that Iraq was not significant in the debate about Europe, let me try to help him. There is no doubt that the stand taken by the Government, and endorsed by a vote in the House, was one of staying close to the position of the Bush-White House Administration. In my view, that was not justified. My scepticism and that of my party is well known on this matter. If we had a properly formed common foreign and security policy in Europe, it is extremely unlikely that the United Kingdom would have allied itself with the Bush Administration. One of the compelling arguments for a common foreign and security policy is that Europe should operate together but, if necessary, independently of the United States on such issues. I therefore believe that Iraq has an important significance in the context of a debate about Europe.

I also say to the hon. Gentleman that as the European elections were the first universal test of public opinion in the United Kingdom since the decision to take military action against Iraq, it was inevitable that Iraq would feature in the minds of electors. To conduct a campaign and to say, "This is a campaign about Europe, but we are not going to allow you to talk about Iraq and we are not going to talk about Iraq", would have seemed to many people to be an abrogation of responsibility.

I have quite a lot of sympathy with some of the preliminary observations of the hon. Member for Great Grimsby (Mr. Mitchell). He was right to say that the events of the election are of significance. I would argue that what came out of last weekend was, in truth, a warning for proponents of the European case that, without leadership in Europe, voters will hear only one side of the story on Europe, which will inevitably be in negative terms.

These have become questions of belief. I suspect that the debate has reflected that so far, and that that will continue as it proceeds. Opinions are almost preordained. Members enter the Chamber with a view about Europe and a view about the legal instrument that may or may not be called a constitution. I shall be surprised if any Member who takes part in the debate changes his or her mind as a result of what they hear during the day. I believe strongly, as I have said in many debates on this subject, that there is a case for a legal instrument, that it should be called a constitution and that, without a document of the sort that is contemplated, to seek to organise the EU on the basis of the four existing treaties—Rome, Maastricht, Amsterdam and Nice—and the Single European Act would become increasingly difficult. In my view, it would be a twin recipe for instability and sclerosis. Some action must therefore be taken to reflect the fact that we have gone from six to 25 member states.

I accept—in my judgment, those of my persuasion on these matters would be wise to do so—that there will be little hope of an affirmative vote in a referendum campaign unless the campaign to achieve that begins now. As reflected in the votes of last Thursday, there is a substantial amount of anxiety about Europe and about Britain's role within the EU. One would be right to acknowledge that the campaign for a negative vote in the referendum has to some extent already begun, and can claim some early success.

Otherwise, why else within a month after the much-celebrated enlargement of the EU should the United Kingdom have elected 12 Members of the European Parliament who are pledged to wreck it? For the states that have just joined—for example, Latvia, Estonia and Lithuania—that must be a bleak message. The future of the EU itself will be bleak unless those of us in all parties who believe that Britain should be at the heart of Europe—in the language used by Mr. John Major and more recently by the Prime Minister—argue that case with much greater vigour than has been experienced in this country since perhaps 1975.

Mr. MacShane: I agree with many of the points that the right hon. and learned Member is making, but should he not be careful not to over-dramatise and give the importance to UKIP that it wishes to accord itself? In every European country there is a bloc of people who vote, for example, in France for the National Front, for the Vlaams Blok in Belgium, the Northern League in Italy, the June List in Sweden and the Leppers party in Poland. Those people seem to think that if we quit the EU, life will become a bed of roses. In a sense, all that we have seen in Britain is that we are becoming a normal European nation with aggressive anti-European politics represented, in this instance, by UKIP, with considerable support from the tabloid press and many Conservative Members.

Sir Menzies Campbell: I cannot hope to match the Minister's encyclopaedic knowledge of European political parties. The significance of UKIP is not on the issue of withdrawal so much as on the influence that it may have in a referendum campaign. We should take note of that, and people who believe in the cause, as I certainly do, have an obligation to argue the advantages with much greater vigour than they have since the 1975 referendum. I welcome the events of the past few days, which show that battle has been joined. The area of dispute is evident, and a resolution is desirable and, some may argue, inevitable. I therefore hope that at the weekend there will be a successful outcome, which would be an acknowledged political success for the Irish presidency.

I had some difficulty accepting the use of the word "mandate" by the right hon. and learned Member for Devizes and his argument about whether the Prime Minister had a mandate after last week's elections to agree the document and eventually put it before the House in legislation embodying a legal instrument that may, or may not, be called a constitution. We do not use "mandate" in the strict sense in our political system. No one in Parliament is mandated—we are representatives, and are not compelled to vote as our constituents direct. We come to the House with an obligation to exercise our judgment. Even if that parallel cannot be easily extended to the realm of international treaties, the mandate, if any, will be given in the referendum. As the right hon. and learned Member for Devizes pointed out, he and I have been at pains to argue that the Government need a popular mandate for a constitution, which is why we need a referendum. It appears that the intelligence and intellectual force of our view has prevailed, as the Government have now agreed to that course of action.

Some questions remain—for example, on voting weights. It would be helpful to know the Government's position on that issue, which was said, because of the attitude of Spain and Poland, to have been instrumental in preventing agreement when these matters were last considered by the Council of Ministers. Judicial co-operation in criminal matters is another significant issue, and we need some explanation of the emergency brake procedure that is being discussed. Under that procedure, any dispute would be referred back to the European Council and member states would be allowed to opt out. Are the Government satisfied with that position, and will they recommend it to the House if it is included in the final document?

In the past, I have expressed reservations about establishing a public prosecutor. National authorities should be able to pursue prosecutions in accordance with domestic procedure and rules of evidence. What is the Government's attitude towards the continuing suggestion that there should be a European public prosecutor? All parties in the House are at one in believing that a common foreign and security policy should remain an issue on which the veto can be exercised, and should be subject to consensus, not qualified majority voting, because foreign affairs and defence policy are national issues. The vote on 18 March last year to commit British men and women in circumstances in which their lives may be at risk established a precedent that went to the very heart of national sovereignty, so such decisions should not be abrogated.

No doubt the Minister will confirm that taxation remains a red line issue for the Government, and the most recent draft of the treaty—a number of drafts are circulating, as right hon. and hon. Members know—proposes that there should be no incursion of EU competence into national affairs of taxation. The hon. Member for Great Grimsby made a number of points about own resources and financing, and it would be helpful if the Minister gave us a clearer view of the Government's position on those matters.

I understand the historical and emotional importance that many people attach to the British rebate. The rebate, however, is less important than the bottom line of the annual British contribution. In the next EU budget negotiations, the Germans will be extremely reluctant to make the net contribution that they have made in the past, not least because of the weakness of their economy and the domestic difficulties of Mr. Schröder, if he is still there. At some stage, therefore, we need a wholesale review of the EU's financial basis. That would have been too much to hope for on this occasion, but in due course there must be some consideration of the way in which those matters—

Mr. Redwood: Will the right hon. and learned Gentleman give way?

Sir Menzies Campbell: In a moment—the right hon. Gentleman need not be quite so impatient.

Those issues must be resolved not just in the United Kingdom but in the European Union of 25, which many of the most recent members joined with an optimistic expectation of access to the moneys of the common agricultural policy and the structural funds.

Mr. Redwood: Did the right hon. and learned Gentleman not notice that we had a debate yesterday on that very issue, as we discussed the EU proposal to increase the amount that it takes from us by a quarter? It was one occasion when I agreed with the Government, as we both disagreed with that proposal. The EU also wants to impose new direct taxes on us. Is the right hon. and learned Gentleman's party in favour of those things?

Sir Menzies Campbell: I am in favour of neither, and nor is my party.

A number of proposals are circulating about the charter of fundamental rights, including some that appeared on the front pages of national newspapers today. It would be helpful to know the Government's position on the issue, and whether they continue to believe that the legal terms that deal with the extent to which the charter has to be interpreted according to national conventions and norms should remain in the preamble or whether they should be incorporated in the main block of the treaty to have full legal force. It would be helpful if the Minister could provide further advice about that.

As is self-evident, I reject wholeheartedly any question of withdrawal from the EU. Withdrawal is a simplistic theory, and people who argue for it are obliged to explain how long it would take, what the financial and political costs would be and what would be the effect on inward investment. What would be the

consequences of withdrawal for those aspects of economic life to which we have become accustomed? Equally, people who argue for renegotiation are obliged to explain which countries are willing to agree to that course of action. How long would renegotiation take, how much would it cost and what would be the consequences for inward investment? I was intrigued by the analysis that the Secretary of State gave of the view of the Leader of the Opposition that we should legislate to withdraw the United Kingdom from the common fisheries policy. I cannot think of any instance in history where the House of Commons has sought to legislate to withdraw from a treaty obligation without the agreement of other signatories to the treaty.

Mr. Redwood: What about the Reformation?

Sir Menzies Campbell: If the basis for the Leader of the Opposition's policies is to be found in the 16th century, perhaps we can understand the lack of enthusiasm for greater co-operation in what most of us would regard as modern Europe.

There is a serious point here. As I said, I cannot think of any instance where legislation has been introduced in the House of Commons for the purpose of departing from a treaty obligation, without there having been the agreement of the co-signatories to the treaty. An interesting question arises. Such legislation would seek to detract from section 2 of the Act of Accession 1972. I do not believe, therefore, that the legislation apparently proposed by the Leader of the Opposition would be possible unless it contained an express repeal of section 2 of the Act of Accession because, by definition, such legislation involves denying the primacy of European law in such areas.

An Act would have to be introduced stating that not only were we withdrawing from the common fisheries policy, but that we were, for that purpose at least and perhaps on a wider basis, seeking the repeal of section 2 of the Act of Accession. If that did not lead to withdrawal, it is difficult to see what other outcome there is likely to be. The proposal requires a little more scrutiny by the constitutional lawyers.

I have no anxiety about the use of the word "constitution". It is a legal instrument, but so is a treaty. The European Court of Justice is required to interpret treaties and it would be required to interpret this legal instrument. I was interested in the proposal from the right hon. and learned Member for Devizes for a charter of competences, which he may have mentioned before, but I do not believe that it has been fully discussed in any of the many debates that we have had. A charter of competences would also require negotiation and universal agreement, so even that remedy for what the right hon. and learned Gentleman conceives to be the ills of the European Union may not be easily achieved.

I cling strongly to the view that nations acting together can achieve much more in the service of the people in their countries than they can operating individually. I believe—this is a matter of belief—that the history of the European Union has shown that more convincingly than perhaps any other experiment in international co-operation. The EU has promoted economic growth across the continent, it has safeguarded human rights and it has safeguarded the environment in every member state. Were it such a failure, it would be surprising beyond belief that 10 countries should have been so enthusiastic to become its members in the course of the past few months—*[Interruption.]* As the Minister for Europe says in a sedentary intervention, there are more waiting outside, desperate to become members.

European rulings have protected consumers and have required Governments to adhere to higher environmental standards. I believe the United Kingdom needs to be part of such alliances. I say that because, as I hinted a little earlier, unquestioning allegiance to the American agenda does not always help the United Kingdom's international standing, nor is it conducive to the effective promotion of British values and British interests at a global level. We need to form a strong European Union that can operate in concert with and, if necessary, separately from the United States.

Britain being at the heart of Europe was one of the platforms on which the Government were elected. If a positive role is played this weekend and agreement is reached, that may go some way towards fulfilling the Government's pledge, which in recent years has seemed to many of us to have become rather more of a plea.

2.34 pm

Denzil Davies (Llanelli) (Lab): The debate has, naturally, focused on the constitutional treaty—I am happy to call it that—and the negotiations that will take place in the next few days and may continue into the weekend. As experience has shown over the past 30 years, the final outcome will no doubt depend upon haggling and late-night compromises, which have been the hallmark of the negotiations. At the end, if there is an agreement, as there probably will be, it will be hailed, as has been said by previous speakers, as a great victory or a triumph for Europe and for each of the member states, and of course for the intrepid negotiators, who have done so well to reach a conclusion.

Everyone will be a winner except, as often in the past, the democracies of the member states. Over the past 30 years, as treaty has followed treaty, we have seen a gradual slicing away of the democracies of the member states as a result of those treaties. I shall not attempt to analyse why people voted as they did in the last European elections, but I believe people do understand that, and not just in Britain. There is concern that the democracies, especially those of the old nation states of Europe, are being eroded, maybe for the common good and maybe not. That is a real concern, which was expressed at the ballot box last Thursday.

The European Union is faced with two fundamental problems, which are described in that somewhat inelegant language that one often finds in EU documents. Most hon. Members will know that one of the problems is the so-called democratic deficit. If I may create some inelegant language of my own, the other problem, in my view, is the unwieldy macro-economic structure of the Union itself. With regard to the constitutional treaty, being a fair-minded person, I am prepared to wait for what the Foreign Secretary called the final text, and to judge whether it makes the so-called democratic deficit worse. From previous experience, I do not think it will necessarily improve the democratic deficit of member states.

[Denzil Davies]

The constitutional treaty will certainly do nothing—I shall spend a short time on this; it may not necessarily be relevant to what happens at the weekend, but this is a debate on European affairs—to address the problems arising from the EU's inflexible and unwieldy macro-economic structure.

Economic and monetary union is in a mess. The EU as a whole and the countries at its core are stagnating, and the existing structure cannot withstand the onslaught of globalisation over the next few years. Continental Europe has not yet suffered from the globalisation pressures from which the United States is suffering. The United States is hanging on in there. It is doing quite well. With huge deficits and practically non-existent interest rates, it is just about managing to create economic growth despite the pressures on its economy, especially from China.

Europe has not yet experienced such pressure, but that will change. I understand that one of the two main Japanese car manufacturers—I forget which—is setting up a manufacturing plant in China. There is nothing new in that, except that that plant is to produce vast numbers of cars wholly for the European market. To borrow a transatlantic phrase, we ain't seen nothing yet in Europe. I do not believe that its macro-economic structure, monetary union and economic union, such as it is, are capable of withstanding that.

It is only fair to say that some of the countries have done quite well, and Britain especially so. Those countries are often on the geographical periphery of Europe or have not joined the euro. As we know, however, the countries at the core of the Union and the euro area—Germany, Italy and France—have been stagnating.

Mr. Wayne David (Caerphilly) (Lab): I have been following my right hon. Friend's argument with interest. Does he accept that the arguments put forward by the British Government in favour of economic reform based on the Lisbon agenda are absolutely right?

Denzil Davies: I shall briefly mention the Lisbon agenda in a moment. The point that I am trying to make—I do not really need to make it, as my hon. Friend agrees—is clear. In Germany, unemployment is currently at 10.5 per cent.—and that is in the summer. The average unemployment rate for the EU of 15 member states is about 8 per cent., and it is far greater for the EU of 25 members.

I am not quite sure what the EU's purposes are these days. Over my 30 years' experience in this House, I have found that they tend to change from time to time. As I understand it, one of them is to stand up to the Americans, eyeball to eyeball if necessary. That may apply to foreign policy, but the economy is also important. A country cannot have much of a foreign policy if its economy is going downhill.

Angus Robertson: The right hon. Gentleman is right to point out the problems, but will he concede that there are many good news stories? For example, why is it that a small independent member state of the European Union such as Ireland has managed to overtake the wealth per head of the UK and be a part of the eurozone?

Denzil Davies: I asked some Irish friends that question some time ago at a conference. Being charming and Irish, they said, "Mr. Davies, Ireland is crawling these days with economists trying to find an answer to that question." If one looks at the core, one sees that the problems are very great.

Analysts have suggested that the European Union's GDP per head is now about 60 per cent. that of the United States. That applies to the 15 original members; if one takes the 25 member states, the figure will obviously be less than 60 per cent. That is a problem in the economy of the European Union, especially among the euro 12—the countries that have subscribed to what is described as monetary or currency union.

I do not know all the reasons for that situation—there must be many of them—but I suggest that one of them is the dead hand of European bureaucracy. In most democratic countries, the bureaucrats do not propose legislation; it is proposed by democratically elected Ministers. Curiously, in the European Union it seems that the bureaucracy is the only body that is entitled to propose legislation. Others can look at it afterwards, but as we know, the person who produces the first draft has the advantage.

The bureaucracy churns out material. No doubt we all receive those wretched yellow forms among our parliamentary papers. I try to look at them from time to time. Sometimes, in an excess of enthusiasm, I even try to read some of the documents that are sent out. Most of them come from the Commission, although some come from the European Parliament. There are communications, regulations, directives, announcements and all sorts of different documents. Most of them, frankly, are incomprehensible except perhaps to senior partners in City firms of lawyers. I pity not only the larger firms that have to try to interpret such documents, but the small businesses, which are also affected. People in such businesses somehow have to try to run their business and deal with all the nonsense that is issued. If a particular regulation does not work very well, it will take a long time to change it, and the instinct of the bureaucracy will be to churn out another regulation to try to undo some of the damage caused by the last one.

I think that I know the history, but I ask why we need bureaucracy to be on a par with the more democratic elements of the European Union: the Parliament, which has very little legitimacy in my view anyway, and the Council of Ministers. I suggest that one reason—it may be a minor contributory reason—for the stagnation of much of the European economy is the dead hand of that bureaucracy.

On the Lisbon declaration—I think that it is a declaration or agreement—

Keith Vaz (Leicester, East) (Lab): Agenda.

Denzil Davies: I am sorry; one has to be very careful with the language.

As far as I can see, behind the words, the Lisbon agenda basically says, "Well you, France, Germany and Italy, must dismantle your welfare states." I think that

that is what it says in general terms. It mentions what are called inflexible labour laws. Opposition Members will no doubt approve of that sort of *Wall Street Journal* agenda, which says that provided that we dismantle the welfare states in continental countries, their economies will surge forward and all the problems will be solved. I do not believe that. As far as Germany is concerned, I do not believe that such an approach is practical or possible. After the elections last Sunday, I do not believe that the Germans will take that route.

In my view, the main reason for the problems lies in the inflexibility and unbalanced nature of the arrangement and the fact that it is out of kilter with the macro-economic structure of the European Union. Monetary policy and the arrangements on interest rates apply to 12 member states and no more, although there are now 25 of them. Of course, the new 10 members have no opt-out and will have to try to bring themselves within the currency union. As a result, they will have no ability to fix their interest rates. A country such as Germany, which is the largest in the Union, cannot now fix its own interest rates. I feel sorry for the European Central Bank, because it does not know which way to move. It can move neither upwards nor downwards; if it goes one way, the rate will be too low for Ireland, and if it goes the other way, it will be too high for Germany. There is complete ossification among the three countries—France, Germany and Italy—that produce 70 per cent. of the GDP of the European currency union.

Fiscal policy covers public expenditure, public borrowing and taxation. Apparently, public expenditure is still the province of the member state—and correctly so—but that does not apply to public borrowing. I do not want to look into the entrails of the growth and stability pact, but I point out that it at least tried to restrict borrowing in terms of public expenditure, because it is not possible to allow each nation in a currency union to borrow as much as it wants. We have had great fun over the growth and stability pact, but it will have to be revisited in some way. I do not think that it is possible to operate a currency union without such an agreement. The problem is that nobody knows what to put in its place or how to draft a new agreement. If such an agreement is drafted, it will not, by its very nature, be able to foresee and deal with unforeseen circumstances. Again, the currency union is damned both ways; it is damned if it does not have such a stability agreement, and also if it does have one, because the entrenchment of such an agreement into the constitution and the treaties will mean that it cannot be changed until it is too late to do so. Of course, many of the new member states are now trying to get inside this somewhat dead growth and stability pact and to reduce their expenditure and borrowing so that they come within the 3 per cent. requirement. That is also contributing to the stagnation of the European economy.

On taxation, we have heard about the red lines. I think that the general view is that member states have an unfettered prerogative and power over taxation, but that also is not true. VAT produces the second largest amount of revenue for the British Government. It is a European tax. We can alter the rates up and down slightly, although the boundaries of change are getting smaller, but we cannot change the structure. No British political party can go to the country and promise to abolish that rather ridiculous and bureaucratic tax.

I am old enough to remember the Richardson committee, which was established before 1974 and headed by the Governor of the Bank of England to examine the wretched VAT. The committee concluded that we did not need it but Mr. Edward Heath, who was then Prime Minister, had to negotiate entry and VAT came with entry. We must therefore be careful: all taxation is not in the province of member states.

Let us consider income tax and corporation tax. It may be an esoteric point but if one goes through Finance Bills over the past four or five years and reads some of the taxation reports of the cases before the European Court of Justice, one sees that it is clear that the treaties encroach—especially when one considers freedom of establishment—on income tax and corporation tax and have cost the Treasury a considerable amount of money. Legislation cannot be drafted that contradicts case law and the acquis communautaire that the EU has built up on taxation.

The macro-economic structure is neither fish nor fowl. The central authorities of the EU have some but not all the levers of economic power that one would expect a nation state to retain. Member states have some but not all the levers of economic power that one would expect them to have. That puts the macro-economic strategy at a disadvantage when trying to compete in a global economy.

There are two solutions. The first, which I believe that the European élite—as my hon. Friend the Member for Great Grimsby (Mr. Mitchell) refers to them—prefer, is to transfer more power to the centre. Under that solution, powers over taxation would be transferred to the centre and public borrowing—or, indeed, expenditure—would be controlled more stringently. The levers of economic power would therefore go to the centre. Whatever happens to the red lines, the pressure will continue for greater central control of taxation and fiscal powers, because those who want a stronger centralised state believe that the balance is not right.

In my view, any attempt to transfer fiscal powers, especially taxation powers, to the centre would be a step too far and would create a dangerous gap between economics, democracy and politics. However, pressure will exist, perhaps by the back door, to try to co-ordinate economic and taxation policy, to create the same sort of structure for corporation tax without touching the rates, at least for now, and to reduce the parameters whereby the rates can be increased. I believe that there are proposals to that effect for corporation tax.

The second solution is to bite the bullet and start dismantling the central powers. We could begin with the Commission. Why should the Commission be allowed to propose all that legislation? We often consider devolution for many parts of Britain yet I hear nothing about devolution in the EU. "Devolution" may not be an elegant word, but let us have some and start dismantling the central powers. Indeed, we may have to consider dismantling some of the monetary powers because I cannot envisage a country such as Germany, unless it managed to achieve economic growth, accepting that it had no control over the basic levers of economic power.

[Denzil Davies]

Of course, such dismantling will not happen. On the one hand, there will be no movement towards more taxation powers because I do not believe that people will accept it. On the other hand, the dismantling of powers will not happen because the political and bureaucratic élite will not allow it. What would they do then, poor things? They have a vested interest in attending the meetings, doing the drafting, standing up and declaring great victories.

A danger is that the external economic pressures of globalisation will create the change. As we know to our cost, such pressures can be haphazard and brutal. However, I cannot envisage the EU's doing anything about it except continuing to stagnate.

Mr. Mark Hendrick (Preston) (Lab/Co-op): Is my right hon. Friend making a case for British withdrawal from the EU or for its total dismantling, irrespective of the wishes of 24 other member states, which are happy with the EU?

Denzil Davies: I was not making either case but my arguments have obviously been insufficiently lucid; otherwise, my hon. Friend would not have asked that question. I was trying to make the point that the macro-economic structure is ossified—it cannot go in one direction or the other. I should like it to move in the direction of decentralisation and more power reverting to member states. I do not believe that the current structure can withstand the massive pressures of globalisation.

We shall wait and see what happens to the final text. I do not believe that it will say much about the matter that we are considering. It will probably be irrelevant and the EU's economy will, sadly, continue to stagnate.

2.56 pm

Mr. David Heathcoat-Amory (Wells) (Con): The right hon. Member for Llanelli (Denzil Davies) and I probably agree on little about general social and economic policy, but we agree that the public should have a choice between us. That forms a bond between us that is perhaps more important than our political differences.

I believe that democracy becomes a sham unless people can choose between competing ideologies and political programmes. If all the powers go upwards to the European Union, to be decided by people whom we do not elect or know and, in many cases, cannot remove, we lose our democracy, there will be massive disillusionment with the political system and we will witness the rise of extremism. I am therefore pleased to follow the right hon. Gentleman, although he will understand that I approach the subject from a different perspective.

We have held a national election, and it is in the nature of such elections that every party claims victory. However, there is one indisputable result: a clear majority of those who vote in this country do not want the European constitution. The Government must heed that message.

Mr. Kilfoyle: I am intrigued by the right hon. Gentleman's point about giving rise to extremism in Europe. Does he view the rise in Britain of, for example, the British National party or, indeed, the United Kingdom Independence party, which is a party of wreckers on its own admission, as extremism? I would argue that those parties are extremist. Does he associate that rise with Europe or does it have more to do with domestic circumstances?

Mr. Heathcoat-Amory: One of the things that fuels the British National party is its claim that we are losing control over our borders and our asylum and immigration policy. I witnessed similar circumstances in meetings on the Convention on the Future of Europe that took place during the first round of the French presidential election campaign. The French National Front candidate, Jean-Marie Le Pen, defeated an incumbent French Socialist Prime Minister. One of his claims was that only he could repatriate control over immigration policy. He characterised the contest between Chirac and Jospin as a sham, claiming that they had sold out to the European Union. So, yes, I do believe that if we continue to hand over the powers of this Parliament to the European Union it will drive feelings of frustration and resentment that will fuel the rise of extremism.

Mr. Redwood: There is an even more direct link between the rise of extremism and Europe, because we have to have the Lib Dem proportional representation system in European elections, and PR systems breed extremes, whereas sensible first-past-the-post elections, such as those that we have for this House, prevent them.

Mr. Heathcoat-Amory: I entirely agree with my right hon. Friend. The list system is an anti-democratic reform that the Government ought to reject. I certainly believe that our party should, if it is not too late, try to get back to a system of single-Member constituencies for the European Parliament elections. Luckily, however, I am not in a position to commit my party one way or the other on that issue.

I know from bitter experience in the European Union that it is the Community method to ignore electors. Adverse referendum results are either ignored or overturned, and the electorate are treated with indifference or contempt. The priest class of bureaucrats and technocrats who run the European Union regard the electors as a kind of dumb collection of walk-ons and extras. It is therefore only in this Parliament—and, I hope, in this country—that we shall take the results seriously. Otherwise, disillusionment and cynicism about the European Union and the democratic system will only increase.

The turnout in member states elsewhere on the continent is an eloquent commentary on how people there see the European Union and the European Parliament. They have been told, as we used to be, that the reason people did not vote in the European parliamentary elections was that the Parliament did not have any proper powers. However, although every treaty change has given it more powers, the turnout has continued to fall. People there are sending a message that they do not regard themselves as adequately represented in the European Parliament and that it is

not a Parliament to which they can relate. If we add to that problem by transferring more powers from their national Parliaments to the European Parliament, we should be defying that message.

In this country, people are unambiguously voting for less Europe, not more, at the same time as the Government are about to go to Brussels to negotiate, and possibly sign, a truly epic agreement on a European constitution which would give Europe a whole new impetus and status. If the Government persist in ignoring the fact that the people are going one way while the Government are trying to go another, we are in for a road smash in this country. It is the job of politicians to find a way around that and to respond to people's concerns by designing a truly democratic Europe in which they can feel happy and content.

It is perfectly true that the Government never wanted a European constitution. Up until two years ago, they made it clear in all their speeches that they did not, and would not, support any move towards consolidating the existing treaties into anything like a European constitution. Nor did they want any more majority voting when the last talks got under way.

"We see no need to revisit the deal on qualified majority voting made at Nice."

That was stated by the Government's representative on the Convention on the Future of Europe, in an amendment to an early draft of the constitution. Instead, however, majority voting has now been brought into upwards of 30 new areas. The House of Commons Library has calculated that there are 33. The Foreign Secretary rather remarkably dismissed that, saying that they were unimportant and peripheral areas. Does he think that criminal justice or asylum and immigration are peripheral? They go to the very heart of what government is for, and what this House regards as important.

The Government did not want a European Foreign Minister, and they tabled an amendment on that issue. Neither did they want a mutual defence guarantee as a rival to NATO; they also tabled an amendment on that in the Convention. They opposed giving up our seat on the United Nations Security Council when asked to do so by the European Foreign Minister. In spite of that, that requirement endures in the constitutional text that will form the basis of the final negotiations.

The Government did not like the proposed external action service either. That is a Eurospeak term for the Foreign Ministry that the new Foreign Minister will have. Remarkably, however, there is now provision in the draft constitution for that proposal to be put in hand even before the constitution has been ratified. After signature of the constitution, the setting up of that European Foreign Ministry will proceed, before this House or any other national Parliament has had a say on the constitution, let alone before any electorate has voted yes or no to it.

We then come to the exclusive powers, and I agree with what the Scottish National party is saying about fisheries being made an exclusive power. The hon. Member for Moray (Angus Robertson) joined me on the European Scrutiny Committee in interviewing the Secretary of State for Trade and Industry this morning about another matter: competition policy. That is also in the constitution as an exclusive competence. That means that, as defined in the constitution, we would have no power to set up any national competition policy or rules. That is what European exclusive competence means. That is not the situation under the present treaties, a fact that I think we finally managed to get out of the Secretary of State.

Mr. David: Will the right hon. Gentleman give way?

Mr. Heathcoat-Amory: I have overlooked the distinguished contribution of the hon. Member for Caerphilly (Mr. David), who is also a member of the Committee. Perhaps he will be able to confirm what I have just said.

Mr. David: I would like to point out that there was a qualification made this morning, and that the article in question applies only to the single market.

Mr. Heathcoat-Amory: If we are going to descend into trivia—important trivia, but nevertheless genuinely peripheral—then, yes, there is that qualification. But everything relates to the internal market, as the hon. Gentleman knows. He is a member of our Committee and he will know that the European Commission now regards health policy as a single market issue because health care is a service that can cross borders and health products can be traded. It is using single market powers to drive through a new Community health policy. Those matters will now all be arbitrated and decided by the European Court of Justice—so once it is written into the constitution that competition policy is an exclusive competence, pretty well everything will be decided there. I repeat that this House will be legally unable to legislate on those matters, even when competition policy clearly relates only to our own domestic concerns.

The main point about all the amendments that the Government representative tabled in the Convention on the Future of Europe is that they have now all been abandoned and forgotten. They are not the red lines. In fact, Government policy has been one long retreat. At the same time, they have been conceding the ever-growing importance of what is at stake. We started in the Convention with the Government's representative, the right hon. Member for Neath (Mr. Hain), who never attends our debates now, of course. I think that he might be rather embarrassed about some of the things that he said at that time. He claimed that the constitution was only a "tidying-up" operation, but that view did not last very long. The Government then conceded that the constitution was indeed important, although not important enough to hold a referendum on it. Then, in a somersault, they agreed that it was important enough for a referendum.

In parallel with the ever-growing importance of the issues at stake, they have been conducting ever-greater retreats on the specific policy issues. By the end, the Government representative had tabled in excess of 200 amendments to the constitution, of which he only succeeded, if we are generous, with 12. That is a success rate of about 5 per cent. In negotiations, one wins some and loses some. It is remarkable, however, if one loses 95 per cent. of what one is aiming for, and succeeds on only 5 per cent. Yet the same right hon. Gentleman called it a strategic victory, and said that the Government

"achieved all of our strategic objectives".

[Mr. Heathcoat-Amory]

I find it odd that if one is out-voted or ignored on 95 per cent. of one's demands, one still calls it a great victory. I would like to know what a defeat would have looked like. In relation to strategic victories, the details are important.

With regard to competition policy, once the door is open a chink, the Commission and the Parliament knock it down and legislate in the fields open to them. Therefore, if any new powers go into this constitution, of whatever sort, and if there is any move from unanimity to qualified majority voting, we can be sure that that will be exploited to the full by the European Union. The ultimate arbiter in any dispute is, of course, the European Court of Justice, which is an activist court that almost always finds in favour of greater centralisation and more European Union powers.

The Foreign Secretary was curiously silent on the question of red lines. Those were carefully self-selected about a year ago. They are a handful of issues that do not alter fundamentally the architecture or structure of the constitution, the distribution of powers or the primacy of European Union law, all of which are completely untouched by the red lines that the Government are demanding. We must assume that the Prime Minister will secure them. That is worth a pause, because we have before us the grisly record of the Prime Minister on the charter of fundamental rights.

It is part of our traditions in the House that when the Prime Minister gives an unambiguous assurance from the Dispatch Box about an area of national policy, we tend to believe it. Certainly, I did—I have come to regret it somewhat in relation to the Iraq war. Nevertheless, that is the default position that we must all adopt. The Prime Minister gave an unambiguous, clear assurance that the charter of fundamental rights would not be made legally binding. Rather innocently, I believed him at the time. That has now become a negotiating aim, however; in fact, worse than that, it has been abandoned altogether. Not only will the charter of fundamental rights be legally binding, but it constitutes the whole of part 2 of the constitution, which, under article 10, will have primacy over the law of member states. In its totality, therefore, it is put above anything that the House can do or any law that it may pass. That is perhaps the most remarkable U-turn of all, but we have never had an explanation of it from the Treasury Bench.

Mr. William Cash (Stone) (Con): Does my right hon. Friend also agree that, under the proposed constitution, all the treaties and all the laws, including the entire body of the acquis communautaire, are to be revoked and then reapplied under the primacy of the constitution, which is a massive, fundamental change that also changes the character of the Union at the same time? That is why we are right and the Government are wrong.

Mr. Heathcoat-Amory: Yes, the so-called primacy clause has had enormous implications that have never been explained or elucidated candidly by the Government. The Convention took the case law of the European Court of Justice—which is an activist court and is always seeking through its case law to expand its jurisdiction—and made that into an unqualified assertion of the primacy of Union law in all eventualities. I cannot reconcile that in any way with the sovereignty of national Parliaments or the sort of democracy or powers of the House with which we have grown up, and which have been accepted as a constitutional norm, certainly by all Members of the current House. That has been decided in the constitution unambiguously and categorically in favour of the Union, without any debate.

It is true that the Government tabled an unsuccessful amendment to try to restrict the primacy of Union law to cases in which there might be a conflict on individual and specific directives and regulation. That is the working compromise that we have reached with the European Union—we cannot pass national laws that conflict with directives to which we agree. The Government failed on that, and we have returned to the unqualified assertion that the constitution, and all laws flowing from it, shall have primacy over the laws of member states. Of course, when I say that the constitution shall have primacy, that means all the objectives in the constitution, generally expressed, and the charter of fundamental rights to which I have alluded.

Another aspect that would be funny were it not so serious is that I heard the Home Secretary complaining the other day about judge-made law. He was complaining that British judges are now interpreting his statutes in a way of which he does not approve, and saying that the House should decide those matters. If I may say so, he has not seen anything yet. The charter will be interpreted not by British judges but by the Luxembourg Court, which will interpret laws that have probably been passed, over a British objection, by qualified majority voting. Therefore, if the Home Secretary does not like judge-made law, I suggest that he reads the constitution, which entrenches judge-made law except that it will not be a British court doing it.

When the Minister responds to the debate, will he confirm, for the avoidance of doubt, that at least this self-selected handful of issues, on which he wants to dig in, are still red lines? Some doubts have been expressed. He will know that there is a provision in the constitution to harmonise compulsorily economic and employment policy—it is not a power but an instruction given to the Union to do that. When the Foreign Secretary gave evidence to the European Scrutiny Committee, he emphasised that that was unacceptable. It may be, but it is still in the constitution. The latest draft states:

"The Union shall adopt measures to ensure the coordination of the employment policies of the Member States".

There has been some change on economic policies, but compulsory co-ordination from the centre, by the Union, of the employment policies of member states is still in the constitution. That is a red line, and it must come out this weekend. I hope that that can be confirmed.

Exactly the same is true about social security, which, as the Prime Minister has often repeated, is a red line, on which there is to be no majority voting. But again, it is included in the draft that is now going to Brussels. Article 21, in part 3, provides for qualified majority voting on social security. A kind of emergency brake has been included, whereby if we object to what is a fundamental issue, we can appeal to the European Council—the European summit, meeting periodically—

at Heads of Government level. A similar emergency brake is applied to criminal justice procedures.

The Government might think that that will meet their red line, but they should realise that it would be a fudge and completely unacceptable. There is already a torrent of legislation on such issues, and if they are to pull the emergency brake whenever social security or criminal justice arises it will be full on all the time. Last year, the Committee on which three of us sit examined 1,000 new measures from the European Union. Many of them are incremental. Once qualified majority voting is allowed on criminal justice and social security, and once the EU starts to co-ordinate our employment policies, no emergency brake in the world will be an adequate substitute for the veto that we were promised in the White Paper, which is now one of the red lines. I hope that the Foreign Secretary's silence in the debate does not indicate any kind of retreat. The point is, however, that even if he does secure his red lines they will be inadequate, given all the hundreds of amendments with which the Government failed.

The Government must stand back. Let us not become too obsessed with red lines; let us ask ourselves what is being attempted. The European constitution is a decisive break with everything that we have had in the past. My right hon. and learned Friend the Member for Devizes (Mr. Ancram) has been criticised for our modest attempts to repatriate powers over fishing or agriculture, but we have been engaged in a colossal renegotiation of the entire European Union for the past two years. I know because I was part of it: for 16 months I was in the Convention on the Future of Europe, and we undertook and carried through the most radical renegotiation that there has ever been.

All the existing treaties have been repealed and replaced by a new legal entity called the Union. The pillared structure—the intergovernmental method of making decisions on justice and home affairs, and foreign and security policy—has gone, or has been consolidated in that new legal entity. International agreements are now to be conducted exclusively—again, this is an exclusive competence—by the European Union, acting for member states. Wherever there is an internal policy on transport or the environment, or—as is increasingly the case—on such matters as health and social policy, it will not be us doing the negotiations with third countries in the far east or with the United States: that will be done by the Commission and the Council—the new Union—on behalf of all member states, by qualified majority voting in almost all cases. The implications are huge. I call it a renegotiation in completely the wrong direction.

To criticise us for having a modest go at repatriating some powers is to overlook the additional fact that that was shadowed as a suggestion in the Laeken declaration, which set the whole process in train. Let us look back at the instructions given to the Convention on the Future of Europe in December 2001. At the Heads of State meeting in Laeken it was suggested that we should repatriate some powers. They then said that might in the long term lead to a constitution, or a constitutional text. Instead, the Convention went straight to the constitution and completely ignored any suggestion of any repatriation of any powers. That is why I think that the Convention did not just ignore, but contradicted the instructions given to it.

The Convention failed in its task. It was supposed to simplify the existing treaties. I have here the latest version of the constitution—produced, incidentally, not by the British Government but by the British Management Data Foundation. It has put together all the text—all the new protocols and declarations—in almost 300 pages of A4, with writing on both sides.

The Foreign Secretary said at the outset, in an article in *The Economist*, that he thought a constitution should be a simple document rather like the constitution of the United States, which could fit in anyone's pocket and be accessible to the public. I do not know what sort of suits the Foreign Secretary wears, but he certainly could not carry this document around for long. It is also completely impenetrable by the public—the people whom we represent. It has failed even in its task of simplification: it is longer than the treaties that it replaces. Its main defect, of course, lies in the transfer of powers upwards, which again conflicts with the Laeken declaration instruction to create a more democratic Europe, closer to the citizen. How can taking more powers upwards from national Parliaments to the Union bring Europe closer to the citizen? It is a complete contradiction in terms.

The Foreign Secretary made the tired old point about subsidiarity and how everything would be different—how national Parliaments, including ours, would gain exciting new powers to enforce subsidiarity. That simply is not the case. Subsidiarity has been a treaty requirement for more than 10 years. It has not worked, and it will not be made to work simply by giving national Parliaments the right to ask the Commission to have another look at the position. There is no power to compel it to do so. That is a sham, and it was spotted as a sham by the European Scrutiny Committee before I was on it. In a press release, its distinguished Chairman said that the subsidiarity procedure being considered by the Convention was not a watchdog because it had no teeth. He rejected it, and he was right to do so. In another failed amendment, the British Government tried unsuccessfully to tighten it. Nothing in the constitution strengthens the position of the House of Commons in any way.

As for economics, my approach is somewhat different from that of the right hon. Member for Llanelli. I believe that the constitution would lock us into a failed and failing economic model. In my view, it crystallises everything that is wrong with the European Union—its centralisation and its regulatory bias. The European Union is an incredibly old-fashioned organisation, which has been overwhelmed by world trends. It features a high-tax model, over-regulation and a lack of competitiveness, accompanied by a tragically high unemployment rate. We must learn what the rest of the world is trying to teach us. At present we are taking everything that is wrong and putting it into a constitution, which means that it will never be repealed.

The constitution also does nothing to clean out the waste, incompetence and unpunished corruption that are all too prevalent in the European Union. The only people who ever lose their jobs in the EU are the whistleblowers. No one else ever resigns or is sacked, despite repeated scandals involving the EU's budget and its programmes. Yet these are the same institutions and the same people who will gain more powers and more money under the constitution. It makes no sense whatever.

[Mr. Heathcoat-Amory]

However, the people have now seen through this situation. That has happened. The electorate have woken up and a different Europe is waiting to be born. We do not have to have this constitution—we could go back to the Laeken declaration and try to design something that is genuinely simple, democratic and closer to the people. The Prime Minister has no mandate to sign this treaty. There was nothing about it in the manifesto on which he won the last election, and the people have sent the Government a clear and unambiguous message that they should say no in the concluding negotiations. If the Prime Minister does that, he will do not only us, but the people of Europe generally, a favour.

3.29 pm

Keith Vaz (Leicester, East) (Lab): It is always a pleasure to follow the right hon. Member for Wells (Mr. Heathcoat-Amory), and we all in this House appreciate the enormous amount of work that he has put into the task of representing the House on the Convention. Even though some of us disagree with what he has said, no one doubts the commitment and sincerity with which he has undertaken his task.

These debates have become surreal. I have attended almost every one of them since 2000, when I attended my first European summit as Minister for Europe, and they all take a similar format. The Opposition complain bitterly about what the Government are proposing to do, then after the summit is over they complain bitterly about something that the Government did not do. I wish the Minister for Europe, the Foreign Secretary and the Prime Minister well in what is a critical summit for this country and the rest of Europe. I know that they will work extraordinarily hard on behalf of British interests, which in my view is exactly what all Ministers have done when they have been to summit meetings to bat for Britain over the past 20 or so years.

I know that the summit is important because I have heard that Mr. Trevor Kavanagh, the political editor of *The Sun*, has decided to pack four clean shirts because he is convinced that it will take a long time. If my hon. Friend the Minister for Europe runs out of shirts, I am sure that Trevor will lend him one to enable him to complete the negotiations.

The summit is similar in importance to the Nice summit. It is crucial because it will affect the way in which this country sees the European Union. Of course, all the arguments put forward on both sides of the House are relevant to the debate, but I hope that we will have a constructive debate once we have an outcome to the negotiations. It is worth remembering that the negotiations are not yet concluded. The Prime Minister is going to the summit to take Britain's views forward, and only after he is satisfied that the best interests of this country have been met will he sign up to the constitution. We should have faith and trust in his negotiating ability, which has brought us a central role in the way in which the European Union operates.

Angus Robertson: Does the hon. Gentleman appreciate that although an industry such as the fishing industry might be utterly peripheral to the UK perspective, it is utterly central to concerns in Scotland about the European Union? As a convinced European, I have grave misgivings that the UK Government will not bat on that vital issue. Does the hon. Gentleman appreciate what a devastating consequence that will have for the chance of ever getting a positive vote north of the border for a proposed constitution that entrenches fishing as an exclusive competence?

Keith Vaz: As the hon. Gentleman knows, we have no fishing industry in Leicester, although we have a by-election pending and several people are fishing for the seat. The hon. Gentleman is an eloquent advocate of his constituents and of Scotland, and I am sure that his representations have been listened to by the Government and will continue to be listened to by the Foreign Secretary and the Minister for Europe. I am certain that they will be central to the discussions that take place.

I represent the city of Leicester, as does the right hon. Member for Charnwood (Mr. Dorrell), who is sitting opposite. We have just been through a European election and, as he and the House know, the United Kingdom Independence party did extremely well in the east midlands. Its flag bearer, if I may call him that, Mr. Robert Kilroy-Silk, was elected at the top of the list for UKIP, which won a second seat. It is absolutely clear that it won its seats at the expense of the Conservative party and that the increase in the vote for UKIP was matched by a decrease in the vote for the Conservative party. That is primarily an issue for the Conservative party, and I think that it is the Conservatives' confusion over Europe that has led to the rise of UKIP. As a Labour Member of Parliament, I take enormous pleasure in any set of circumstances that causes the Conservative party to get fewer votes. However, although UKIP will damage the Conservative party in the short run, in the long run it will damage the country. It has slogans rather than a manifesto, and its election campaign was based entirely on slogans.

I do not recall receiving many leaflets from UKIP in Leicester, but I remember the television soundbites. The trouble with such campaigns is that they give rise to a great bubble that suddenly bursts. The responsibility for those of us who believe that Britain should remain in Europe is to challenge UKIP's slogans. The primary responsibility for that rests with the Government, who must push the European agenda forward.

It would be great if the Opposition were to join the Government in that task. In the run-up to enlargement, the shadow Minister for Europe joined my hon. Friend the Minister for Europe and the Liberal Democrat spokesman in launching a large poster welcoming enlargement. I was delighted at that cross-party unity.

I was also pleased to hear the Leader of the Opposition attack UKIP. He made it clear that the Conservative party believed that Britain's future was in Europe. I had not heard him say that before, in the House or outside it, and so it is clear that UKIP has a function—to remind the Conservative party of what might happen if Britain were to leave the EU.

The right hon. Member for Wells is very critical of the constitution and of the Government. As a member of the Opposition, he is entitled to be so, but I do not think that even he believes that Britain should leave the EU. If

he did, he would not want to remain in the Conservative party but would much prefer to join Mr. Kilroy-Silk and the other UKIP members.

As my hon. Friend the Member for Great Grimsby (Mr. Mitchell) said, it is important not to dismiss the election results. We should listen to what the people have said. Euroscepticism is on the rise because we are afraid to talk about European issues, either in the House or outside it. That is shown by the small number of hon. Members present for this debate.

European issues will be crucial for Britain over the next few years, and it is therefore vital that we campaign on them. Ministers must be prepared to do what my hon. Friend the Minister for Europe has done so successfully over the past two years—that is, they should talk to the British people about the benefits of EU membership.

If the constitution is agreed to this weekend—if my right hon. Friend the Prime Minister decides that it is in Britain's interests to sign up to it—I hope that every member of the Government will show the same passion and eloquence that he displayed at the Dispatch Box when he announced that there was to be a referendum on the constitution. The European issue is of importance to every portfolio held by every Minister.

Going out and campaigning on these matters should not be left only to the Minister for Europe and the Foreign Secretary. Ministers from all Departments attend the meetings of the Minicor committee, and the Minister for Europe will know that the message must be got across to the British people. If that does not happen, there will be a further rise in Euroscepticism, and the only arguments advanced will be those put forward by the Eurosceptics. That will damage the Conservative party, and the whole of Britain. We must make sure that that does not happen.

I know that my hon. Friend the Minister for Europe will do his best at the summit meeting, and I hope that an agreement is reached. There was concern that that might not happen, and that discussion of the matter would have to be adjourned until the next presidency begins later in the year. That would be a dreadful outcome: we must conclude the debate and reach a decision, so that we can move on.

The Opposition banged on for several months about the need for a referendum. The Prime Minister has given the country an opportunity to pass judgment on the constitution. Of course there will be parliamentary scrutiny: that is inevitable, as a Bill will have to go through the House. Moreover, I am certain that the matter will be dealt with on the Floor of the House, so that every hon. Member can participate in the debate. After that, we have to have a referendum campaign that informs the people, and whether it comes before or after the general election does not really matter since we have a timetable for two years. What is essential is that we are prepared to put the arguments before the British people so that they know exactly what we have planned for them and agree with it. Their ownership of the European project is absolutely crucial. We can pass all the Bills we want or have all the ministerial statements we want, but if we do not carry the people and do not explain the benefits of being in the European Union, we will not have a people who believe that they are stakeholders in the project.

I very much hope that the campaign will start as soon as possible. I hope that it will not be a short campaign; I hope for a long campaign interwoven with the domestic agenda, because Europe delivers on the domestic agenda, too, which people forget, thinking that it is something quite separate. Many of the things we do are relevant to what happens in Brussels, and vice versa.

Will the Minister tell us the Government's position on the appointment of a new President of the Commission? There has been a lot of speculation about who that might be. One candidate is the former Prime Minister of Belgium, who recently lost his election. Other candidates are in the frame: Mr. Chris Patten has been mooted. Whoever it is, I should hate the decision to be taken in haste, but we should know who will succeed Romano Prodi. If necessary, we should have a debate in the House: there would be nothing wrong in debating the choice once the Government have made their decision; indeed, it would be a very good idea.

We need to know whom Britain is supporting, and we need to know the name of our new Commissioner. Again, there has been a lot of speculation. I am not making a bid for the job, I assure the House.

Mr. Michael Moore (Tweeddale, Ettrick and Lauderdale) (LD): Oh, go on.

Keith Vaz: I am quite happy. We have one by-election coming up in Leicester, and we do not need another.

It is important that we get a substantial figure to go to Brussels who can speak well on Europe and is able to forward the Government's agenda. Whoever it is, I hope that the decision is made as quickly as possible so that speculation can be ended. Our current Commissioners are coming home, so to speak: Neil Kinnock, who has done a splendid job, has become chairman of the British Council, and Chris Patten, who has indicated he does not want to continue, is chancellor of Oxford University and, I am sure, doing other things. We need to know who the Commissioner will be so that we in Parliament may, through various committees, question him or her, give guidance or direction, and be aware of what that person stands for.

A number of my right hon. and hon. Friends have mentioned the Lisbon agenda. We must not lose sight of that. My right hon. Friend the Member for Llanelli (Denzil Davies) poked fun at it, but it is crucially important. Lisbon was the first summit at which there was a benchmarking of what Governments are supposed to do. Next year's spring Council will bring a review of what Lisbon has achieved. We must remind the House of what progress we have made on the Lisbon agenda.

We have talked about the constitution, but we need to keep talking about reform, too. It is essential that, once the constitution process is completed and we begin the long campaign on the referendum, we remember that ours is the country that has pressed the reform agenda. It started with the joint letter of the Prime Minister and Chancellor Schröder two years ago, in which they set out a list of things that they hoped to achieve at the Madrid summit. I keep revisiting that in all my speeches, and I shall not ask the Minister for Europe, although I am sure that he has the answer, how many of the 27 things that we said we would do we have actually done.

[Keith Vaz]

I am sure that he will reply to that when he winds up the debate.

The reform agenda is crucial. The people of Britain will not learn to love the European Union until the European Union learns to love reform. It is absolutely vital that we continue pushing the whole agenda forward, and we should be at the forefront of that. That will be where the people understand what we are doing.

I know that my hon. Friend the Minister is looking forward to the summit and that he will have at least three sleepless nights, but I wish him, and my right hon. Friends the Prime Minister and the Foreign Secretary well, because I know that they will be there to do their best for Britain.

3.46 pm

Mr. David Atkinson (Bournemouth, East) (Con): This debate on European affairs takes place following the elections to the European Parliament and on the eve of the European Council summit. It is, inevitably, concentrating on the future of the European Union. However, I wish to dwell on the future of Europe's largest and oldest institution, the greater Europe, that is the Council of Europe, within the context of the enlarged European Union.

When the Foreign Secretary met members of the British delegation to the Parliamentary Assembly of the Council of Europe recently, he was right to stress that the European Union could not have enlarged on 1 May without the preparatory work done by the Council of Europe. Those 10 new member states of the EU were among the 15 new democracies that acceded to the Council of Europe between 1991 and 1995, when I was the chairman of the committee responsible for that process. There is no doubt that the onerous work that we undertook at that time enabled those countries to banish every element of their communist past and to acquire the standards of multi-party democracy, human rights and the rule of law that they have achieved today. Without the contribution of the Council of Europe there would have been no acquis communautaire for the 10 new member states of the European Union.

The work goes on. Today, the Council of Europe comprises 45 democracies. Later this year we expect Monaco to accede, once it has completed its negotiations on the transfer of full sovereignty from France. Only Belarus remains outside the European democratic community that is the Council of Europe, until President Lukashenko or his successor decides that it, too, must abandon all elements of its Soviet past.

Next week, in Strasbourg, the Assembly is likely to approve a recommendation that Turkey has now reached standards of membership that no longer require the ongoing scrutiny of our monitoring process. That will be because of Turkey's recent progress toward a parliamentary democracy, including the end of the veto of the military; its acceptance of the findings of the European Court of Human Rights; its support for the reunification of Cyprus; and its recognition of the cultural identity of its Kurdish citizens. I hope that the European Union will recognize that progress when deciding its response to the Turkish application in December, and will agree to commence negotiations on full membership as soon as possible.

Unfortunately, those historic contributions by the Council of Europe to the peaceful, democratic evolution of our continent continue to be overlooked, especially in the United Kingdom. The most blatant recent evidence of that is the Foreign and Commonwealth Office departmental report for the year ending 31 March 2004. The Council of Europe is mentioned only once in that document, on page 87, and not at all in chapter 5, entitled "The UK in Europe". In that chapter, the first words are a quote from the Minister for Europe to the effect that on 1 May Europe would be reunited by the enlargement of the Union to include 10 new member states. That is not true. Europe became reunited when those 10 states joined the Council of Europe.

Perhaps that oversight is not surprising, given the undoubted lack of resources provided to the Council of Europe, especially compared with those available to the European Union. The Council of Europe's budget in 2003 of €175 million was exactly—and merely—the cost of shifting the European Parliament from Brussels to Strasbourg for its monthly sessions. This year is the sixth consecutive year of zero real growth in resources for our Assembly. That is despite the increased work load arising from our enlargement, and the post-conflict situations in the Balkans and the Caucasus. Unless that situation is addressed, the Council of Europe risks the same fate as the Assembly of the Western European Union, which is being allowed to wither on the vine.

Since the Laeken declaration established the EU Convention on the Future of Europe, I have been urging the Council of Europe to come forward with a clear vision for its role in response to an enlarging European Union. I have urged the Committee of Ministers to hold a summit of the Heads of State and Government of the Council of Europe to agree what that role should be before decisions are made by the intergovernmental conference of the EU—in other words, that we should decide our future before others decide it for us.

Such a summit, which would be only the third in our organisation's history, should recognise the Council of Europe's prominence over the European Union in its areas of competence for the foreseeable future; in particular, the European Court of Human Rights in Strasbourg should be confirmed as the pre-eminent judicial pillar in any future architecture. That such confirmation is necessary is demonstrated by the proposal in the draft EU constitution, to which my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) has just referred and which would give legal effect in member states to a set of rights as defined by the EU charter of fundamental rights.

As I sought to describe in my Adjournment debate on 26 February 2003, our fear in the Council of Europe is that the charter of fundamental rights would compete with the European convention on human rights. It would risk divergence in the case law of the European Court of Human Rights in Strasbourg on the one hand and of the Court of Justice of the European Communities in Luxembourg on the other. The inevitable confusion would provide a field day for lawyers and undermine the case law of more than 50 years that protects those rights.

Those fears have been confirmed by the Venice Commission—the European Commission for Democracy through Law—whose opinion was sought by our Assembly. It said that

"different interpretations of the European Convention on Human Rights and the Charter would seem inevitable . . . such divergences risk putting the national authorities in a difficult dilemma when they have to implement diverging judgements".

In the light of that, I hope that the Government will ensure that the pre-eminence of the European Court of Human Rights in Strasbourg is recognised and confirmed at this weekend's European Council.

A third Council of Europe summit should also consider a second threat to the long-term effectiveness of the European Court of Human Rights in Strasbourg: the enormous increase in the number of applications to it. There were less than 10,000 in 1999 but more than 30,000 in 2002. We should not, of course, deplore that increase; we should welcome it. It means that ever more of the 800 million citizens of Europe are realising their rights and are using the Court to protect those rights when they are violated.

The outcome, however, is that the Court cannot cope. Of the 30,000 applications received in 2002, 12,000 were not dealt with. At present, it can take up to six years for cases to be heard. That cannot be justice for those who were denied it for so long in their one-party states. Reform of the European Court in Strasbourg is essential; the matter is urgent and it must be addressed.

When the EU Convention was established, it was expected to come forward with recommendations to bring

"the EU closer to the people"—

as was mentioned by the right hon. Member for Llanelli (Denzil Davies)—which would address the so-called democratic deficit. As a contribution to that process, the Prime Minister, in a speech he made in Poland four years ago, to his credit, promoted the concept of a second chamber to the European Parliament that would be representative of national Parliaments of member states. Such an interparliamentary upper chamber could have responsibility for scrutinizing policies that continue to be intergovernmental, such as foreign affairs and defence, and matters concerning the entire continent, including the cultural heritage and the environment.

The disappointing voter turnout in last weekend's elections to the European Parliament, especially in the 10 new member states—for example, turnout was only 16 per cent. in Slovakia and 20 per cent. in Poland—is an additional argument in favour of a second chamber, made up of national parliamentarians, to the European Parliament. Just because that suggestion was not wholly applauded at the time, I hope that the Prime Minister will not abandon the concept, but will revive and pursue it. In so doing, he will be able to avoid proposing the creation of a new institution, because the basis of an upper house for the European Parliament already exists. It is the Parliamentary Assembly of the Council of Europe.

3.54 pm

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): I have looked across the Chamber during today's debate with a mixture of trepidation and déjà vu, because many of the hon. Members who set out to destroy any Government initiative when the roles were reversed and we formed Her Majesty's loyal Opposition during the long years of the Major political night seem to be hellbent on doing so again today. They are fixated on aspects of the European Union that are, to many people, at best academic and, to others, certainly resolvable. It seems as though their antagonism to Europe is both visceral and immutable—time does not heal it in any sense.

In fact, I take a very different view on Europe. I, too, like the Opposition, am critical of Her Majesty's Government, but from a different perspective: I do not think that the Government are enthusiastic enough. I own up to being one of that band—admittedly, a minority—who look forward to the benefits of a deepening in the European commitment and European ties.

Those who go to constituencies such as mine, particularly to the schools, recognise that a massive change is already taking place. The fact is, whether because of the increased prosperity that we have all enjoyed for a number of years or the wider opportunities to taste what at one time, certainly in my childhood, were rather exotic things, our younger generation are far more inured to a European dimension than we ever were. There is a danger in a place such as this that we are all seen as being tied into a middle-aged perspective, coloured by our own experiences and generational undertakings.

When I visited one school, I was mystified to hear all the different languages being used around the place. Unbeknown to me, it was a European day at the school. The school was in a deprived area and performing poorly at that time, but everyone there had managed to key into the European dimension. The pupils had made lots of European dishes. They had learned basic phrases in a range of languages. Of course, when I talked to the kids themselves, I learned that many of them went on holidays abroad, although that was not particularly common. They had no fear of Europe, which seems to be at the heart of many of our debates on European affairs. Even if only with a simple thing such as football, they understand that we can learn from the European dimension.

Indeed, when we complain so bitterly about Europe—it is as though we have to put up with matters European—I often ask myself why the Europeans put up with us, when the only things that we seem to give to Europe are football hooligans and carping critics of everything that Europe comes up with. Obviously, we have to be a little more circumspect in the House during debates on what Europe means to us, but I think that a deeper, more involved and more committed Europe is very much in our national interest.

My right hon. and hon. Friends who sit on the Front Bench will not agree when I say that, if we had had that deeper involvement, that greater integration with Europe, I doubt very much whether we would have embarked on the folly of the Iraq war. I do not expect Conservative Members to agree with me; they were

[Mr. Peter Kilfoyle]

more in tune with the Government on that issue. Indeed, they were more gung-ho about that adventure than even the Government. Nevertheless, a more integrated, responsive, interconnected and focused view in Europe might have acted as a brake on such a matter.

I tend to think, too, that greater involvement in Europe would help us in many other ways in our national interest. For example, we all know that the Murdoch press rants, raves and rails against Europe, presumably because that is in its interests. I should like to think that greater co-ordination and, indeed, greater regulation—yes, that dreaded phrase—across Europe would stop some of the blackmail that takes place and leads, with regular monotony, Leaders of the Opposition, admittedly including the Prime Minister when he was Leader of Opposition, to bow the knee in front of Murdoch to be elected in our own country. I would like to think that it would be an exercise in democracy if we regulated at the European level against such a pernicious influence on the political process.

There are further simple measures from which we profit that show that it is beneficial to the national interest to be deeply involved in Europe. I listened carefully, albeit with some dismay, to my right hon. Friend the Member for Llanelli (Denzil Davies). I admire him greatly and he made a good and cogent case on certain points. He asked key questions, but he approached the debate from a negative perspective. I could say that he ranted about some points, but that would be an inappropriate word to use in his case. He spoke about the democratic deficit and the burden of regulation and bureaucracy. He told us how initiatives come from bureaucrats rather than elected people. However, he did not say that presumably the way to tackle the democratic deficit is to intensify the democratisation of the European institutions rather than backing off and ignoring the good things. If he were in the Chamber now, I would be happy to point out to him what happened in my city as a result of the bureaucratic approach.

Commissioner Bruce Millan, aided and abetted by Graham Meadows of European Commission Directorate-General XVI, enabled objective 1 money to be allocated to England, against the wishes of the then Conservative Government. We benefited from that money enormously, and it has now been spread throughout Wales, and in South Yorkshire and Cornwall. We can argue all we like about the esoteric nature of that funding and about how it is a rebate of our contributions. That is true, but the positive initiative to focus the money on areas of greatest need came from the European Commission.

Much has been said about the elections, and the right hon. Member for Wells (Mr. Heathcoat-Amory) spoke at length about last Sunday's result. Let me tell him and other hon. Members what happens when one takes a positive and proactive view of the benefits that accrue from the so-called bureaucratic approach in Europe. In my home town of Liverpool, we actively promoted the benefits that had come to the city. The Labour party received four times as many votes as the Conservative party in the European elections. It received twice as many votes as the Conservative and United Kingdom Independence parties put together. If the Labour vote was combined with the Lib-Dem vote, people voted for a positive view of Europe by the factor of 7:1. Hon. Members might say that that is perfectly reasonable because Liverpool has benefited from structural funding, but so have many other parts of the country. We should be proud of that, praise it and try to augment it in any way we can.

Before the Jeremiahs start talking about the local elections, I can tell them that there was a huge difference between the votes. People stopped to think about how they voted in the elections. There was no doubt that the winners of the local elections in Liverpool were the Liberal Democrats, but there was a clear distinction between that election and the European vote. People were sensible and acted according to what was in their interests.

We must consider not only our national interest. We are our brother's keeper in a globalised world that is ever more fraught with dangers from hitherto unknown sources. What we have in Europe represents the culmination of the vision of the early Community on how to secure peace in Europe. I do not say that the situation is perfect or that there will not be more problems along the way. For example, we seemed to go slightly amiss with the dismemberment of Yugoslavia. Nevertheless, despite the European Union's problems, history will well regard its effect on Europe as a continent, especially on major conflicts.

We cannot glibly pass that dimension by. We are too often accused of being little Englanders lost on the peripheries of Europe—well, we are. But if we really want to be at the heart of Europe, politically as well as economically, we need to change our attitude towards it.

I was not quite clear what the right hon. Member for Wells was saying, and I raised a point of information. He explained to me that he was arguing that the problems with Europe encourage extremism—that is a very general summation of what he said. I put it to him and to others that there are those who are using Europe to encourage extremism. It is not a one-way flow. The right hon. Gentleman used the example of Europe-wide problems with asylum and immigration policy encouraging the growth of extremism, but I am sure that he will agree that there are people who are deliberately distorting the images of Europe to foment an extremist prejudice in our country. That is to be deplored, I hope by everybody.

I want to take up another point that has had some currency in this debate. It is always being said that this House is losing powers to Europe. For people at the bottom of the pile in this country what happens in this House does not matter a fig. Whether we like it or not, much of the reason that people are not turning out to vote is the fact that they do not see the House as the ultimate repository of democracy. They see it as a talking shop and a fig leaf for whoever is the Government of the day. It does not seem to affect their lives directly. We can argue cleverly how in fact it does impact on every aspect of their lives, and any sensible person would know that, but the people out there do not necessarily know it. They do not make the fine distinctions that we make. That is not to say that we should make those distinctions. When we are trying to put across a message to the people we should not delude

ourselves that they look to this House positively and constructively to lead in all things—they do not, and that is one of the problems that we need to address.

I have heard a lot about red lines. The only red line that really bothers me is the one between those who are antagonistic towards Europe and those who are enthused by it. That line crosses parties—I know that. I have heard colleagues today who, on this issue, could happily sit on the Opposition Benches. Europe is about vision as well as practicalities, and that vision is sadly lacking. I wish, and I mean this in the kindest way, that my Front-Bench colleagues would go out and enthusiastically promote the cause of Europe. I make an exception for certain of my hon. Friends, of course, but too many want to hide their light under a bushel.

It is true that the Conservatives have found a middle ground, but the problem is that it is between Euroscepticism and Europhobia. They are not in the middle ground of British politics; they are between a rock and a hard place. Most of what they have said in recent days and weeks shows that they have a political problem that is about their party, and not necessarily about the national interest.

4.8 pm

Mr. John Redwood (Wokingham) (Con): The Foreign Secretary treated us to an uncharacteristically weak performance. He is that rare exception in this ministerial team: a man who respects the House of Commons, reports regularly to it and is keen for us to debate these important issues. Unfortunately, today he failed us and the nation. He treated us to a rant. He gave us some elementary Euro-myths, got more aggressive the weaker his case was and failed to take the House, line by line, through the crucial discussions and debates in which he, the Prime Minister and his ministerial colleagues will participate on our behalf in the next few days. That is a great pity.

As a strong believer in parliamentary democracy, I feel that this Parliament should hear from our Government today, in this crucial debate, what they believe are the main issues that are now outstanding in the discussions on the draft constitution. They should tell us where they wish to go, what changes they are proposing and how they wish to pursue their amendments. Of course they need to keep a little mystery in their negotiating position. I would not expect them to set out the full bottom line, but I would expect them to set out the top line of their position and to tell us more about what they are trying to do for Britain to improve or perfect the draft constitution. It is even more incumbent on the Foreign Secretary to do that in the wake of the remarkable elections and the results that we learned subsequently—the elections that were held on Thursday and the results that came through on Sunday. If we consider the nationwide position, we find that about half the electorate voted either to withdraw from the European Community altogether or for much less Brussels power and interference in our daily lives, and back to the Conservative position of a renegotiation in favour of member states and member state democracies.

Compared with that, only a little over one fifth voted for the Government line—the lowest level that an incumbent Government have ever had in a nationwide election in this country in the past century. One might have thought that Ministers would explain that to the House. One might have thought that Ministers would show a little more humility and modesty in the wake of that shattering result for them, and would have genuflected at least a little in the direction of the British electorate's mood in what they said today in the House.

Instead, we were treated to a rather juvenile rant. There were two main arguments that the Foreign Secretary used to explain why we should sign up to something like the draft constitution, and why electors should learn their lesson from the Government that they are not Euro-friendly enough and must do better.

The first argument that the Foreign Secretary advanced was that the EU and its predecessor, the European Economic Community, have prevented wars in Europe over the past 50 years. We should be treated to something a little more serious than that. Is the right hon. Gentleman suggesting that if France and Germany had not been members of the EEC and its successor body over the past 50 years, one of them would have invaded the other? Does he not realise that both are now, and have been since the second world war, stable democracies and peace-loving countries, and that they were never likely to express aggressive intents towards each other with or without the EU? Was he suggesting that bold and doughty Luxembourg was suddenly going to make territorial requests of its neighbours that might have fomented some hot conflict? He should understand that no one will believe the twaddle that peace in Europe was settled by several great developments post-1945.

The most important development was that all the major players became democracies, which tend to be peace-loving rather than aggressive, as tyrannies so often are. The second most important development was to put in place NATO for our common defence. The third was the maintained presence of the mighty American forces for many years just in case there were any signs of instability in the post-war period. That is why we have been blessed with peace in our time. It would not have mattered whether we had the EEC or not from that point of view.

The Foreign Secretary went on to say that the other main reason why we needed something like the constitution was that half our trade is with Europe. That again is a mistaken notion. It is true that about half of the trade in physical goods that our country does is with fellow member countries of the EU. However, it is a much smaller proportion of our trade in services and a smaller proportion again of the crucial investment flows that characterise so much of economic activity today.

Investment flows are in many ways evidence of a deeper economic relationship than trade and physical goods. It is quite easy for countries to buy and sell cars or washing machines without having a deep relationship. It is necessary to have a very deep relationship if we invest in one another's countries, putting long-term money into factories and employing one another's people in those factories. We have that sort of relationship, on a much greater scale, with the United States of America and with Asia than we do with our fellow partners in the EU.

The Foreign Secretary does not come to us and say that we must develop something like the EU relationship with the United States of America or with India, or with China, to preserve those important jobs

[Mr. John Redwood]

and economic relationships. Again, he is guilty of misleading the House by suggesting that that is why we need to sign up to something like this constitution.

Mr. Forth: Before my right hon. Friend concludes that part of his argument, is it not relevant to recall that, sadly, manufacturing now employs less than 20 per cent. of our work force? Even more sadly, we have an enduring and enormous trade deficit with other members of the EU, which must be borne in mind when we hear empty threats that altering our relationship with those states would have dire consequences and result in protectionism?

Mr. Redwood: My right hon. Friend makes an important point. I do not believe that Germany and France would suddenly not want to sell us their motor cars, whatever happened to our relationship in the EU. They would not want to turn their back on such a lucrative trade. We should renegotiate, and I obviously wish to preserve and develop our trade with EU member states and the individuals and companies in those countries, which is why I support the position of the Conservative party rather than that of the United Kingdom Independence party. It is sensible to proceed by renegotiation and to seek to do so in a friendly way. However, we should do so with confidence in our own position. We are not the beggars in this scenario—we are offering other member states, as my right hon. Friend said, an extremely good deal. Not only do they sell us much more than we sell them, but we pay them for the privilege by making a large contribution to the club. We need to take such things into account when we begin renegotiation.

The Government have two big arguments against the Conservative policy of renegotiating to achieve more democratic control of our lives in Britain. First, they say that everyone knows that there is no opportunity for renegotiation in the EU, but they cannot get away with such an absurd proposition. My right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) said that we have taken part in a two-year radical renegotiation of everything to do with the EU, with the proposed abolition of existing treaties and the rewriting of the whole works. We have repeatedly told the Government that, because that huge renegotiation is under way, they should take the opportunity to achieve the things that Britain wants for a change instead of operating according to the Valéry Giscard d'Estaing Franco-German federalist agenda. Unfortunately, at the eleventh hour of the eleventh day, the Government have failed to take advantage of that great opportunity. Once more, I remind the Prime Minister and the Foreign Secretary that they will not get a better chance to renegotiate than when everything is on the table. The whole thing is up in the air, so Her Majesty's Government must show that they have influence and use it not just for the sake of Britain and British democracy but for the sake of free peoples throughout the European Union who, as was recently demonstrated at the ballot box, want more local democratic control and want more things devolved from the centre to local jurisdictions.

It was obvious from the election results of the new member states, where there were big rebuffs for the governing parties and massive abstentions, that they are already disillusioned and think that the EU is too bureaucratic, centralised and overweening. It is not listening to them or following their agendas. Our solution, to give more power to the democracies of individual member states, would help those countries and electorates just as it would surely help to further the British national interest. It might head off the dangerous flight to extremist parties, which is occurring across the EU as a result of disillusionment and an electoral system in which people cannot choose individual candidates but have to vote for parties. Their votes are counted in a strange way, so some people think that it pays to go to extremes to get their view across instead of voting for sensible, balanced coalition parties such as the Conservatives or, without wishing to flatter it, Labour.

The Government should seize the opportunity offered by the negotiations. There will be more negotiations, and I am sure that when the Conservatives come to power, EU member states will be sitting round the table trying to redesign the treaties and the constitution yet again. The present negotiations, however, are our best opportunity. This is the big one—everything is up for grabs, and we still have a veto over a considerable number of issues, which we could use to good effect to try to move things in our direction.

That brings me to the Government's second objection to the Conservative position. They try to make out that no one would listen and that the United Kingdom would have no influence if it wished to move the debate in the direction of more local government and national democratic control, and away from more centralising control, which is always favoured in these discussions. Again, the Government are misleading the public. Of course it would be quite possible for the British Government to propose all the amendments necessary to move in that direction. More importantly, it would be quite possible for the British Government to win many of those points and arguments by using the considerable powers and authority at their disposal.

I find myself in the curious position of saying to the British Government, "Be courageous. Believe what you say. You are always telling us that you have great influence in the EU. Here is a marvellous opportunity to prove it. Prove that you can get more than 10 out of 200 amendments through. Prove that you can table amendments that bring back to Britain things that we need to control here. Prove to us that you can save our fishing industry from the depredations of too much fishing under the common fisheries policy. Prove to us that you can reform the common agricultural policy in a way that would not only do good for Britain and British customers, but would do good for the developing world, which currently finds access to our markets blocked or restricted by a cruel policy designed to favour some on the continent, but not those everywhere else."

Angus Robertson: The right hon. Gentleman rightly highlights the difficulties posed to many coastal communities by the common fisheries policy. Does he

believe that fisheries should be a red-line issue, as opposed to those on his Front Bench, who think it should not be, or have I misunderstood?

Mr. Redwood: Fishing should be one of the crucial issues in the renegotiation, as my right hon. and learned Friend the Member for Devizes (Mr. Ancram) said in his many remarks. We do not have red-line issues. That is a Government fiction that will be used for spin purposes. They will choose certain topics as red-line issues, and claim that they have managed to get some adjustments to the text or they will draw on what is already in the text to say that their red lines have been observed, and claim a victory. It will be an entirely specious performance, as we have seen before, because the draft constitution is in no shape for any self-respecting British Government to accept.

I do not wish to see the EU's competence in fisheries extended, as the draft clearly does, but I am going much further, along with my party. I welcome the proposals from our Front Bench. They are clear that we wish to take fishing back under British democratic national control—rightly so. We are not saying that we want a reform of the common fisheries policy. We are saying that we tried that, it did not work, it did a lot of damage and we need to make our own decisions about who fishes in and how we can protect our waters.

Mr. Spring: Is it not ironic that the policy is not a common fisheries policy at all? There are swathes of waters round the European Union where it does not apply. It applies to us dramatically.

Mr. Redwood: That is why many British people—50 per cent. overall—voted Eurosceptic. They feel that things are not fair, and the fishing policy is one of the best examples of that. We cannot send our boats off to the Mediterranean to pillage their seas, but we have to watch while Danish industrial fishing vessels hoover large amounts of the seabed and do enormous damage to the grounds in which our fish would otherwise live, breed and develop. We cannot stop them because the common fisheries policy says that that is perfectly reasonable conduct. At the same time, we see our own trawlers tied up day after day in harbour because the EU says they are the cause of the over-fishing.

Angus Robertson: The right hon. Gentleman is generous in giving way. If his Front-Bench team say that fishing is a red-line issue, and he is clearly very concerned about it, why has his colleague, the Scottish Member of the European Parliament for the Conservative party, Struan Stevenson, proposed in the European Parliament that fishing should be an exclusive competence in the constitution of the European Union? That is an utter contradiction.

Mr. Redwood: I am not Struan Stevenson's representative or spokesman in the House of Commons. I do not know that he said that, and I therefore have no idea why he said it, if he said it. I do know, as the House heard earlier from my Front Bench, that he stood on our common manifesto. I therefore assume he believes in our common manifesto, which clearly states what I and my right hon. and learned Friend the Member for Devizes told the House earlier—that we want our fishing back. We think that is the only way to rescue what remains, and the matter is urgent.

We have to ask how that could be achieved in the difficult and complex negotiations that we would like the Government to undertake in respect of the draft European constitution. Let me suggest a way. The Government could go through the draft constitution and identify the aspects that are earnestly sought by France, Germany and the other leading players in the European Union that we could allow them to have. We might need an opt-out on some items that we would not want to apply to us, and some might already be in the form of an opt-out. That might apply to the enhanced co-operation powers, for example, which France and Germany want. The United Kingdom could say that it was not keen on those powers, but that it could see how important they were to France and Germany, and that if they really wanted the enhanced co-operation clause, our price would be to have our fishing back.

That would be a perfectly normal way of negotiating in the European Union. Many of my colleagues on the Opposition Benches and I negotiated endlessly in the European Union in previous jobs, when we were in government, and we always had to decide when to apply pressure and when to horse-trade. In big negotiations such as those in question, in which the Government have a veto over everything—they do not have to accept anything at all—they have an enormous number of cards to play, and they should certainly put fishing on the table as one of the things that they want.

If I were the British Government, I would not settle for just getting our fish back in return for a lot of things that France, Germany and the Commission want the draft constitution to include, because it is so wide-ranging and fundamental. Some of my right hon. and hon. Friends have already drawn attention to some of the aspects that the United Kingdom could not sign up to, but we must remind ourselves how wide ranging the draft constitution is. The incorporation of the European convention on human rights would change British law in unspecified ways in a wide range of areas, so there is no way in which the British Government should accept such provision if they believe in British parliamentary democracy and in elections having a purpose in settling for a period of four or five years who will propose the laws and who will have a chance of passing them.

We should not accept the categorical assertion in article 10 that Union law will always be superior to and "have primacy over" the law of member states. We should not accept the clause that allows the Union to

"promote and coordinate the economic and employment policies of the Member States",

especially when the United Kingdom, under successive Governments, has been much more successful in securing a higher level of activity and lower unemployment than the poor countries on the continent. We should not accept the Union having

"competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy."

We should not accept a number of the areas of shared competence set out in article 13, and we should expose the dangers of the whole idea of shared competence. It is not shared competence at all. The European Union's

[Mr. Redwood]

idea of sharing is very different from anybody else's, because it says that if it shares a competence with us, it can do anything that it likes, and we are allowed to do anything that does not conflict with what it is doing.

Mr. MacShane: The right hon. Gentleman said that we should not accept that

"The Union shall . . . define and implement a common foreign and security policy",

but he was in a Government who signed up to that very policy in the treaty of Maastricht.

Mr. Redwood: I certainly was not, and I would not have supported such a thing. We had intergovernmental co-operation under that treaty, which I am very happy with. It is rather like the NATO model; one does something if one wants to do it, and one does not have to do it if one does not want to do so. The constitution is very different, and the Minister should understand that fact before he goes off to negotiate on our behalf and sign away our birthright. As the subsequent clauses on the common foreign and defence policy show, if we sign up to the constitution there will be a growing stranglehold on the UK, limiting our course of independent action more and more until in every major aspect of foreign policy, if we cannot carry other countries in the Union with us, we will have to do as they say. Enormous moral pressure will be applied, and the gradual introduction of qualified majority voting will complete the process.

The Minister should remind himself of the language that is used; we have tried to get this point across to him in the past, but we obviously have not succeeded.

It states:

"Member states shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the acts adopted by the Union in this area. They shall refrain from action contrary to the Union's interests or likely to impair its effectiveness."

The last sentence is especially wide ranging because it means that the Union does not even have to have a defined, agreed common policy to prevent a member state from acting. The Union, in the person of the Minister for Foreign Affairs, could decide that an action that Britain wanted to take was against the Union's interests, even though that view was not reflected in a unanimous vote. If the United Kingdom disagreed, and the moral pressure on it did not work, the Minister for Foreign Affairs could take the matter to the Foreign Affairs Council, which he would chair and whose agenda he would set, or he could take us to court for infringing the fundamental treaty and constitution.

Mr. MacShane: Perhaps I am abusing my winding-up time, but let me read the right hon. Gentleman a quote:

"The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations."

The right hon. Gentleman, as a member of the Government, not only a Member of Parliament, signed up to that in the treaty of Maastricht.

Mr. Redwood: The Minister tries to pretend that we did not understand what we were doing and that we had not thought all that through at the time. We kept matters intergovernmental so that they were not justiciable, we could not be taken to court if we disagreed and the European Union could not force us to do things that we did not want to do. The Minister is falling for the trap. I believe that he does not understand that, if we sign the current version of the draft constitution, everything changes. We can no longer shrug our shoulders and say to the European Union, "We don't agree with you so we're doing what we want because we are Britain and we have a democratically elected Government with a Foreign Secretary."

If we accepted the constitution, we would be under the thumb of the Court, the unelected Union Minister for Foreign Affairs and his ability to manipulate the agenda of the Foreign Affairs Council, which he would chair. Instead of our Foreign Secretary being a most important man among the statesmen of the world by virtue of his office, he would be a junior to the Union Minister for Foreign Affairs who, on most important matters, would speak for us at home and abroad and, doubtless, in the United Nations Security Council, as he is entitled to do under the draft constitution.

One of the Government's biggest mistakes in the negotiations so far is not to delete the creation of the Minister for Foreign Affairs and all that goes with him or her in article 27 and beyond.

Mr. Forth: Surely my right hon. Friend is not surprised by the Minister's intervention. Did not the same Minister recently sign up to a socialist programme in the European Union, which not only reflected but exceeded the thrust of the constitution? Might not the Minister be regretful that the constitution does not go nearly far enough and his bluster result from embarrassment?

Mr. Redwood: My right hon. Friend makes his point effectively and he may be right. I fear that the Minister simply had not grasped the difference between intergovernmentalism and bringing everything under the European Union and its panoply of institutions, whose power the draft constitution enhances. Many members of previous Governments who worried about too much European Union power were keen on the intergovernmental arrangements, which affected home affairs and foreign policy, because they protected all that we wished to protect. We never had problems with unwanted Union interference in those matters in all the time that they remained intergovernmental. The Foreign Secretary would not know what had hit him if he signed up to the constitution and subsequently discovered how strong the Union Minister for Foreign Affairs would be and wish to become.

The Minister should also head off at the pass the idea of new ways of legislating. The European Union already has too many ways of legislating that are too powerful. However, they are as nothing compared with the common provisions under articles 32 and 35, which provide for giving the European Union direct power to make European laws of general application binding in their entirety and directly applicable to all member states. I believe that more and more of that will happen, thereby cutting out democratic input from this country almost entirely.

We are also considering European regulations of general application and the ability to delegate to the Commission the power to enact delegated regulations to supplement or amend some European laws.

So we are looking at a big increase in the power of the European Union to make its own law and, in some areas, of the Commission itself to make law without reference to the elected representatives of the member states, let alone their Parliaments. That is not compatible with a strong defence of British democracy or with the devolution of power that the Government claim to believe in, in other contexts.

Article 40 of the draft constitution states that the common security and defence policy

"shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on assets civil and military... This will lead to a common defence".

We are told that there is not going to be a Euro army, but that sounds remarkably like the beginnings of one to me. Ministers should clarify how far this is going to go, how many of our so-called assets—which primarily means our service personnel—are going to be required, and how this will tie in with the European armaments agency. How far will the agency go in telling us what we can and cannot buy, in standardising equipment and, perhaps, in forcing rearmament on the parts of the European Union that, in its view, are not doing enough?

Article III-94 of the draft constitution also states that we shall treat our exchange rate policy as a matter of common interest. In so doing, it says, we shall

"take account of the experience acquired in cooperation within the framework of the exchange-rate mechanism."

Are the Government really happy with that? I seem to remember that, after they saw the disaster of the exchange rate mechanism—which they fully supported when we went into it, of course—they became rather leery of it. Why, therefore, are they now signing up to a document which provides for some of the exchange rate mechanism for those who are not in the single currency?

Under the general provisions, we see that we are going to have a common policy on asylum, immigration and external border control based on solidarity between member states. Why are the Government prepared to give away most of our powers to decide those most important issues, such as who should be invited to this country and who should become a citizen? Surely that is part of being a nation, and those questions are best settled democratically in this House. The Government are not doing a very good job in that area at the moment, and I would not recommend what they have been doing in the Home Office, but it is much better to have an argument about these things and try to improve them—or perhaps have a change of Government—than to delegate them upwards to the European Union.

The Union wants to go even further on asylum, stating in article III-167:

"The Union shall develop a common policy on asylum"—

subsidiary protection—

"and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle"

of the international conventions. Clearly, the aim is to take over asylum policy.

The Government should also be wary of the establishment of a European public prosecutor under article III-175. This would be a massive extension of European power into the field of criminal justice, which has always been an intergovernmental matter under our own democratic control.

I have given just a few examples from the draft constitution. It is a radical and revolutionary document, which will create a new state called Europe. We cannot interpret it in any other way. It is not intergovernmental, it is not a "tidying-up exercise", it is not a few modest measures and it is not a simplification of the existing treaties. Neither is it essential to ensuring the smooth running of the Community now that it has 25 members. It is a massive leap forward for those who want to build a united states of Europe. That is an aim that I can understand, but I think that it is quite wrong for Britain and I will oppose it vigorously.

I wish that the Government would come out and openly admit that that is what is going on, and then define with us how much they wish to go along with it and to what extent they will robustly say to our partners, "This might work for France and Germany, but it doesn't work for Britain." Until we are honest with our partners, this relationship is not going to work. Until the Government are honest with us and with our partners, the electorate are not going to like their policy. That is why they only got about a fifth of the votes in the European election. The people do not trust them on this issue. They do not feel that they are being told the truth, and they know from what they read and see that there is a mighty European project that involves neither a "tidying-up exercise" nor a free trade area. They know that it is something so much bigger.

This Government say that they wish to defend the main points of our democratic control in this country. But tax is going anyway—a series of court decisions are giving European Union officials more and more power to interfere not just in VAT, which is a European tax, but in corporate taxes and, in due course, income taxes. Under these proposals, our control over borders will go, criminal justice will start to go, an independent foreign policy will go, an independent defence will start to go, and asylum will have gone.

This Government should stop trying to tell us that we can never negotiate powers back from the European Union. They should stop pretending that they have enormous influence, when to date they have not wielded their influence at all to get what we need. They should start to learn how tough one must be in negotiations in the European Union to pursue the British national interest and the wider democratic interest for the sake of Europe as a whole.

This Government have a great opportunity in the next few days. They could go to Brussels and set out a proper democratic model for a new and enlarged Union, which would give many more powers back to the individual democracies that are the member states. They could be the champions of all those people who voted last Thursday for exactly that kind of looser Europe. They could use our veto to say, "We will not accept any of these centralising federalist proposals in this draft constitution until you talk to us about Britain having a deal that makes sense for Britain," with perhaps some

[Mr. Redwood]

other member states joining Britain in that more favourable, looser federation deal.

We need a Government of steel and determination, who care enough about British democracy to say no to this constitution, and who have enough charisma to speak to all those people throughout western Europe who now want something different. They want democracies at home, and trade and friendship abroad. They do not wish to be frogmarched into a superstate.

4.42 pm

Mr. Kelvin Hopkins (Luton, North) (Lab): First, I apologise to hon. Members for not being able to be present for the whole debate. I was here at the beginning, however, and I have heard some of the debate from outside the Chamber, notably the good speech by my right hon. Friend the Member for Llanelli (Denzil Davies), with whom I generally agree.

Clearly, the European Union is becoming less popular with its citizens. The elections last week showed, if anything, that there was a combination of scepticism and apathy, even in the new member states, which was significant. This disenchantment is less because they want to leave than because of economics and the structures of the European Union, and the policies being pursued. They want to have a good relationship with other member states in the European Union. I favour the looser association of member states about which our Government talk so much. That is what people want, not a European superstate.

People are becoming disenchanted because of economic problems. Even Governments of the left in eastern European countries that have joined are privatising public services, for example. Citizens do not want that. What they want is a different approach to running their economies. Scepticism about the European Union is not just a right-wing preserve. Many on the left, including me, have a sceptical view. Last year, in the Swedish referendum on the euro, it was not the right wing that voted it down, but the left. A mass revolt by social democrats voted down membership of the euro, which is not likely to arise for at least another decade in Sweden, if at all.

The Swedes are sensible to vote not to join the euro, but it was people of the left—working people, trade unionists and social democrats—who did so, not people of the right. They feared loss of control of their economy. Above all, however, they feared that their welfare state might be dismantled. They could look at the eurozone and see slow economic growth and high unemployment, and then look at Sweden, which, like Britain, is doing much better outside the eurozone. The Swedes have a degree of control over their macro-economic policy and social institutions, particularly the welfare state, which they like and want to keep. The left decided to keep that position.

I think many other citizens throughout Europe want a different Europe. Some may take a right-wing view: Conservative Members here, for instance, may want a much more free-market approach, while others may want the more social democratic approach that I would like. It should be the member states that decide, however, not the Commission in Brussels, the institutions of economic and monetary union or a central bank. Member states and their citizens, through democratically elected Governments, should decide what economic arrangements they want. That is what I want to happen in Britain. I do not want to see the election of a Government who share my view of how we should run our economy and social institutions, and then find that they cannot act because the rules will not allow it. Such arrangements will cause ongoing stresses and tensions throughout the European Union. We ought to live up to what our Ministers keep saying—that we should have a Europe consisting of independent, democratic member states working together to their mutual benefit, but not governed by a strong centrist bureaucracy. Even if it became somewhat more democratic, I think we would want member states to be independent.

Socialists and social democrats throughout Europe have had a difficult time because they have been seduced by neo-liberalism—by the move towards a free market and privatisation. In Germany we have seen Mr. Schröder shredded by his own supporters, who have drifted away.

Mr. Hendrick: How does my hon. Friend explain the success of the socialists in the European elections in Spain, which has joined the euro? He presented Sweden as a glowing example, but both Sweden and Denmark—unlike the United Kingdom—are still in the exchange rate mechanism and bound by its rules. How can the hon. Gentleman justify that, given that those countries are not governed by a central bank?

Mr. Hopkins: I do not think they are in the exchange rate mechanism in the sense of having to adhere to a particular exchange rate. When the euro was depreciating, the Danes wisely chose to allow their currency to depreciate as well because they did not want to be at a competitive disadvantage with their big next-door neighbour, Germany. I think we should have allowed our currency to depreciate too. We have survived quite well, but our manufacturing sector has suffered because we have let our currency appreciate too much. We should have intervened to pull it down, and I hope that we still might.

As for what happened in Spain, that was caused by a particular set of events. We all know what it was about. We should also remember that Mr. Aznar, the former Prime Minister and leader of the conservatives, was the most avid supporter of the strong neo-liberal approach to economics in Europe. There has been a significant shift to the left. I imagine that the socialists are so pleased to be back in power that they will not rock too many boats at this stage, but if as a result of their policies unemployment starts to rise and Spain gets into difficulties, I suspect that pressure will be put on them.

The Spanish socialists do have an advantage, of course. Spain was one of the countries that joined the euro at a relatively low parity, and the interest rates that it was obliged to apply were rather too low for its economy. It was a bit like what happened in Ireland. Bigger economies like that in Germany experienced the opposite problem: the common interest rate was too high, and there was built-in deflation.

All those problems can be overcome only if countries can choose interest rates appropriate to their economies. If I were a German Finance Minister I would want to be

able to choose a different interest rate, to relax my fiscal policy, and even—dare I say it—to adjust the parity of my currency. Countries cannot do that if they are inside the euro, locked into something that is not even a fixed parity but a single currency. We have the luxury, and I hope that we retain it, of being able to adjust our currency as and when we need to and to choose our own interest rates and fiscal policy. That works well, and it is significant that we countries outside the eurozone have done better than the eurozone itself, with the exception of one or two countries that have had the benefit of going in at low parity. The eurozone, as my right hon. Friend the Member for Llanelli has said, has had serious difficulties.

To return to the point that I was making, Chancellor Schröder in Germany has been shredded by his determination to forge ahead with a neo-liberal approach and what would be regarded as a right-wing policy in many fields, instead of resisting the pressure for cuts and privatisation. There are great tensions in the German Social Democratic party, and he has been losing popularity as a result. If parties of the left continue to pursue those policies, they will lose support among their natural supporters, even if the alternative is a party of the right. That is the tragedy. Those parties pursue right-wing policies, and the only alternative on offer is another party further to the right, which would have even harsher policies. The choice is not a happy one.

We want to see countries and Governments able to take up political stances that have the mass support of their people and that give them a genuine choice of the kind of politics by which they wish to be governed. If people are socialists, they should be able to choose a socialist Government with a socialist policy, and if they are conservatives, free-market supporters or neo-liberals they should be able to choose those policies. That is what democracy is about. I would not choose the latter approach, and Opposition Members would not choose my approach, but at least we should have the choice. Democracy must be about choices—real choices, not pretend ones.

I should like to see a Europe in which we can move towards a world more akin to the post-war world, in which we had a high degree of redistribution in the economy, so that the gulf between rich and poor narrowed, and a well funded and extensive welfare state. I should like to see good employment laws so that people are protected at work. My constituents who worked at Vauxhall Motors, for example, lost their jobs without warning because they were not sufficiently protected. I want to see such laws strengthened in our own country, and I wrote an article in my local paper last week suggesting that the great thing about Europe that we want to have over here is its strong labour laws. Opposition Members would say the opposite; they do not want those laws, but I believe that working people want security at work and the kind of labour laws that exist on the continent. However, those should be our choice, not the choice of the European Commission or the European Union in any of their forms. They should be the choice of the British people, the German people, and the people of every other individual member state in Europe.

I should like to say something on the draft treaty. It has already been mentioned that it covers elements of economic and monetary union. We are not members of the euro, and it is my strong view that it will be a long period before member states in eastern Europe will be members of the euro. That might never happen. I recently met some Polish Government representatives who said that it was unlikely that Poles would consider membership of the euro before 2010 at the earliest. That is a long time ahead, and a lot could happen in the meantime.

However, the draft treaty makes specific references to the institutions of economic and monetary union, which apply to only a minority of member states—and some of those are having difficulty with it. My suggestion, or my red line—it would be a red line, not a blue one in my case—would be that the treaty, even if we supported it, should cover only those things that relate to all of the European Union, not just part of it. Economic and monetary union, and certainly the euro, covers only a minority of nations. That should require a separate document, to be voted on by those nations as and when they choose. We should not impose such a vote on ourselves, as that would amount to an implicit acceptance that one day we will be a member of that arrangement. I think that that is highly unlikely, and that we will sensibly retain our independence from the euro. That is why the part of the treaty that deals with European economic and monetary union should be a separate document, to be voted on only by members of the eurozone. Any other member states that choose to join the euro—I would not advise them to—can sign up to the separate treaty at the appropriate time.

Any agreement covering the whole of the EU should relate only to things that member states have in common. We have much in common, but economic and monetary union and the euro are not among them. My red line is that I will not support the treaty if it includes references to institutions of economic and monetary union. Many other Labour Members feel the same, as do many of our fellow citizens.

A freer and more independent Europe would involve a looser association of member states, in which decisions were made according to nations' internal democratic procedures. States would co-operate voluntarily on matters of mutual benefit, and the EU would be much more friendly as a result. That is the way forward. We should not centralise, or impose treaties and rules that cannot be changed at the level of the nation state. I want a genuinely democratic Europe, and not a Europe that is centralised and bureaucratic.

4.56 pm

Mr. Stephen Dorrell (Charnwood) (Con): The speech by the hon. Member for Luton, North (Mr. Hopkins) was almost nostalgic. He presented a view of economics that has been in retreat for some years. I am afraid that he lost me when he said that the present German Government's policy was a headlong dash towards neo-liberalism. That does not describe accurately my perceptions of events in Germany.

The hon. Gentleman felt that it was important that we did not sign up to aspects of the treaty that did not apply to us. He said that the clauses on the euro, for example, should be taken out of the treaty and used as the basis for a separate agreement between those countries that subscribe to the euro.

That approach caused me to wonder what the remaining provisions of the treaty, which the hon. Gentleman thought should apply to all member states,

[Mr. Stephen Dorrell]

would look like. The old-fashioned, socialist approach to economic policy that he clearly espouses is presumably inconsistent with what I regard as the core obligations of the treaty of Rome. Those obligations include the building of a single market and of a pro-competitive environment in that market. There must also be a commitment to make the market economy work efficiently for the benefit of all the citizens in all the member states of the EU. If the EU is not about that, it really is just a talking shop, with very little purpose at all.

My right hon. Friend the Member for Wokingham (Mr. Redwood) and I share a commitment to making our membership of the EU work for the citizens of this country, and for those of other member states as well. We also share a perception that there is almost no set of amendments to the draft treaty to which the Prime Minister could—or is likely to—agree that would result in the treaty passing the test that it works in the interests of the citizens of our country.

I am strongly committed, and I believe that my right hon. Friend the Member for Wokingham is too, to the view that it is in this country's interests to build a set of structures in the EU that are better attuned to the world in which we live. Those structures would be better able to respond to the competitive pressures that we face, and more likely to create a successful economic zone for the benefit of the citizens of all the countries involved. That is the commitment that we share and which we believe is implied by our shared commitment to supporting this country's membership of the EU. However, it is very hard to see how that commitment could be rendered compatible with the present draft of the new European constitution.

I am not one of those who think that the word "constitution" means that the text must be unacceptable. I can conceive of circumstances in which a text would be called a constitution but I would sign up to it. It is harder to conceive of circumstances in which primacy of the constitution, as opposed to pieces of legislation, can be accepted within our domestic law. It seems to me that in becoming a member of a club, it is inherent in signing up to membership that the rules of the club will apply. What is objectionable about the draft before us is, among other things, that it gives primacy not just to legislative provisions but to the constitutional text itself.

Stepping back from the detail, I can conceive of circumstances in which I could support a constitution, but I do not support this one, and I want to make it clear why that is so. My right hon. Friend the Member for Wokingham sought to argue that the constitution fundamentally changes the nature of the project and introduces a major new drive in what is often described as a federalist direction. In support of that argument, he cited the principle of the primacy of the constitution itself. He also cited the introduction into the constitutional text of the charter of fundamental rights, the changes planned to the evolution of the common foreign and security policy, and the nomination of a foreign minister and creation of a foreign policy bureaucracy. With considerable force, he cited the European Court of Justice's track record of institutional creep, by which I mean its interpretation of texts in such a way that it extends the power of the European Union into what Douglas Hurd used to call the nooks and crannies of our national life in a way that was not intended when the texts were drawn up. All those arguments can be adduced to say that the constitution is a text that drives the federalising process forward.

Defenders of the constitution make other arguments, which my right hon. Friend, fairly naturally, did not adduce because they do not support his case. Defenders can point to elements in the text that insist that the Union's future powers should be based on the principle of conferral: that is to say, powers rest with member states unless and until they are vested in the Union. It can be argued that the present text does not extend the competence of the Union into fields in which it has not previously gone. My right hon. Friend, however, rightly drew attention to the importance of the fact that the institutions of the Union are developing into the fields of foreign and domestic policy in justice matters, which were previously dealt with intergovernmentally. Under the text, they will be dealt with, albeit subject to a series of checks and balances, within the mainstream of European structures. The Minister for Europe shakes his head at that, but he is wrong to do so.

We can argue the points for and against, and we can go on doing so far into the night. However, my opposition to the constitution is not that it changes the European Union too much, but that it changes it too little. To make that case, I need to stand back from legalistic arguments about the balance of power within the different institutions of the European Union and to understand what is going on in the background, in the world in which we live today and with which those institutions will have to deal.

If we look at the present political structures in Europe and, in particular, the economic developments and trends, we can see that we face if not a crisis, at least a period of incipient trouble that the constitutional texts will make us less able—rather than more able—to deal with. The warning signs are there, but if we sign up to those texts we will continue to take the wrong direction.

The key economic fact of the modern world is the ever-quickening change that is being driven by the process of globalisation. I know of no better way of summing up the power of that change than asking people to reflect on the change that Japan—a country of 100 million people—drove through the world marketplace in the 30 years between 1960 and 1990, and then consider that we now face two genuine economic superpowers, in the form of India and China, whose combined population is roughly 30 times that of Japan. Consider the impact that Japan had on the world economy and then consider the impact over the next 30 years of a force potentially 30 times more powerful.

Change is often identified as a huge threat—especially by the right hon. Member for Llanelli (Denzil Davies) in this place—but for those who work in a marketplace it is both a threat and an opportunity. It is the fact of fast economic change that creates huge opportunities for growth and wealth creation and, at the moment, our competitors in north America are being much more successful at taking advantage of those opportunities than our competitors in Europe. The American experience—and our own domestic experience—should teach us the premium that we should attach to economic flexibility and ensuring that all the wealth creators in our

economy have the minimum of burden and maximum of opportunity to take advantage of change. Every threat creates an opportunity.

The markets within Europe—including markets in goods, and all the other manifestations of markets in modern-day Europe—are less flexible than they need to be if we are to take advantage of the change process that I have described. We have already heard reference to the Lisbon agenda in this debate, but the response of the European countries to that agenda has been laughable. Little or no progress has been made towards the liberalisation of European markets that is the necessary precondition to earning our living in the world I describe.

I am strongly of the view that we should not contemplate joining the euro now, but in the long term I am agnostic about whether it will work. However, it is unarguable that if one adopts the single European currency, as our partners on the continent have done, against a background of relatively rigid markets, one has made circumstances that are already high risk substantially more risky. Our partners have failed to address the requirement for greater market flexibility, and at the same time enhanced the penalties for failure by adopting a set of monetary disciplines that are wholly admirable but which reinforce the requirement for greater flexibility.

Couple with all those economic phenomena the fact that in last week's elections there was—not just in this country, but throughout the whole of the rest of Europe—a consistent pattern of voter distrust of authority, and we can see that we are creating what could be a dangerous mix, where people feel the pain of economic change, are denied the chance to take advantage of its opportunities and look around for scapegoats. That is why my right hon. Friend the Member for Wokingham was so right to say, in response to the hon. Member for Liverpool, Walton (Mr. Kilfoyle), that the growth of extreme parties, such as the United Kingdom Independence party and the British National party in this country, and similar types of voter reaction elsewhere in Europe, is the sign of a growing divorce between the people to whom we are responsible and the political class that they increasingly view as not responding to the world as they see it.

Mr. MacShane: As not many Members are queueing up to speak, perhaps the right hon. Gentleman and I can have some exchange of views while he is grappling intellectually with these problems. Is he not a little nervous about making those rather wide generalisations? Each European economy is distinct, with growth rates ranging from between 7 and 8 per cent. at the top to less than 1 per cent. at the bottom. Spain has cut unemployment by half over the past five years. Poland's economy is growing at 6 per cent. annually. Perhaps he was talking about Germany, France and Italy, but car plants from Asia are springing up all over eastern Europe. That is a good thing, as a middle class is coming into being in that area.

At present, we trade as much with Catalonia as with China. I want our trade with China to grow as much as I want UK-Catalonia trade to grow. We must be careful not to dismiss the varied economic developments in Europe by setting out a generalised position that is not true of every country.

Mr. Dorrell: I accept that the position is varied in different parts of Europe; the Minister is right about that. But it really is not good enough to say, "Of course, it's bad in France, Germany and Italy, but it's not bad in Catalonia". Good for Catalonia. However, in Europe as a whole, France, Germany and Italy—the three countries that the Minister seemed to be asking me to set quietly on one side—account for 70 per cent. The core statistic, on which I invite the Minister to reflect, is that current broad trends appear to suggest that the growth rate in north America is more than double that of continental Europe.

The point about China is not simply that our bilateral trade is relatively small, albeit growing strongly, but the effect that the arrival of China and India in the world marketplace will have in driving the process of change that affects every country; it is way, way beyond the effect of the bilateral trade between that country and India or China.

Mr. Hendrick: Does the right hon. Gentleman accept that, economically and politically, the European Union is the biggest experiment that the world has ever seen? We have 20 languages across 25 countries and to expect so many diverse and different cultures to come together and form a market that is almost as homogeneous as those of north America, China or India is to stretch credibility a little.

Mr. Dorrell: I accept that what is being attempted in the EU has no historical precedent and, as I said, I am supportive of the principle because I believe that it is something important and that it needs to be made to work. With respect to the hon. Gentleman, however, it is no good contemplating the world I described, where those markets are being opened and there is nothing we can or should do to try to stop it, because the only effect will be the impoverishment of somebody somewhere on the planet, and call for the process to be slower because it is the first time that it has ever happened. We have created a set of circumstances that are overwhelmingly benign but whose effect is to demand of us a process of fast economic change in our own interests. All I am doing is pointing out that, having created that set of circumstances and those opportunities, we cannot now wish away the consequences: we must be prepared to change as fast as our competitors in north America at the very least.

Sometimes, when people in this country consider the high unemployment rates in France and Germany and the fact that they have emerging problems, there is a tendency for their reactions to be tinged with schadenfreude, but our reaction must be much more adult; it is much more dangerous than that. Those countries are among our largest customers. They are also our political neighbours, so opening their markets, making their markets work more effectively and ensuring that they are politically stable is as much in our national interest as it is in theirs. That is the core; that is why I am supporter of the EU. However, I am also a strong supporter of the proposition that the EU needs to

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take a step back and understand how it needs to change to serve the people who live in it, in the world as it is now, rather than the world as it was in 1958.

All that background is the reason why I was so pleased when the Laeken declaration appeared to provide the opportunity for a complete rethink of the EU institutions. I hoped that setting up the European Convention would provide us with the opportunity to stand back, to look at the world as it is now—which is fundamentally different from the world of 40 years ago—and to reassess what those institutions now need to look like and what their objectives now need to be to deal with the world as it now is.

Against that background, it seems inescapable that the EU needs to have a much more limited set of competences than it has had historically. It needs to focus much more accurately on its core priorities, including signing up to what the hon. Member for Luton, North would describe as neo-liberal values, because unless we sign up to them we are presumably adopting the Albanian alternative.

Mr. Hopkins: Is the choice in the world seriously between neo-liberalism and Albania? Is there not something called social democracy, which worked extremely well after the second world war?

Mr. Dorrell: All I was seeking to do, with a throwaway line, was to reinforce the point that the EU that we joined—and I am strongly in favour of our continuing to remain an active member, and I want it to be taken forward for the next 40 years—is an EU built on the principle of open, free markets. That is how, in the world that I have described, we will be able to provide improving living standards for our people.

Mr. Redwood: My right hon. Friend is making a powerful speech with which I entirely agree, but does he agree that the EU institutions do not seem to have recognised that there are seven times as many people in China and India as in the enlarged EU and that their populations are growing and the EU's is falling, so that when they reach a third of our income per head, which they will do in the not-too-distant future, they will be twice as important as an economic group as the EU? We do not seem to have recognised that or made ourselves competitive to handle it.

Mr. Dorrell: My right hon. Friend uses another statistic to make the same point: not today, but in the foreseeable future, those countries have the potential to be the most important trading blocs in the world if they get their domestic policies right. For the EU to focus on its own domestic arguments, rather than considering what the world looks like when under the influence of those drivers of economic change, is massively short-sighted.

I forget which American coined a vogue expression that was used a few years ago, but he talked about the need to reinvent government. I know of no institution with responsibility for exercising political power that is now in more urgent need of reinvention than the European Union. As the treaty that is on the table signally fails to do that, I am strongly of the view that we should reject it.

I talked about Laeken and the kicking off of the Convention process. I mean no disrespect to Giscard d'Estaing, who is a man with a long and distinguished career behind him, but, given the nature of the challenge that Europe faced, it was extraordinary that an octogenarian former President of France, who learned all his political instincts in the world of the 1960s, was chosen to lead the process of reinventing the European Union. The result of the process was regrettably all too predictable: it was more of the same. There was no serious attempt to reinvent the European Union, and huge tracts of the text reflect 1960s thinking. I suspect that the charter of fundamental rights is one of the bits of the text that could easily have been drafted by the hon. Member for Luton, North. It was more likely to have emerged from the Trades Union Congress than from No. 10 or even No. 11 Downing street because it reflects old-fashioned thinking.

There is something slightly emblematic about the fact that discussions on the constitution, including considerations of the evolution of a common foreign and security policy, were taking place at exactly the same time that our Prime Minister and the French President were barely on speaking terms on the subject of Iraq. How could people be so unreal as to talk about the development of a common foreign policy when the Prime Minister and the President could barely stand to be in each other's company?

The European foreign aid programme has not taken note of the development of the Washington consensus of 10 years ago. Not only China and India, but the rest of the developing world, have learned a set of market disciplines that has not impinged on the programme. We are still talking about developing European culture, education and health policies, despite the fact that none of those should be anywhere near the heart of what we should be trying to do at EU level to respond to the huge economic challenge that I described.

A specific bugbear of mine is the fact that a set of legislative provisions has grown up in Europe that we now describe as the acquis communautaire. Most of the provisions were brought forward from the political environment of the 1960s and 1970s. It is considered to be somehow un-European, or anti-communautaire, to propose a set of repeals and reforms for that body of legislative arrangements, although we would think it normal to have a debate to revisit such matters in our domestic political environment.

I am delighted about one thing: the Prime Minister has accepted our case for a referendum on the constitution before it comes into effect. It is vital that the constitution is thrown out, so if the Government will not do that, I am delighted that all the evidence shows that the voters will. When the Giscard constitution is dead, I shall strongly support a second attempt to reinvent the European Union. I hope that the second attempt will meet the challenge because that certainly did not happen first time around.

5.24 pm

Mr. David Curry (Skipton and Ripon) (Con): It is a pleasure to follow my right hon. Friend the Member for Charnwood (Mr. Dorrell), and I substantially agree with what he said. I may not come to quite such a definitive conclusion but my logic is very similar. Indeed, I rather shared his concern when Giscard d'Estaing was appointed to head the constitution.

I was a *Financial Times* correspondent in Paris when Giscard was the President and Mr. Raymond Barre was, I think, le meilleur premier ministre de France. There is hardly anybody more known for the sheer hauteur of his approach to the population—les administrés—than Mr. d'Estaing, although he did institute the innovation of having dîner chez les peuples, as he would arrive to dine with some unsuspecting dustmen, in order to demonstrate the common touch. I have great admiration for him, and his political technology is enormous, but if we are out to rejuvenate, reinvent and generally communicate Europe to its new generation of citizens, one does not instinctively think of Mr. d'Estaing as the front man for that task.

Having made that observation, I must say that having, like everybody else, watched the football match and noted that more than 50 per cent. of the French line-up are employed by English football teams and that the French manager is about to go and run Tottenham Hotspur, I think that some of the sentiments that we normally reserve for the French might be put into proper perspective.

I was delighted to have the Foreign Secretary make reference to an article that I had written in what he described as my local paper, which happens to be the *Yorkshire Post*. I was also interested to note that he started two thirds of the way down the article, and I wonder whether I could refer him to the first two thirds, in which I said that if UKIP made a spectacular breakthrough one of the reasons would lie at the door of both the major parties, but predominantly at that of the Government because Governments make the weather. The Prime Minister having stood on the doorstep of No. 10 when he arrived in power and said that his historical mission was to resolve the ambiguity of Britain's relationship with Europe, I can think of no man who has failed more dismally to meet his own aspiration to use his considerable advocacy powers to argue the case for the active and permanent engagement of Britain in the EU. I am very happy for the article to be put in the Library because it is extremely well written and quite short.

Mr. MacShane: It is an extremely good article; I quoted it myself last week and drew it to the Foreign Secretary's attention. The right hon. Gentleman may recall, however, that he strongly chastised all those politicians who talk about us marching towards a European superstate. I believe that he said that it sounds like the Armageddon from "The Lord of the Rings" and is childish and nonsensical language. Will he convey that point of view to his absent Front-Bench colleagues who have been telling us that we are heading for a European superstate on every possible occasion for as long as I have been Minister for Europe?

Mr. Curry: The hon. Gentleman need not fear—I shall come to that point in a short while. Curiously, having written it, I have exact recall of the article.

I am grateful to UKIP for one thing. Because the party has asserted so aggressively its belief that we should quit the EU, my party has spelled out categorically that it does not wish to quit the EU. Since the Prime Minister constantly uses that particular canard, accusing us of wanting to do so, I am delighted that we can put it to rest.

I am also grateful to the Prime Minister for conceding the referendum, although I have to say that the terms in which the Foreign Secretary described the Prime Minister's performance at the Dispatch Box were not ones that I recognised. The Prime Minister looked singularly like one of those unfortunate prisoners who have been captured behind enemy lines and forced to appear before the television cameras to demonstrate the fact of their capture, surrounded by people with Kalashnikovs, of which one was, of course, the Foreign Secretary. At least we can now talk about the substance, and not about the process, of Europe. We spend so much time talking about the process and about whether we want to belong to a Union that could do these things, rather than about what things we want it to do. The temptation to do that is one of the abiding problems of the House.

I do not want to make a diversion into fisheries, except to say that we should be a little careful before we talk about national control because, frankly, I do not think that one can ever have pure national control. Even if we repatriated the fisheries policy, we would have to have zonal controls. The riparian states would have to get together to organise conservation. In the Irish sea, traditionally one of the areas where fishery stocks have been under the most pressure, deals would have to be done between riparian states whose fishing industry exploited those stocks. We would also need to make sure that other member states did not see an opportunity to withdraw from the policies inconvenient to them. The UK has a strong interest in an effective European competition and state aids policy, and I would not wish to see member states deciding that that did not suit their interests.

Sometimes it might be helpful to spell out the Europe that we want to see rather than the Europe that we do not want to see. I shall therefore approach this subject not from the direction taken by most of my colleagues but by setting out what I think the needs of Europe are and then measuring the constitution against those needs.

It seems that we need change in Europe in four areas: first, in the machinery of governance; secondly, in the political capacity to respond to crisis and issues; thirdly, in the way that we manage the economy or the European levers that are relevant to the way that we manage the economy; fourthly, how we deal with the question of the democratic accountability of Europe to its citizens.

As for governance, we need better decision-taking machinery so that a Europe of 25, 27, 28 and eventually 35 works efficiently. I think that the situation left by the treaty of Nice will function but I am not sure that it will work as well as we want in terms of the machinery of decision-taking. Therefore, there is a case for saying that we need a successor to Nice. The argument about the shape that it could take is the substance of the argument that we have in this place.

In political terms, over the past few years we have seen a sorry spectacle of Europe. That is one of the reasons for the public's response. We have seen an incoherent looking Europe, a Europe that has not looked as if it could get its act together, a Europe that has looked rather incompetent. Institutions have tended to diminish in public esteem and not to meet the challenge. In a sense, the Commission has been the most obvious example of that. It is perhaps emblematic—an

[Mr. Curry]

expression that has already been used—that the President of the Commission appears to be having a great deal more success in running a party in Italy simultaneously with his job as Commission President than he has in running the Commission.

We need a coherent approach to issues such as the World Trade Organisation. Reference has been made to countries such as China and India, which are already economic super powers. There is a series of candidate super powers. For example, Brazil is already one of the great agricultural super powers. It is foreseeable that it will probably become a more important agricultural power than the United States. Argentina is not all that far behind. The architecture of world trading power is changing dramatically.

We need to have a more effective response to regional conflicts. One thinks only of the middle east situation and what a small voice there is, effectively, from Europe. I think of humanitarian crises as well. I have given three illustrations of where a more coherent ability to respond more quickly would be seen to be necessary by citizens.

In terms of the economy of Europe, we need to create a genuine European open society. How we order our affairs within Europe determines how well we compete outside Europe, so we need to remove the barriers to the freedom of individuals and businesses to trade, invest, work, compete, study and live anywhere in the EU, and therefore to be able to compete in and embrace the global economy. The record is not good. Of course, it is patchy. Some member states have been very successful in appearing to combine at least a liberal market economy with quite a strong framework of social support. The Netherlands has done relatively well in that regard.

The fortunes of other major players—France and Germany, and Italy as well—are crucial to us because they are neighbours. They are major political interlocutors in Europe and they constitute our major marketplace on a reciprocal basis. The ability to sustain the political momentum for reform has been lacking in these countries. We have seen instead Mr. Schröder, for example, complaining that the new Baltic states happen to have low levels of business taxes. What is his response? Do we find a way of competing and accepting the judgment of a market? No, the new Baltic states should be compelled to raise their taxes so that we are relieved of the need to make an unpleasant and painful reform ourselves.

We have seen between France and Germany an argument over whether there should be national champions. Mr. Sarkozy, who is the French Finance Minister and seen by many, certainly by himself, as the heir apparent to Mr. Chirac, is an effective and, in many ways, an attractive politician. We look to be moving back towards the French solution and the idea of the national champion. Even Mr. Schröder has found that a rather uncomfortable development. In Britain, we tend to deliver lectures on liberal economics to the continent, so one is glad to know that a surprising number of French people wonder whether the economic miracle of the '50s and '60s was achieved in France despite the state or because of it. If France underwent liberal economic reform it would be a frightening competitor.

We need to promote active citizenship in Europe as much as we do at home. We need clear and accessible lines of accountability. There must be a high road to accountability so that people can access it and the question of where the buck stops can be answered. To achieve that, we must start work at home. To return briefly to the points that I made in my article, the Government have not sought to engage the public effectively in the European argument. The Prime Minister makes the occasional speech on Europe, usually in Poland, and there are various roadshows, but he never commits himself as he did, for example, to the Northern Ireland peace process. Whether or not one agreed with him over Iraq, his advocacy skills are potent and effective, but he has never deployed them on the European argument. He must therefore bear some responsibility for what has happened.

In my article, I pointed out that the Leader of the Opposition has made a great effort to achieve a new consensus in the party on Europe, so he is not included in my strictures, but there is a long legacy in my party of conveying the impression that Europe is a permanent battlefield. One can then hardly blame people for asking why, if it is so damned awful, we are in it. Our essential argument is that we can defend Britain's interests in Europe better than the Government, so I advise my Front-Bench spokesmen to do two things, not just one—first, to demonstrate that we are capable of defending our interests and, secondly, to argue the case for doing so in Europe, and not presuppose an acceptance of that argument. Millions of perfectly normal, sensible people voted for UKIP last week to send a message. We hope that that will be the only occasion that they do so, although we cannot be certain, but we should not denigrate them as a crackpot minority. The truth of the matter is that they are a substantial part of the electorate, and everyone in the political class who believes in Europe must demonstrate the need to engage completely in Europe, as well as the opportunities and, indeed, the penalties for doing so.

The language of European politics is invariably the language of war and military analogy. That is peculiar to Britain—no one else feels the need to resort to that curious vocabulary. It started with Mr. Wilson, who used footballing and laddish analogies. We never hear the language of opportunity used about Europe—it is almost entirely absent from our political vocabulary. The way in which the constitution measures up to the criteria that I have set out is a mixture of the good, the bad and the ugly. As was the case with my right hon. Friend the Member for Charnwood, the fact that it is a constitution does not give me the twitches. We should not be against something simply because it is a constitution—what matters is what it says and does. I do not think that is an instrument of grand federal design. I am looking hard through the fog, but I do not see the outlines of a superstate moving towards me. Looking back, I can see the incoherence of Europe rather than the frightening coherence that is the hallmark of a superstate.

As for governance and political authority, the treaty is, on balance, positive. The permanent presidency of the Council of Ministers has many common-sense management features to commend it. I hope that we achieve a streamlined Commission, as far too many people are seriously underemployed at the moment. I

am not put off by the prospect of a foreign minister or a foreign representative reporting to member states through the Council of Ministers. There is a perfectly reasonable case for that, to meet the arguments that I put forward recently.

The tentative role of national Parliaments is welcome. There is much more that can be done, as various colleagues have mentioned, but at least it is the beginning of a weakening of the Commission. It is a feature of the treaty, though as I said, the UK should be a little careful. Where we want the effective enforcement of a Europe-wide policy, we need a strong Commission to do that. The idea that our role will be enhanced and we will benefit from a Commission that is undermined is not sensible, which is why the search for a new president of the Commission is so important. There is a certain Gaullist imprint on the constitution.

It is with regard to the economy that my concerns are most serious. I leave aside the issue of red lines and endorse what my colleagues and the Government have said about the need to defend those red lines. I shall not rehearse that argument. What concerns me is the structures that we build, within which the economy must operate, The market needs liberating and deregulating, not constricting, so that it can be job, wealth and opportunity-creating. That is the purpose of a market. The charter has implications, particularly for the labour market, that must be addressed. On the whole, I would prefer that it did not exist at all, but if it must exist, I want to make sure that it cannot seep into British law and practice in any way. For me, that is a crucial criterion for the constitution.

The hon. Member for Luton, North (Mr. Hopkins), who is no longer present, spoke about the protection of the work force. He said that what people wanted was protection in the work force. What people want is work. The liberal market economy, the opportunity to move into work and the ability of businesses to adjust their work force are the most important guarantors of that. I remember having an argument with a French Minister at a Council meeting many years ago, in which she said that we must find ways of protecting many more people in work and build more barriers to protect people in work. I said that we needed to get rid of the wall so that people could move in and out of work much more effectively, because that is how businesses recruit. There is a fundamental culture that must be addressed.

On democracy and accountability, there are some pluses. The role of member states is enhanced, at the expense of the Commission, but again, we need to be careful about the balance there. The role envisaged for national Parliaments is welcome, but it is still tentative. We would like it to acquire more substance. The increased competence of the European Parliament is welcome. Too often we tend to think of accountability as a zero sum game—if it is not exercised here, it cannot be exercised elsewhere.

We have a semi-federal organisation in Europe, and in order to encapsulate that sovereignty we need an organisation operating on the same basis. We need a Parliament that is embraced within the same sort of architecture. However much people denigrate the Parliament—denigration is one of the fashionable habits of the United Kingdom—it has a powerful role in shaping the environment in which we live, work and consume. There are few aspects of our daily lives that are not affected by decisions taken by the European Parliament.

As Europe gets bigger—there are 25 states and there will be more—there is a serious argument for looking hard at the functions that it performs. More and more, it should be looking to perform the functions of the holding company, in which the essential corporate identity is held and the essential policies are discharged and managed, but as my right hon. Friend the Member for Charnwood said, it does not need to get involved in the nooks and crannies of everyday life. It needs to make sure that it holds the ring, as it were, but that the line managers have the responsibility for delivering the day-to-day tasks.

There are, of course, things that must be done at the centre. One thinks immediately of the single market, state aid, competition, which is crucial to the United Kingdom, environmental matters and trade matters. Those are fairly self-evident and there would not be enormous dispute about that. There is a very large range of other activities in the employment and social sphere, however, that I do not believe are central to a market. I do not believe that they will be easy to manage in the heterogeneous Europe that is being created. It would not be a bad thing if Ministers were to say to themselves that what it is not necessary to do at the centre, it is necessary not to do at the centre.

Judged on that basis, the draft constitution is not the constitution that I would like to see. I will look hard to see what it delivers to us, but beyond that, a hard look will need to be taken at the way in which Europe operates in terms of the much larger conglomerate that now exists.

Mr. MacShane: The right hon. Gentleman may be getting to the point at which I might just slightly disagree with something that he says, which is a rather nerve-wracking business when one is sitting on the Government Benches. In France, which he knows very well, a great deal of left-wing, trade union and worker organisations are saying that they will campaign against the constitution unless it takes into consideration the citizen's desire not for protection, but for recognition of the social dimension in employment. I want a Europe with full employment too, but if that were all that we were asking people to vote for, it might open the way to the UKIP-ism of the left. He knows full well how the Communist party, the Trotskyites and even the national front in France have mammoth support from working people in opposing Europe. Will he comment on that particular problem?

Mr. Curry: There are distinct political cultures in every member state, and the relationship with government and the concept of what it is there to do differ dramatically among member states. I have no fundamental difficulty in saying that a significant part of those cultures should be satisfied with the relationship between the citizen and the member state. If we try to enlarge that arrangement across Europe, we will almost certainly satisfy nobody, because it will not meet the British demand that Europe should not be seen to be engaged, and it will not meet the French concern that Europe is seen as a merchant's charter.

[Mr. Curry]

I know that finding the balance is difficult. In a sense, every initiative in Europe will have contradictory elements built in to it, because it will bear the imprint of everybody's needs. Such an initiative will not be pristine, and the balance will inevitably turn out to be unsatisfactory. The virtue of Europe, however, is that whenever one is locked into a negotiation, one is condemned eventually to break the deadlock and move forward. That gets one into the next deadlock, but that is the dynamism, however halting, of the organisation.

I wish to conclude by saying a word about France. After the match on Saturday, members of the English team complained that the French team were apparently celebrating in a fairly boisterous manner in their bath. Given that the French "Marseillaise" was jeered, hooted and whistled down by thousands of English fans in the stadium during the singing of the national anthem—a practice that I am afraid is almost entirely English—I have scant sympathy for that complaint. Frankly, the fans were only re-enacting on the fields of Portugal what is re-enacted in the press in Britain almost daily. Let us be frank about that. I find such behaviour vulgar and uncivilised, and it is a great discredit to this country. I am sorry to sound so frightfully middle class and *Daily Telegraph* about it, but there we are. I am allowed to do so very occasionally.

If one looks at the position of Britain and France in Europe and asks who is in the better position and who should think that they are more on the winning and losing sides, to use that old military analogy, I think that one sees that the United Kingdom has much better reason than France for having confidence. The French press is full of the end of the French hegemony and the idea that things are changing and that enlargement is not a French victory. Enlargement may not even be seen to be in French interests when it is looked at in terms of the creation of a Francophile Europe.

Let us consider Britain's position. Europe is becoming more Anglo-Saxon, more English speaking, more Atlanticist, more diverse and more open. Enlargement therefore gives us a great chance. The French hegemony is over and the only way in which it can be prolonged is through our disengagement. We have a huge opportunity, which we can either take and transform the debate, thus standing a fairly good chance of transforming Europe as well, or surrender. That would be another surrender in the enormously long line of missed British opportunities.

5.50 pm

Mrs. Angela Browning (Tiverton and Honiton) (Con): In June 2000, President Chirac made a powerful speech to the Bundestag in which he called on Germany to join France in leading the drive towards European integration and asked for a timetable for that process to be set out. He said that there should be a European constitution in a few years and a pioneer group of European Union states that wanted to move faster than the others towards closer integration in political and economic matters. It should therefore come as no surprise, four years later, that the Government are on the eve of signing up to such a constitution.

More recently, the agenda—the project, as some have described it—was identified as the solution to the problems outlined in a report that Romano Prodi commissioned and that my right hon. and learned Friend the Member for Devizes (Mr. Ancram) mentioned. The report was honest and detailed and described the position of the EU today. Dominique Strauss-Kahn, the former French Finance Minister, chaired the round table of experts who produced it. It concluded:

> "The European Union has reached a turning point in its history... Its institutions are functioning badly: they are threatened with paralysis and challenged on the grounds of their democratic deficit. Its project has run out of steam: today no satisfactory answers are being given to the questions of why we need Europe and where it is going... for the first time, the Union is having to ask itself where its ultimate boundaries lie".

The report, "Building a Political Europe", offers some solutions, some of which are enshrined in the draft treaty that the Government will tackle in the coming days. Its solution, however, is not that suggested by some of my hon. Friends: examining the need for liberal markets; recognising the change in the global economy; and instituting reform in those European countries that have yet to follow the United Kingdom example of examining trade union reform and the way in which regulation, especially employment legislation and regulation, makes Europe less competitive as a trading bloc than other such blocs around the world. Europe has not grasped those challenges, many of which our national Governments, especially the previous Conservative Government, understood.

We have reached a watershed. It is no surprise that the people of this country are confused about the exact purpose of Europe today. In 1975, when the UK voted to stay in what was then known as the Common Market—the old European Economic Community—people, and I include myself, believed that they were voting for free trade, of which we could perceive the advantage, and mutual co-operation expressed by independent sovereign states.

I was born in 1946 and grew up in the aftermath of the second world war. I can understand why the political leaders of Europe in the 1940s and 1950s had reasons other than purely pragmatic trading reasons to come together. Twice in that century, the mainland of Europe was ravaged by world wars. They caused huge damage, whichever side one was on, to the youth and the well-being of countries that lost millions of their citizens. People prayed that they would never have to put their youth through that again.

I have to agree with my right hon. Friend the Member for Wokingham (Mr. Redwood), however, that the peace argument should not be prayed in aid today as a reason for being in an organisation that we thought was to be a trading bloc but which we now see clearly from other European countries is in fact a political and economic union. Why are we afraid of recognising the reality that that is a legitimate aspiration for the people of all the European Union countries and those still seeking to join? It would not be my wish to go down that road, but I would not wish to deny any individual or country the opportunity in a free, democratic society to open negotiations, to come together and to proceed with that project.

Over the last 29 years, since we had the opportunity to say whether we wanted to stay in the Common Market, successive British Governments have tried to persuade the British people that what was happening in other

European Union countries to promote and proceed with greater political and economic union was not really the agenda. It behoves all politicians, wherever we sit on the spectrum of views on the future of Europe and the United Kingdom's role in it, to remember one very important lesson. The people out there who spoke last Thursday by putting a cross on a ballot paper and recording their view—whichever side of the argument they took—are our masters. They are the people who send us here, and if we are not absolutely honest with them, and if we do not set out for them the choices and agendas involved—whether we agree or disagree with them—we do them a grave disservice.

Here we are on the eve of this constitution, having received a clear signal from the British electorate that what many of them thought was the real agenda for Europe has, over the years, become one in which they have lost confidence. They have lost confidence in their understanding of what we, as politicians, would do with the power that is already enshrined in Europe. Government after Government have signed treaty after treaty, each of which has moved us further forward into political and economic union, while declining to be totally honest with the British people that that was the real agenda for many countries in the European Union. It is folly to try to deny the reality of that to the British people.

I hope that, at this watershed on the constitution, whatever party we belong to, we shall not betray the elemental trust that the British people place in us when they send us here as their representatives. We are representatives, not delegates; we use our judgment. If we, as individuals, use our judgment wrongly on this issue—or on any other—the British people have the opportunity to call us to account at the ballot box every four or five years at a general election. Those are the terms on which we enter this Chamber. On this important issue, we now have an obligation to spell out to the British people where we are.

For the last year, I have sat in this Chamber and repeatedly heard the Prime Minister and other Ministers on the Treasury Bench deny to the House that this constitution was a constitutional matter. I shall say that again, so that people do not think that I have made a slip of the tongue. The Prime Minister has repeatedly denied to the House that the EU constitution was a constitutional matter. It was the main plank of his argument for refusing repeatedly a referendum on the matter, for which the Opposition have been arguing robustly, both inside and outside the Chamber, for nearly two years. I am pleased that he has now made this concession. When the people cast their vote in that referendum—I am sure that, red lines or no red lines, the Government are going to do a deal—it is important that they have an opportunity to hear both sides of the argument about what is at stake. This is not yet another European treaty but the last piece in the jigsaw for closer economic and political union. Many colleagues have spelt out in this long but welcome debate what the consequences are.

It is no surprise that, for many years, many people out there have paid no interest to the subject of Europe. The pollsters in the newspapers, and sometimes the pollsters who do surveys for our parties, show us that Europe is not at the top of everybody's agenda. Of course, people are more concerned about our health service if they have someone sick in hospital, about our education service if they have to pay student fees, or about what is going to happen to them in retirement if they are worried about their pension. Of course those issues dominate our political agenda, as they properly should.

It would be a grave mistake, however, were we to move into that greater political and economic union with the people out there not realising what was being done in their name. When they found out, the consequences would be dire—I would go so far as to say that the consequences would be very dangerous for this country. Others have touched on this issue. We have seen the resurgence of extremism for some years now in other countries, which should be of just as much concern to us as votes cast for, say, the British National party, as we saw at last week's election. That should sound warning bells to all of us.

At the heart of this should be the need to be absolutely clear and honest with the British people. It is no surprise that sometimes this subject is a big turn-off. It is dry. Only gadflies such as me read these treaties and have some of the literature by their beds to read late at night—*[Interruption.]* It is sad and suspect, but necessary. If we examine the language associated with this subject over the years, we find that it not just a turn-off but positively confusing for the British people. There are phrases such as variable geometry, which means that some forge ahead but others stay behind and move at a different pace, yet still move towards the same destination with the same objective: closer political and economic union. Other examples are concentric circles, a hard core and a three-phase system, put forward particularly by the French and the German Christian Democratic Union. If one can get to grips with that, it means another variation on moving towards the same destination.

When we have heard all that over the years, particularly from other EU countries, they have not been resistant to closer political and economic union—that is their agenda, although politicians in this country have denied that. When they look for different ways of proceeding, it is not because they are opposed to it in principle but because they are looking for flexibility and the ways in which they can achieve that objective.

It is true that treaties signed when the Conservative party was in office have added to the progress towards that destination. Even Margaret Thatcher, who was mentioned several times in Ministers' speeches, has acknowledged that, with her natural enthusiasm for free trade, the Single European Act to bring in the single market was achieved at a price that she now regrets. John Major sought to protect us by insisting on subsidiarity. That, too, was mentioned earlier.

I remember, as an agriculture Minister, receiving a letter from someone representing—I think—a food company about some European legislation that was impeding his business. Civil servants drafted a letter for me praying in aid subsidiarity. I sent it back to them asking for two examples. When it was returned to me, all references to subsidiarity had been removed. Over the years, little carrots have been dangled before us, causing us to think that perhaps, despite all these treaties, we in this Parliament can have some control over what happens when they are implemented—but the power is not with this Parliament.

[Mrs. Angela Browning]

There was discussion earlier about whether, through this treaty, which I am sure the Government will sign, we could somehow give the House more powers through greater scrutiny. Most of the regulations about which we all complain emanate from the single market and the Single European Act. We deal with them in Committees, as statutory instruments. By the time we are scrutinising them, however, they have been signed on behalf of the British Government, whichever party is in power. That is how the system works. As for the few regulations debated in detail by Committees, the Committees are weighted in such a way that the Government have a whipped Bench to ensure that regulations are automatically endorsed. The House of Commons has no power to overturn a statutory instrument—secondary legislation from the European Union—if the Government of the day have already signed up to it.

Angus Robertson: I do not want to engage in a debate on the substance of what the hon. Lady is saying. Does she agree, however, that we should be concerned not just about the matters she is raising but about the fact that only a small proportion of members of all political parties in the House are even remotely interested in whether Europe works well, badly or indifferently? Should we not work in our parties to foster more interest, and to improve scrutiny across the political spectrum?

Mrs. Browning: We should all take these issues seriously. We all have quite a lot to say about red tape, the burdens on business and the consequences of European legislation. The fact is, however, that all of us who are here at the behest of the British electorate are impotent in respect of those things. I am happy to hear people debate reform, but that is not where we are today. We are at a watershed: all the matters that have been discussed in past years are coming together in the new constitutional treaty, which rolls together all the treaties that we have signed.

Many have described what they believe to be the changes and the dangers inherent in the constitution: the legal personality that it will have, and a range of issues connected with our common law, our foreign and defence policy and our social policy. All that is clearly spelt out in the treaty. The Government attempt to persuade us that their red lines will make the treaty as neutral as possible in terms of the House's power, on behalf of the people of this country, to make decisions; but that is not what it is about.

I regard the Minister as a Euro-enthusiast, yet he does not appear enthusiastic about this project. He and his colleagues still seem to be in denial, not really wanting to admit what the treaty is. I wonder why the Government have not the courage of their convictions. It would be more respectable to spell out what is in the treaty, and to say "We support this, because it is what we and the other European countries that want it believe is right for our country." If they genuinely believe that it is the right thing for this country, I will oppose them in the debate and the argument, but at least that debate will be honest and respectable.

The argument on peace cannot be maintained today. It may well have been correct for Konrad Adenauer and others in the previous century but I believe, as my right hon. Friend the Member for Wokingham clearly set out, that it was the presence of NATO and, specifically, of American soldiers funded by American taxpayers that kept the peace in Europe during the cold war, and we owe them a great debt for their support to NATO in that role, which they played for many years. They were there not to hold France and Germany apart but to protect mainland Europe from the clear threat of the Soviet Union and the old Soviet bloc, a nuclear power—something quite new after the last war.

I do not know why we accept the European Union's lack of good governance, or why as a country—I imagine that this applies as much to the Labour Government as it does to my Front Bench—we somehow seem to accept that fraud just happens. We accept the fact that accounts cannot be properly audited, when they involve spending the money of the taxpayers of this country, for which we, as representatives of the people, should be held to account. It should be incumbent on us as MPs to press for good governance in the European Union, yet the only people to identify the problems are vilified by the elite bureaucracy in Brussels. It is those whistleblowers, who are actually doing the British taxpayer a good service, who lose their jobs. Why is good governance not required in the European Union, although we insist on it in third world countries when we are considering passing money to them to help their pressing needs? Good governance is made an integral part of those negotiations.

I agree with what many of my colleagues have said on the European Union's economy and its role as a trading bloc in a global market. The European Union negotiates for the United Kingdom Government in global trade talks. Yes, Ministers attend the talks, but they do not have a seat on our behalf at the table. What sort of deals do they do on our behalf? They certainly do not protect British businesses, such as the cashmere industry and the decorative packaging industry, when the United States falls out with the European Union at those global talks. I ask again, as have others: where is this Government's negotiating hand? Throughout the years, if we have worried about how the European Union has developed and how it works in practice, we have been told, "Don't worry; we will use our influence and negotiating skills to sort these matters out." But they do not get sorted out.

The people of this country have woken up—some of them—to what is on the table, to where we are now in our relationship with the European Union and, more particularly, to where the European Union is going. I support the view that at this point, on the eve of the signing of this constitution, if those countries that want closer political and economic union want to proceed with the treaty, we should wish them Godspeed. Let us face it, we do not want to see them in dire straits as their economies crumble, but if they genuinely believe that that is the right thing to do, let them proceed. My right hon. and learned Friend the Leader of the Conservative party has described that position as "Live and let live". It is certainly more understandable than variable geometry.

However, if that approach is adopted, our relationship with the EU will be different from now on. It is not about saying no to the constitution in principle or to joining the euro—although I do say no to both possibilities—but about looking at where we are now.

Where the treaties that we have signed have not worked, we must make sure that we give back to the British people those things that they may not have realised until now that they have lost.

We must do that constructively; otherwise, we risk damaging ourselves and our allies. We want to work closely with our allies, and trade with them. They certainly want to trade with us. However, last Thursday's vote was an angry message to the two main parties in this country that the British people feel let down on Europe. It behoves Members of Parliament to be totally honest with them from now on, for that is what they deserve. If we are not honest, the consequences will be grave for all parties.

I represent a traditional shire county seat in the heart of God's own county of Devon. My constituents are very down to earth. They are lovely people, and it is a great pleasure to represent them. They are not fools, though: the good people of Devon will not tolerate any party that tries to pull the wool over their eyes.

The hon. Member for Great Grimsby (Mr. Mitchell) has returned to his place. Earlier, he concluded his remarks with a literary quotation. I shall do the same. The quotation that I shall use will be familiar to the House, but it sums up how my constituents feel about this matter. G. K. Chesterton wrote:

"Smile at us, pay us, pass us; but do not quite forget.

For we are the people of England, that never have spoken yet."

6.7 pm

Mr. Richard Spring (West Suffolk) (Con): I want to thank all those who have contributed to this afternoon's debate, in which there were some excellent speeches. I seek your indulgence, Mr. Deputy Speaker, as I want to allude to various other aspects of the EU's activities before I deal with the substance of what has been discussed this afternoon.

Inevitably, the main thrust of today's debate stemmed from last week's elections and from the important events that will take place in the next few days. The whole House welcomes the enlargement process and the fact that new member countries were able to vote for the first time in the recent European elections, but I know that all hon. Members share one regret—that so far we have not found a solution to the division of Cyprus.

We were all saddened at the rejection of the Annan plan, but I hope that the Cyprus problem can be resolved sooner rather than later. Even so, a number of issues remain—especially among members of the Greek Cypriot community, which voted no—that require some sort of resolution before a settlement can be reached.

I want to touch on two matters very briefly. The first problem has to do with the Turkish settlers from mainland Turkey who now occupy land and property in northern Cyprus, and the second—and the more important, for many Greek Cypriots—is the permanent presence of Turkish troops in northern Cyprus.

Our country is a guarantor power, so the successful and peaceful reunification of Cyprus is an objective of considerable importance for us. We need to improve the poor economic circumstances faced by the Turkish Cypriot community, and the communications link. I hope very much that the Government, as a guarantor power, will use their good offices, and Britain's unique relationship with the Cypriot people, to resolve the tragic situation that obtains in that most beautiful island.

Also, we must take this opportunity to congratulate Turkey on what it has done to try to resolve the matter. It has moved towards the Copenhagen criteria for EU membership, which all hon. Members agree is a necessary objective. Turkey is also making considerable improvements in its human rights record, especially in respect of the Kurdish minority. Moreover, anti-torture legislation is being strengthened and there are moves towards establishing a more functional market economy. That is why, at this particularly difficult time in our relationships with the Islamic world, Turkey can act as a bridge to that world. As a country with extraordinarily good contacts both in the Arab world and, historically, with Israel, it can play a part in the middle east peace process, which has, unfortunately, ground to a halt.

The EU, as an enormous single market, has a huge impact on surrounding countries. The jewel in the crown of the EU is the single market, and we want to extend the benefits of trade and market liberalisation that we have enjoyed within it. The EuroMed agreements should be viewed in that light. The specific provisions vary in those association agreements, which currently exist with Algeria, Egypt, Tunisia, Israel, Jordan, Lebanon, Morocco and the Palestinian Authority, but there are certain key common aspects, including building political dialogue, respecting human rights and making a real move towards economic liberalisation and market economies. We must continue with that, but a problem has arisen: we have an important objective now of combating the proliferation of weapons of mass destruction, which raises a difficulty as regards those countries that may sign up to agreements and in dealing retrospectively with those countries that already have. In the context of the middle east, where we want economic improvement, it is important to resolve that problem in respect of Syria and the other countries prospectively coming through. Our relationships with the countries that border us, given economic circumstances, the high growth of population and so on, are important to our continued prosperity.

We have heard some excellent speeches this afternoon, and I first congratulate the hon. Member for Great Grimsby (Mr. Mitchell) on his. He talked about political élites wanting to forge a constitutional structure that he felt was unacceptable to people, and I think that he was entirely right. He talked about the problems of the common fisheries policy and the common agricultural policy. Those are massive problems and, as many hon. Members have said, the negotiations should have provided the Government with an opportunity to take a really tough line on resolving the question of fisheries, which has been so damaging to this country.

The right hon. and learned Member for North-East Fife (Sir Menzies Campbell) talked about the need for some reorganisation of the treaties, saying that four were in existence and that they could be brought together. We accept that, of course, but the point is that there is a huge difference between establishing an overarching constitution and bringing together the essential elements of the treaties in an open and simplified way by adopting a charter of competences

[Mr. Richard Spring]

very much in the spirit of Laeken. There is something fundamentally different between that animal and this constitution, which has emerged in a hugely complicated way.

The right hon. Member for Llanelli (Denzil Davies) quite correctly said that no matter what happens, the Prime Minister will no doubt come back announcing a great triumph. I agree with him that there is a sense among our citizens that democracy is being eroded in the European Union. He talked about the difficulties of a lack of competitiveness in the European Union, the fact of permanent deflation being exported from China and India, the failure, thus far, of the Lisbon agenda, and the need to decentralise decision making among the economies of Europe rather than having an overarching macro-economic structure that does not seem to be delivering employment and prosperity.

My right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) talked about the democratic deficit, and he was right to do so. The threat of democratic deficits is that if we do not bridge them, we will see the rise of extremism. He pointed out that it is vital for us, as politicians, to respond to what people say. The massive extensions of qualified majority voting proposed in the constitution would see the extension of involvement by the European Union in our criminal justice system, in asylum and immigration and in other matters. As he correctly pointed out, it is unbelievable that even before the constitution is agreed we are to have a European Foreign Ministry, with a diplomatic service, pre-empting any agreement or ratification. He also talked about the Government's failure to produce amendments that were accepted—some 90 per cent. were rejected. We were also assured that the charter of fundamental rights would not be legally binding, but—as we know from lawyers and the European Commission—that is what will happen.

It was a joy to hear again from the former Minister for Europe, the hon. Member for Leicester, East (Keith Vaz). As much as we all have great affection and regard for the hon. Gentleman, we also remember that what he told us would be in the Nice treaty before it was agreed was entirely different from what was eventually in it. He also said that the Nice treaty was of minimal importance, but we still carry the baggage that was associated with it. We warned at the time that the charter of fundamental rights would lead increasingly to the involvement of EU jurisprudence in our national life, and that is happening. As ever, I enjoyed listening to the hon. Gentleman, but his views have not been borne out in practice.

My hon. Friend the Member for Bournemouth, East (Mr. Atkinson) talked tellingly of the role of the Council of Europe, and reminded us that there would have been no enlargement without the work done by that organisation. I take this opportunity to salute my hon. Friend who, for many years, has worked so effectively in the Council of Europe. It will be a great loss to the House when he leaves us at the next general election. He pointed out the likely clash between the charter of fundamental rights and the European convention on human rights. What a beanfeast it will be for the lawyers.

It is always a pleasure to hear from the hon. Member for Liverpool, Walton (Mr. Kilfoyle). He talked about the need for greater integration in Europe, and I do not particularly agree with him about that. He also talked about the fact that the EU had been part of preserving peace on our continent, and—alongside NATO and the changing circumstances—that is true.

My right hon. Friend the Member for Wokingham (Mr. Redwood) talked about how the electorate voted, and he discussed the speech by the Foreign Secretary. My right hon. Friend also correctly pointed out that the renegotiation of the treaty base and the emergence of the constitution provided a real opportunity to create a different sort of European Union. If we had had the leadership that we should have had from the Government, we could have been in a radically different situation. As he said, it was the best opportunity for years to construct a modern, flexible and different Europe, but the Government failed to take it. As he said, so few of the amendments tabled by representatives of the Government were accepted.

The hon. Member for Luton, North (Mr. Hopkins) talked about citizens wanting a different sort of Europe. He said—and I agree—that it is up to member states to decide what welfare structures they should have: it is not a matter to be decided centrally. He was also correct about the need for interest rates to be different in various parts of Europe to ensure continuing prosperity.

My right hon. Friend the Member for Charnwood (Mr. Dorrell) talked about the need to support our continuing EU membership. Of course, we are absolutely committed to that, but he also pointed out that our continued membership will not be enhanced by our joining the EU constitution. Unfortunately, we see less and less economic flexibility in this new world. The real issue is how we create flexible structures to enable the European Union to survive and prosper in the years to come. My right hon. Friend, too, rejected the notion of the constitution.

My right hon. Friend the Member for Skipton and Ripon (Mr. Curry) also contributed to the debate. I need hardly repeat that we want to remain part of the European Union, but unless we are honest about what that means—and unless we reform it and bring it closer to the people of Europe—the desire for withdrawal will grow, in this country and in other parts of Europe. We want the EU to succeed; it has made considerable accomplishments over many decades but unfortunately, as I think my right hon. Friend, too, accepted, the constitution will not bring about the changes that would be desirable.

Finally, my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) talked about the Dominique Strauss-Kahn document, which illustrates the point that the constitution does not represent finality. Those who want to pursue political integration regard it merely as a stepping-stone to take the process further forward. My hon. Friend was right to say that successive Governments have not been honest with the British people as to what the European project is all about. We can agree or disagree about whether political integration is a good thing but there has certainly been a suspension of honesty, especially since the Government came into office.

The events of the past week have shown the deep concern felt by the British people about the future direction of the EU and our place within it. The Government have idiotically spent the past year talking at the highest level in terms of "in" or "out", of whether to accept the ever-ratcheting process of integration and the constitution, or whatever is thrust on us, or to withdraw from the EU. It was a crass political error to put the case in those terms, because many people answered in a way that would be unacceptable to many, many Members of Parliament. It was a false choice and has served dangerously to polarise debate on the EU and has certainly exaggerated the instincts of those who might favour withdrawal. I am afraid that the Government have been responsible for the tide of rejection and disconnection that has grown in this country.

No one can believe that what has emerged in the constitution actually embraces the Laeken principles, which were simply to reconnect the European Union to its citizens. The constitution fails to recognise that when the diversity at the heart of Europe is coupled with non-coercive co-operation, the EU can flourish—when it is governed by a live-and-let-live, flexible approach. When the Dutch Foreign Minister, Bernard Bot, called on the EU to look for aspects of policy that could be returned to member states it was a welcome demonstration of the growing recognition, at least in some countries, of the real need for, and the practicality of, reform on the lines that we have indicated.

That approach is completely at odds with the implications of the proposed European constitution. In practice, the constitution will lead to further integration and much greater involvement of the European Court of Justice, as the Court itself has acknowledged.

We are not the only ones to take that view. On 29 May, *The Economist* stated:

"The Laeken Declaration of December 2001 that set up a constitutional convention promised that the distribution of power between the centre and the member countries would be re-examined from first principles. It raised the possibility that powers could flow in both directions: the EU might gain authority to act in some new areas, but other powers could be repatriated. The draft Constitution does not contain a single proposal for the EU to cede a policy area. The flow of powers is all towards Brussels."

It was a wise British politician who said that the British public would not be comfortable with our relationship with the EU until there was an institutional finality about it and creeping integration was halted, not by the completion of integrated political union, which the proposed constitution brings a step nearer, but by a clear commitment that we would integrate no further.

The Government finally accepted the weight of public opinion and the democratic imperative and conceded a referendum on an EU constitution. They must now heed the message sent by the British people last week when they voted for parties opposed to the EU constitution. The Government seem to pay little heed to the growing rejection of closer integration, but they do so at their peril, a point extremely well made by my right hon. and learned Friend the Member for Devizes (Mr. Ancram).

The Minister for Europe, in that capacity, signed up to a European socialist platform that calls for even greater harmonisation and European integration. I have a copy here: it is the most wonderful document—people would hardly believe it—and it goes absolutely against all the spin that we have heard from the Government. The reality is in that document, signed by the Minister for Europe.

As my hon. Friend the Member for Tiverton and Honiton pointed out, the group set up by Romano Prodi talks about building a political Europe and sets out 50 proposals to enhance Europe's power and create a European sense of identity—including, for example, the first European taxes.

All this, frankly, is the product of a misplaced world view by the Labour party. In the cold war, it misunderstood the nature of the threat at the time and how to deal with it. Today, in an era when the blocs of old are irrelevant, the Labour party clings, like some others in Europe, to an outdated bloc mentality. Just as, when the Berlin wall came down, it embraced multilateralism, now that the blocs are obviously irrelevant it starts to embrace such ideas with enthusiasm. That is absolutely characteristic of a party that has failed to grasp contemporary geopolitical realities.

Indeed, it was just the same when President Reagan, whose memory we cherish, started to talk about taking on the old Soviet Union. All sorts of people said that that was utterly impossible and that no such thing was conceivable, but he, with the help of Margaret Thatcher and others, determinedly set about doing so. I say that because there is an echo of that sort of rubbishing, defeatist rhetoric from the Government—either accept the European project as it is, or withdraw—and I hope that, like President Reagan, we and the British people will have the last laugh.

I shall now refer to the Foreign Secretary's speech this afternoon. We have come to know the Foreign Secretary very well. Indeed, he is very generous to the House. He is always very polite, and he comes to the House to explain the situation. However, over the past few years we have learned that the more he disbelieves something, the more he rants. When he is sure of what he is saying and believes it, he is very calm and considered. This afternoon, we heard the most unbelievable rant that I have ever seen from the Foreign Secretary, who either does not believe in what he is saying or knows that there will be rather less than a triumph in the negotiations in the next few days. I am afraid that we heard the nonsense postulated that either we accept what is before us as important and necessary for our membership of the EU or we get out—the in-and-out postulation, which is precisely wrong. The difficulty is that the Government have consistently repeated that view.

The other problem with the Foreign Secretary is that, unlike his contemporaries in other parts of the EU, he has consistently come to the House to represent what has gone on in the Convention and what has been discussed at various meetings of his contemporaries and Prime Ministers as something entirely different from what individuals in his position in other parts of the EU are saying. That is why people in this country have suspended belief in what the Government have to say about the EU.

Rather than attempting to bind all nations in the EU into some sort of supranational structure, the interests of existing and future members of the EU are best served by tackling its structural, demographic and competitive

[Mr. Richard Spring]

problems, by attempting to do less, better and by building a partnership of nations that agrees because doing so is in their interests and because it will work. That is the way that success and realism lie. Indeed, that is exactly what the spirit of Laeken was all about.

All that will require leadership, focus and determination—characteristics that have been wholly absent from the Government's approach to the EU. None of the largest countries of Europe has pathetically exerted so little influence on the constitutional architecture that is before us as this country. Regrettably, that is the case with the United Kingdom under a Labour Government. History will most certainly judge them accordingly, as the people of Britain judged them so unequivocally last week.

6.39 pm

The Minister for Europe (Mr. Denis MacShane): We have had an enjoyable debate. I share the concern of the hon. Member for West Suffolk (Mr. Spring) about Cyprus. I assure him that we will do our best, as will Members from all parties with good contacts with and knowledge of Cyprus, to try to move it towards membership of the European Union on the basis of being a united island.

I tell hon. Members that we

"clearly believe on this side of the House that, if we have the confidence and the determination to play a full part in this European Union, we can build a Union in which this House and this country can feel at home."—[*Official Report*, 16 May 1994; Vol. 243, c. 647.]

Those are not my words, but those of the right hon. Member for Wells (Mr. Heathcoat-Amory) in a debate on 16 May 1994, when he was the Minister with responsibility for Europe. That debate is dear to me—it also took place before a Council of Ministers meeting—because it was the occasion of my maiden speech. Earlier in that debate, the right hon. Gentleman said:

"We believe in creating a people's Europe"—

I thought that that was a Labour phrase. He continued:

"That means responding to people's day-to-day concerns ... That has meant patient work in the Council of Ministers with other member states that share our aims in particular areas of policy ... That means that decisions will be taken by member states unless the policy objectives require action at Community level, as was the case with the GATT negotiations. To give effect to that principle, last year the British and French Governments submitted a joint list of directives to be withdrawn, amended or repealed. Most of them were accepted and the Commission is now working up details for implementation."—[*Official Report*, 16 May 1994; Vol. 243, c. 557.]

It is useful to revisit some of our past debates. In the debate that I cited, we heard a powerful speech from Sir Edward Heath. My right hon. Friend the Member for Llanelli (Denzil Davies) and the late Peter Shore made powerful speeches against the European Union, and several Conservative Members spoke in favour of it. Tonight, alas, only one Conservative Member, the right hon. Member for Skipton and Ripon (Mr. Curry), spoke strongly in favour of the European Union.

Any foreign observer who listened to our debate would have been surprised by the oozing pessimism, defeatism, derision, scorn, indifference and hostility shown towards the European Union by Conservative Members. The situation is not the same across the channel. An article in the French newspaper *Le Figaro* on 21 April 2004 said:

"the draft Constitution will seal the victory of the nation-states over the European 'super-state'."

Several speakers told us that there was a Franco-German conspiracy to drive forward an integrationist Europe, but the new President of Germany, Mr. Horst Kohler, has said:

"I do not believe that current developments are going to give rise to a European federal state."

Indeed, he envisaged

"a revival of the nation-state principle again."

Mrs. Browning: Will the Minister give way?

Mr. MacShane: May I make a little progress? I will try to address all hon. Members' speeches, but if I start giving way now, I will not have time to talk about the hon. Lady's excellent speech.

Mrs. Browning *rose—*

Mr. MacShane: Well, as the hon. Lady made the best speech, I shall give way.

Mrs. Browning: The Minister is very kind. Although I mentioned the Franco-German project, I did not suggest that it was a conspiracy. I was trying to point out that those countries have always been open about what the objectives were, whereas this country's Government have constantly denied what was on the agenda.

Mr. MacShane: The hon. Lady makes her point, but perhaps we should invite several French commentators to pack some shirts and do a day shift on the *Daily Mail* or *The Sun*. Mr. Alain Duhamel, who is probably the leading French political commentator, says:

"Giscard has created a great British Europe".

Wherever I travel on the continent as part of my job, I hear comments, and often complaints, that during the constitutional treaty negotiations, the British way and British ideas and values broke through and were widely accepted.

Everywhere I go, I find—this point was made by the right hon. Member for Skipton and Ripon—that many countries in Europe turn to Britain and want us to be a leading partner in the EU under the constitution, if it is finally agreed at the end of this week. That is because our ideas, whether on liberal market economics or investing in social Britain, are those that make the most sense to the rest of Europe.

The speech of the shadow Foreign Secretary, the right hon. and learned Member for Devizes (Mr. Ancram), was defeatist and isolationist. It was an invitation to retreat to the era of the beef war and of turning our back on Brussels. He said that there was no reference to the current process in Labour's 2001 manifesto, and as usual his researchers have not done their work. The manifesto says:

"Labour wants the next Inter-Governmental Conference in 2004 spelling out in a clear statement of principles what should and should not be done at European level"

and continues:

"Labour supports a stronger role for national Parliaments in European affairs."

Mr. Ancram: The hon. Gentleman will remember that what I said was that there was no mention of a constitution, but that is what is now being offered to the House. Perhaps he could look again at his manifesto before he accuses me of being wrong.

In a wonderful document to which he added his name, the hon. Gentleman signed up to this phrase:

"We must eliminate all unfair competition between the national social security systems of our member states."

Is that Government policy?

Mr. MacShane: What we are dealing with at the moment is an intergovernmental conference. If I may reveal an exchange from a meeting at the Council of Ministers on Monday, in which British Ministers were not involved, I can tell the House that one of the colleagues there, who is from quite a big state, said that he wanted the constitution to start with, "We, the people". The President, from Ireland, who was chairing the meeting, said, "I'm sorry, but it's a treaty, so it will start, 'The President of France, the President of Germany, the Queen of England, et cetera.'"

Mr. Spring: I refer the Minister to article 10.1 of the constitution, on Union law:

"The Constitution, and law adopted by the Union's Institutions in exercising competences conferred on it, shall have primacy over the law of the Member States."

I do not know what a constitution is meant to be if it is not written as a constitution in this particular publication.

Mr. MacShane: Well, let me deal with that. If the hon. Gentleman had contained himself, I would have come to it. I shall provide a helpful quote from a report presented in a debate in the other place on 21 May, my birthday, by that distinguished judge, Lord Scott:

"It is not surprising that . . . the Constitutional Treaty includes a statement of the primacy of Union law. The doctrine is a well established and key element of the Community's legal order."

I am not prepared to enter into a debate with the noble Lord, but the point is that he refers to a constitutional treaty, and in our manifesto we talked about the IGC, which is 25 sovereign member states coming together to create a constitutional treaty—a rule book—that brings together existing constitutional treaties to allow the Europe of 25 to proceed.

The right hon. and learned Member for Devizes prayed in aid Ben Bot, the excellent Foreign Minister of the Netherlands. In his Humboldt lecture, to which I think the right hon. and learned Member was referring, he said:

"I believe the draft treaty proposes real improvements on a number of points in the existing treaty text. For instance, it takes more account of citizens' views and includes a charter of fundamental rights."

One will not find anti-constitutional treaty statements by our friends in the Netherlands.

Colleagues have referred to last week's election result. In the beautiful county of Devon, where the hon. Member for Tiverton and Honiton (Mrs. Browning) has her constituency, the greatest number of votes went to UKIP. I am glad to say that in the great city of my hon. Friend the Member for Liverpool, Walton (Mr. Kilfoyle), the Labour vote outnumbered the Conservative and UKIP vote combined, which just goes to show what good Labour leadership can provide. Of course, many people are likely to vote UKIP—they have been fed myths and propaganda by the Conservative party and the absent gentlemen of the press about what Europe and the new constitution are all about. The right hon. and learned Gentleman the Leader of the Opposition has to decide where he stands. He said in his letter to the shadow Secretary of State for the Department for Environment, Food and Rural Affairs, the hon. Member for Maldon and Chelmsford, East (Mr Whittingdale), that if negotiations do not succeed on the repatriation of the fisheries policy, which has been a common policy of the EU since the 1970s:

"it remains the case . . . that the British Parliament is supreme and we would introduce the necessary legislation to bring about full national . . . control."

If words have meaning, actions and consequences, and the only way to restore "full . . . national control" of our fisheries policy if negotiations do not succeed would be either to be in permanent breach of our treaty obligations or to leave the EU—let us be clear about that. That is the position of all of UKIP.

On the BBC on Monday there was an interesting interview with one of the stars of the new European Parliament, Mr. Roger Helmer, who headed the list.

Mr. Richard Bacon (South Norfolk) (Con): Hear, hear.

Mr. MacShane: Other Conservative Members also say, "Hear, hear."

Mr. Helmer was asked by the BBC interviewer whether the Conservative party would be looking at withdrawal. He replied:

"well, it's a vote winner for UKIP perhaps because we haven't been sufficiently clear. But I don't think you need to offer withdrawal with a capital W."

There are Conservative Members who believe in withdrawal with a small w. It is time that they came out and were honest on that.

My hon. Friend the Member for Great Grimsby (Mr. Mitchell), as always, was passionate on the question of Europe and quoted one of my favourite poets, Alexander Pope. He will remember another of Pope's couplets:

"Old politicians chew on wisdom past,
And totter on in business to the last."

I know that the last speech that my hon. Friend will make in the House will be the first speech that I heard him make 10 years ago, which was for detachment or withdrawal from the EU. He has been completely consistent and honest.

Mr. Austin Mitchell *rose—*

Mr. MacShane: I ask my hon. Friend to forgive me for not giving way, so that I might cover other points.

Mr. Mitchell: Will my hon. Friend give way?

Mr. MacShane: Very well.

Mr. Mitchell: I am grateful to my hon. Friend. All these insults are taken in the playful spirit in which they are intended. I am sure that they are meant very kindly.

[Mr. Mitchell]

Is my hon. Friend saying that we cannot alter enormities such as the CFA, the CAP and the common monetary and economic policy without withdrawing? Is that the essence of what he is saying?

Mr. MacShane: Of course not. We are at the table—certainly since I entered the House—seeking a share of the EU budget going to agriculture. It has come down by about 10 per cent. That has been done by agreement. My point is that we require the consent of 24 other member states. To pretend otherwise is dishonest, and to say that a law will be passed in the House to take back control of our fishing waters or to leave the CAP, and not accept the consequences of that, means withdrawal—whether with a capital W or a small w. I ask hon. Members to be honest on this point.

The right hon. and learned Member for North-East Fife (Sir Menzies Campbell) called for a further and full debate on the EU constitutional treaty. I cannot promise him that from the Dispatch Box—but, through the usual channels, I do not think that my right hon. Friend the Secretary of State or I would object to such a debate if time were found. He asked a serious question on voting weights, which is a big issue that does not directly involve the United Kingdom. Every country in Europe has so-called red lines. I hope that we can achieve a deal at the end of this week.

The right hon. and learned Gentleman asked about the charter of fundamental rights, and it is important that we get that right. Mr. Elmar Brok, the leading German MEP who speaks for the CDU on European matters, said on "Newsnight" on 18 May that the charter of fundamental rights

"has no impact on national legislation, national law and national jurisdiction."

Either he is right or the lurid scare stories that we have heard from Opposition Members are. I believe that Mr. Brok is closer to the truth, as will become clear over the weekend.

My right hon. Friend the Member for Llanelli talked about the need for a sensible economic policy in Europe, and I continually make speeches on such issues when I travel around the continent to speak about Government policy. I am happy to share those speeches with the House another time, but it is a responsibility of national Governments to make decisions in Berlin, Paris, Rome and elsewhere that ensure that Europe is as competitive as possible. That brings me to the point made by the right hon. Member for Charnwood (Mr. Dorrell), as an absence of constitutional treaties is not helpful for Britain. As I said, a constitution for Europe is present in the existing treaties, and the new constitution restores power to national Governments. If taken seriously by hon. Members, it would restore power not just to our Parliament but to all the Parliaments in Europe. There is a notion that Britain can stand alone outside Europe or make a dramatic breakthrough under the existing constitutional treaties—but we need to be at the table making the arguments, as Digby Jones of the CBI said.

Several hon. Members *rose—*

Mr. MacShane: I cannot accept interventions, as I need to refer to the speeches of other hon. Members.

The right hon. Member for Wells made much of the question of primacy, which I have dealt with by citing Lord Justice Scott. I fundamentally agree with the right hon. Member that the job of politicians is to avoid a road smash, but when will his party work with the other centre-right parties of Europe to argue the British case, whether on Turkey—on which there is no divide between the parties—or on the liberal economic policies to which the right hon. Member for Charnwood referred? Parliament is one-legged in Europe because the main Opposition party refuses to work with its fellow centre-right politicians on those important issues.

My hon. Friend the Member for Leicester, East (Keith Vaz) said that Europe is a crucial issue for Britain, and that it needs to reform. Ministers, he said, should go out and explain to the British people the benefits of EU membership. I could not agree more. I fully support the praise that the hon. Member for Bournemouth, East (Mr. Atkinson) lavished on the Council of Europe, an extremely important organisation. There is more to Europe than the European Union. Interestingly, every single country outside the EU that I deal with is knocking on the door to join, including Croatia, Bulgaria, Romania, other Balkan states and Turkey. Amazingly, while the rest of Europe wants to become part of the European Union and work in partnership with us, often looking to us for inspiration and leadership, the Opposition have been so thoroughly UKIP-ised that all we hear is talk of withdrawal from Europe.

My hon. Friend the Member for Liverpool, Walton stressed the importance of the EU as a force for peace. If he travelled west of the Balkans, he would see how right he is. The EU is a great and noble construction that we should support in every possible way.

The right hon. Member for Wokingham (Mr. Redwood) talked about giving away our birthright, which is the kind of language that debases the entire debate. The constitutional treaty will increase the power of national Governments and national Parliaments, while one new clause gives UKIP and many Opposition Members a present that they have long wanted—the chance to leave the European Union. Labour Members, most other hon. Members and the British people will vote yes to Europe and yes to a constitutional treaty to make the Europe of tomorrow work yet more efficiently and effectively.

It being Seven o'clock, the motion for the Adjournment of the House lapsed, without Question put.

PETITION

Road Safety

Hugh Robertson (Faversham and Mid-Kent) (Con): The petition of residents of Briton, Saxon, Roman and Norman roads and Stone street in Faversham and supporters of the Kingsfield traffic action group requests that the House of Commons

urges the Government to take immediate steps to ensure that the local council protects the safety of residents and their children on the roads in busy areas

such as those mentioned.

To lie upon the Table.

Door Staff Registration

Motion made, and Question proposed, That this House do now adjourn.—*[Jim Fitzpatrick.]*

7 pm

Mr. Andrew Turner (Isle of Wight): The debate is about door staff, door stewards, doorkeepers or bouncers, as they are variously called. It is a great pleasure to see the Minister for Crime Reduction, Policing and Community Safety in her place, and I thank her.

On 21 October I attended a meeting at Temptations nightclub at Newport, where I was told of concerns that doorkeepers on the island have about the doorkeeper registration scheme, which must be implemented under the Private Security Industry Act 2001. Before I go into the details, I shall headline some of the questions that I hope the Minister will answer during the debate or shortly afterwards.

First, did the Minister know when she signed the commencement order how damaging it would be to small businesses in Hampshire and the Isle of Wight if it were enforced, or was she not told of the shortage of registered doorkeepers at the time that she signed the commencement order in the middle of May? Secondly, will she encourage the police and local councils to take a light touch approach to enforcement, and in particular not to threaten people's licences while there are not enough doorkeepers? Thirdly, does she think the registration costs are affordable to part-time and casual doorkeepers?

Fourthly, will the Minister obtain an urgent report from the Security Industry Authority on registration, to see how well the SIA is responding and how quickly it is responding to the challenge of registering people when they apply? Fifthly, why were the Isle of Wight and Hampshire selected as a pilot area without doorkeepers being consulted? Who agreed to that? Sixthly, who took the decision to introduce the scheme area by area? Was it the SIA or was it Ministers? Was that envisaged in debate on the Bill? I believe not. If not, when was that determined?

Seventhly, will anyone be put out of work if they have not received a doorkeeper's badge? Eighthly, is enforcement the SIA's responsibility or that of the police or the licensing authority? At present, I can only say thank goodness that in my constituency there appears to be no authority able and willing to enforce this ill-thought-out and hastily implemented scheme.

After the meeting to which I referred, I had a letter from Zoe Mitchell, who is the secretary of the Isle of Wight Association of Professional Door Stewards. Among other things she asked:

"If a majority of Stewards refuse to undergo the course or apply for the licence, what are your"—

this is a letter sent to the SIA—

"procedures to protect the pubs and clubs from closure?"

She went on to tell Mr. Drane of the SIA that during the previous week she had found it impossible to find anyone who can and/or will answer her questions. She had, she said, been pushed from pillar to post.

That was on 30 November. On 22 October, the day after the meeting, Sarah Hunnybun, who is a licensing enforcement officer at the Isle of Wight council, told me that

"proposals by the SIA are flawed and will be seriously detrimental to crime and disorder on a local level."

She continued:

"I am representing the Isle of Wight on a small working party with the SIA, and we have discussed these issues with them at various levels during the past year, but have reached a point where the SIA is either unwilling or unable to address our concerns."

She mentioned a number of concerns, including the low pay of door staff, which makes it impossible for them to afford the high cost of training and registration. She pointed out that training requirements were unlikely to be finally confirmed until November or December 2003 and that, as a result, training courses were unlikely to commence until January 2004. In conclusion, she said:

"the costs of registration and training of the individuals involved will inevitably lead to a scarcity of licensed door supervisors, leading to premises possibly having to close down".

The reply that I received with regard to that matter was pretty inadequate. The chief executive of the SIA referred to

"a policy of full consultation and collaboration with key stakeholder groups within all sectors of the Private Security Industry".

I ask now whether that included doorkeepers and those who employ them. He pointed out that the SIA

"was instrumental in setting up a liaison group with licensing officers and the police in Hampshire and the Isle of Wight",

and said that assurances had been received that training would be available to meet anticipated demand. He stated that the SIA had anticipated a possible shortage and had

"put in place contingency plans which have been drawn up with the intention of minimising disruption."

The reply failed to justify the level of the fee or to answer the points about grandfather rights. I wrote back to the chief executive and pointed out my dissatisfaction with his reply.

Subsequently, I had a meeting with Mr. Drane and his deputy head of compliance, Dianne Tranmer. He was unable to explain whether doorkeepers or their employers had been consulted. He said that he felt that the level of fee was not an issue for doorkeepers and acknowledged that the training required to bring those with grandfather rights, which he had now sorted out, up to the new standard was not yet available in my constituency. Of course, the cost of travelling from my constituency to Hampshire for four days is significant, especially for part-timers who may have another job and may lose work. Finally, Mr. Drane said that it was his intention that the scheme would come on track on 4 June.

On 30 March, the SIA said that the Isle Wight school of food and wine

"currently estimate to have 48 door supervisors trained in the coming weeks."

Mr. Drane said that he was informed that Ministers would be

"laying the commencement order before Parliament mid to late April."

[Mr. Andrew Turner]

Miss Hunnybun wrote to me saying

"some of their replies to your questions . . . directly conflict with what I know to be the case in certain areas, for example, that they felt the licence fee of £190 was not an issue for doorpersons."

She said that

"the fee has been set to cover the cost of the SIA. (It is interesting to note that when members of the SIA visit the Island, they stay at a well-known 4-star hotel as opposed to somewhere cheaper like the Travel Inn!!)"

That is the sort of thing that pushes up the cost of the licences for doorkeepers. She added:

"Our primary concern still remains that, after the 4th June, there will be a shortage of licensed door supervisors for the amount of premises that will require them, particularly the IW Pop Festival and Cowes Week"—

the former took place last weekend, while Cowes week will be in the first full week of August—

"whose security staff will all need to be SIA licensed."

That shows that there was ample warning to the SIA, but it was immobile.

On 10 May, I wrote to the Home Secretary. I understand that the letter did not arrive, but I e-mailed it and sent hard copy. I told him that only 14 doorkeepers had been registered in the two counties out of an estimated 2,000 that were currently employed. I said:

"More doorkeepers' applications are in train, but nothing like sufficient to meet the two counties' needs. In other words, for whatever reason, it is impossible for businesses to comply with the legislation if it takes effect on 4th June."

I was not the only person saying that. Mr. J.U. Burke, a licensing officer for the city of Southampton—the lead authority in the two counties in dealing with the SIA on this matter—wrote a lengthy letter on 12 May to the chairman of the SIA. It listed a host of problems, some of which I have mentioned, but included the proposal by the police and local authority representatives who attended the 4 May meeting with the SIA to consider postponing the implementation date. I, too, had requested that. The letter also said that the closure of premises as a result of the shortage of door staff would be a front-page media story and bad publicity for all concerned.

I understand that the hon. Member for Romsey (Sandra Gidley), the right hon. Member for Southampton, Itchen (Mr. Denham), the hon. Member for Southampton, Test (Dr. Whitehead) as well as my hon. Friend the Member for Fareham (Mr. Hoban) have also written to the Home Office on the subject. My hon. Friend—I cannot speak for the others—has yet to receive a reply.

Mr. Burke also drew attention to the problem of who is responsible for enforcement. He said that

"enforcement of the law in relation to door supervisors is clearly the role of the SIA and not that of the Local Authority. It was presumably envisaged that the substantial licence fees paid to the SIA would cover enforcement . . . In addition the SIA representatives have been unable to indicate any statutory authority for local authority officers to demand proof of SIA licence."

He reminded the chairman of the SIA:

"At the meeting in May, we learnt that enforcement is not now proposed to take place until the end of June or early July and such enforcement is anticipated to be in the form of a warning."

That may have been true as far as Mr. Burke was concerned, but on the same day the SIA issued a press release that was entitled:

"Inaction by door supervisors could force pubs and clubs to close".

It stated that

"all eligible applications received by 7 May"—

the press release was written five days later—would be processed

"in time for the start of licensing on 4 June, but Hampshire and the Isle of Wight will still be left with a significant shortage of licensed door supervisors."

The SIA accepted that the scheme was under pressure and threatening the livelihoods of doorkeepers and proprietors. However, it went on to blame those doorkeepers and proprietors by saying that

"inaction by individual door supervisors and venue operators can only be through deliberate means or neglect."

They threatened proprietors by stating:

"If licensees use unlicensed door staff after 4 June, they could put their premises licence at risk."

That is not an appropriate way in which to deal with small businesses and individuals who have taken on a part-time or casual job and cannot afford to invest the money in the training.

On 28 May, the assistant chief constable of Hampshire police wrote to licensees stating:

"From that date"—

4 June—

"it will be an offence to work as a door supervisor without a licence or to employ unlicensed door supervisors . . . those found committing these offences will be liable for prosecution at any time . . . a very limited policy of discretion will be adopted by the Hampshire Constabulary until the 4th September 2004. Individuals who have submitted their applications too late to be processed by the 4th June will be issued with a letter from the SIA informing the individual that their application is being processed. Between the 4th June and 4th September officers will have the discretion to issue such individuals working without a licence a formal warning."

I take that to mean something akin to a police caution. The police have a licence to prosecute and they will issue a formal warning. The letter says nothing about what would happen to licensees. Of course, a caution against licensees could have damaging implications for the future of their licence.

Mark Watson, the general manager of Colonel Bogey's in Sandown, wrote to me on 28 May. He stated:

"As previously discussed with you, it has once again been proved that the system is letting us down badly and will create a problem.

My doorman"—

I think that he meant "doormen" but perhaps he means one doorman—

"took their exam on 28th April. After daily telephone calls to the British Institute of Innkeeping to 'chase' the doorman's certificates (you are not able to apply to the SIA without these certificates) they were delivered . . . on 26th May."

That is a delay of a month. The letter continues:

"We are now in the process of applying for the SIA licence and this, as quoted by the SIA, will take 4 to 6 weeks."

On 3 June, I eventually established that the relevant legislation would take effect on the following day because the Minister had signed the order in the

previous week. I thank the Library for that information and I am also grateful for the help that I obtained from Bridget Brooks, a Home Office official. I immediately made representations to the Isle of Wight council and Hampshire constabulary to adopt a light-touch enforcement regime. However, on 5 June, Mark Watson told me that the police had threatened a pub for which he has responsibility, The Redan in Ryde, with closure on the first night of the scheme's operation because he was employing an unregistered doorkeeper.

On 7 June, in the periodical *The Publican*, Colin Pollard, the licensee at The Hobbit in Southampton said:

"It has been a nightmare trying to get the forms in. We've had a number returned and it's not clear why. It's a relief that the police are taking this into consideration but whether they prosecute is still at their discretion."

John Burke, the licensing officer for Southampton to whom I referred earlier, said:

"We are frustrated, this could have been done a lot better. We were running a good operation with our door supervisors already, so why try to reinvent the wheel?"

Mark Watson told me on 11 June:

"All my staff's applications have been sent. Most of them have been returned as marked either incomplete or not enough documentation.

Firstly, the SIA application clearly states on several fields 'Country (Leave blank if in the UK)'. So this field has been left blank, but the forms have been returned to me as 'this field is incomplete because it has been left blank'.

One of my staff supplied a passport, a plastic and paper driving licence, a birth certificate and two household bills. This form was returned as 'insufficient identity'."

He wrote to me again on 16 June to say that more of his door staff had had their applications returned, and he complained that important documents were being sent second class rather than by recorded delivery. He said:

"To describe the system as a fiasco is an understatement. The cost for each of my staff including application fee, training, wages and travel (as we had to train off the Isle of Wight) is in the region of £750 per door person. I have 14 door staff. £10,5000 of our profits down the drain. Yet another stealth tax. I resent the intimidatory stance offered by the SIA in recent press releases and emails received."

He went on to say that it was easier to obtain a shotgun licence than SIA registration.

What happened at the Isle of Wight music festival? I mean the Nokia Isle of Wight music festival, forgive me. A senior representative called Jill—she would not give her surname—of Rock Steady, the organisation responsible for security at the festival told a constituent of mine that she was not SIA registered. Actually, she thought that the authority in question was called the CIA. She said that the laws were different in England from those on the Isle of Wight and that there was no requirement for an SIA-registered person. She would not say whether anyone on site was SIA registered. She also said that the festival had been given an exemption from the relevant legislation by the Isle of Wight council. The Minister will know, as will the council, that it has no power to exempt anyone from that legislation. Jill also claimed to be qualified to teach doorkeepers to SIA registration standard.

I have received the impression of arrogant, uncaring and out-of-touch officials in the SIA who are either ignoring advice or have been told to drive a policy through, regardless of the consequences. I am sure that the Minister will confirm that the latter is not the case, and I hope that she will be able to answer some of my questions tonight.

7.18 pm

The Minister for Crime Reduction, Policing and Community Safety (Ms Hazel Blears): I am delighted to have the opportunity to put on record the work that has been undertaken by the Security Industry Authority in implementing the Private Security Industry Act 2001, and to describe its progress to date. The hon. Member for Isle of Wight (Mr. Turner) has done us all a favour by raising these important issues, which will be of widespread interest.

The decision to set up the SIA and to regulate the private security industry enjoyed the support of the whole House. Many Members had campaigned for a number of years to raise standards in the industry and to use regulation to drive out what was seen as the criminal or rogue element within it. It is clear that the industry will play an increasingly important role in our extended police family, so it is vital that we raise the standards and skills of the people employed in it and that we reach a point at which the public can rely on those people having had good training and been properly vetted, and on their being fit and competent to do their job.

The regulation of the industry has the support of virtually all the organisations and companies involved. I do not think that a single legitimate operator opposes the principle of regulation. The industry views this as a positive move forward, and thinks that it will be a tool for increasing both police and public confidence and that that, in turn, could lead to increased business opportunities for the industry as a whole. Where it is well respected, it should be able to expand its operation.

The aims of the SIA are: to increase public trust and confidence in the industry; to increase professionalism and standards; to encourage businesses to improve their standards by creating a framework for developing and promoting best practice across the industry; to create a security industry centre of knowledge and expertise, so that the best people in the industry can lead the development of the rest; and to try to strengthen the extended police family, which we hope to develop.

As for the sectors that we want to be licensed by the SIA, it started with door supervisors, and it will move on to wheel clampers, security guards, personal protection guards, key holders, private investigators and security consultants. The industry that we seek to regulate is wide ranging, and it is a complex task.

The authority has tried to estimate accurately the size of the task that it is undertaking, to set up a proper organisation. The estimate is that about 500,000 people in this country are employed in this sector, and that the industry has an annual turnover of about £3 billion. As the hon. Gentleman says, because much of the work is part time, it is difficult to draw strict boundaries in relation to the exact number of people who are employed. Nationally, it is estimated that about 95,000 people are employed as door supervisors. In the pilot area, the initial estimate was that about 2,000 people were likely to be employed in the industry. The hon.

[Ms Hazel Blears]

Gentleman will appreciate that, because of the nature of the industry, it is difficult to pin down exactly the number of people who are employed.

The starting position for the SIA was an almost completely unregulated sector of our economy. It has therefore had to start from scratch to set up a system that would work and be effective. It decided that a number of things were required: a disclosure through the Criminal Records Bureau to make sure that those employed were fit and proper people to do the job; training to make sure that their skills were up to date and appropriate for the job that they had to carry out, taking into account the fact that the night-time economy has become increasingly important and complex, and that new skills are sometimes required to deal with the difficult and sometimes confrontational situations in which some individuals will find themselves; identification of training providers, which, as they had not been in the field previously, would require a new start; processing of applications quickly and efficiently; and communication of all these issues to businesses and individuals to get the message across that it was an entirely new world of operation.

Given the size of the industry, it was decided properly that a "big bang" approach to regulation was not possible or feasible. A decision was therefore taken to divide the sector into three tranches for regulation: the first is door supervisors and vehicle immobilisers or wheel clampers; the second is manned guarding and key holders; and the third is private investigators and security consultants. The step-by-step, incremental approach of dividing the industry into sectors is absolutely right, to make sure that we learn from our initial roll-out and from the pilots, and that we strengthen the process as we proceed.

The hon. Gentleman is right that although the SIA is starting virtually from scratch, a number of local authorities and police forces have been operating their own local schemes for door supervisor registration. Some of them are of a high standard, but the schemes are patchy across the country, and widely differing criteria operate for the award of a licence. They have not succeeded in raising standards generally, which is a key aim of the authority, and local schemes have not got across to the public the message that standards have been raised and that the minority criminal element has been removed from the industry. A national scheme was therefore needed to give the public confidence that national standards would be developed. There are now three main criteria for giving a licence: an identity check; a fit and proper person check; and a check on professional competence to do the job. If we get those three things right, we will drive up standards.

The hon. Gentleman raised a number of specific issues about the roll-out in Hampshire and the Isle of Wight. It was absolutely right to choose a pilot area to see what happened when this system was introduced. The SIA decided the pilot area, taking into account the fact that it was a good area in which to start. It has a range of urban and rural areas. We have heard about Temptations club, and various other clubs and pubs mentioned by the hon. Gentleman.

There was a comprehensive communications strategy, targeted at employers as well as individuals working in the licensed trade. The message has been pretty consistent: both the SIA and Hampshire police have tried to ensure that people are fully aware of the need to acquire a licence. Research has also been commissioned recently to assess the level of awareness. It established that 100 per cent. of door supervisors knew that they would have to be licensed—they had not gone to get their licences, but they knew that they would have to do so—and that 86 per cent. of employers were aware of the requirement.

In Hampshire there has been delay, delay, delay until the very last minute, which has put us in a difficult position. Between 1 March—when supervisors were eligible to apply for packs—and 4 June, the SIA issued 2,128 application packs, 1,186 from the pilot area. However, despite that high level of interest and the almost universal awareness, take-up has been pretty slow. Only 722 applications had been returned by the week ending 4 June, and the vast majority were submitted after the last safe application date. There were some minor administrative teething problems in the case of a few applications, but the vast majority of those were delivered within the four to six weeks specified in the SIA's standards.

The necessary Criminal Records Bureau check takes some time. It is also necessary to establish that the people applying are competent. I think that individuals, including employers, have failed to convey the message that supervisors must be licensed. Without licensing, following the introduction of regulations people would be vulnerable to prosecution. The alternative is delay, delay and more delay. That would mean no incentive for anyone to go out and get a licence and training.

I knew of the difficulties before I signed the commencement order for 4 June, and I considered it very carefully. In the knowledge that there had been 11 months' notice of the enforcement of the legislation, however, I decided that we should press on and encourage as many people as possible to obtain licences. I was also aware that a pragmatic approach to enforcement would be required. It was clear that not enough applications were being received to meet the potential need. Hampshire police and the SIA have agreed to an element of discretion in the enforcement policy, relative to the level of compliance shown. When it is clear that people are willing to apply, are getting on with their training and are complying with the regime, discretion will be shown; when they refuse or are unwilling to comply with what I consider to be an entirely appropriate regulatory regime, that too will be taken into account.

The hon. Gentleman made a number of points about the lack, or alleged lack, of training facilities in Hampshire and on the Isle of Wight. Many training providers were more than willing to arrange training, but because of a lack of interest and a failure to perceive any urgency, Farnborough college had to cancel no fewer than six flexible courses.

Mr. Andrew Turner *rose—*

Ms Blears: Will the hon. Gentleman wait for a moment?

As a result of that cancellation, Isle of Wight college, which had planned to provide training, decided that there was no point in its going ahead, because no one would take up the courses on offer. People seem to have closed their eyes to the fact that enforcement of the legislation was on the horizon and they needed to get their act together—to get their training done, their applications in and their CRB checks carried out, and to obtain their licences.

The regulations will act as an extra impetus, encouraging people to ensure that they get on track, comply with the law and make things happen. I am told that there are 13 training providers in the area. It is vital that the sector is properly licensed. I think that if that happens, it will make a major contribution to our strategies to tackle the harm caused by alcohol misuse, to continue the fight against drugs, to protect the safety of city centres and to ensure that our night-time economy does not operate at the expense of the decent, law-abiding majority of citizens.

It is vital for the SIA to press ahead with its approach as a modern regulator working with the local authority, the police, training providers, the door supervisors and the industry. Time and again we see that what works in these circumstances is a good partnership approach, and I have no doubt that the hon. Gentleman will persuade people in his area to comply.

The motion having been made after Seven o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at half-past Seven o'clock.

House of Commons

Thursday 17 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT

Resolved,

That an humble Address be presented to Her Majesty, That she will be graciously pleased to give directions that there be laid before this House a Return of the Report made by AHL Ltd in June 2004 in respect of the Commission for Architecture and the Built Environment.—*[Jim Fitzpatrick.]*

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Fuel Duty

1. **Norman Baker** (Lewes) (LD): What account he takes of long-term trends in the cost of motoring in deciding his policy on fuel duty rates for private vehicles. [179122]

The Economic Secretary to the Treasury (John Healey): As with all tax decisions, my right hon. Friend the Chancellor takes into account all relevant economic, social and environmental factors, including the cost of motoring, in deciding fuel duty rates.

Norman Baker: Has the Minister seen the information released by the Department for Transport yesterday, which confirmed that since 1974 the real-terms cost of travelling by rail has gone up by 84 per cent. and by bus by 70 per cent., but that the real cost of motoring has fallen by 5 per cent.? Those trends have continued under this Government. Is it not therefore true that bus users have more cause to complain than motorists? Is it not financially and environmentally irresponsible to argue that the normal upgrade in fuel price must be abandoned, as some on the Conservative Benches apparently want?

John Healey: The hon. Gentleman is right. The real cost of motoring has fallen by about 8 per cent. in the past 25 years and by 5 per cent. since 1997. I am surprised that he does not give due recognition to that and congratulate the Government on what we are putting in place to support the development of public transport. We are spending £250 million a week to improve transport to make up for decades of under-investment. With all due respect to the hon. Gentleman—I know that he takes a close interest in these matters—the real choice is whether we see a continuation of that long overdue substantial investment in our transport infrastructure or a return to the cuts and freezes that the shadow Chancellor has promised.

I recognise, and I am sure that others will note, that the hon. Gentleman speaks for the Liberals on these matters and that he seems to have a policy of pricing people out of their cars and hauliers off the British roads.

Richard Burden (Birmingham, Northfield) (Lab): I welcome what my hon. Friend has said. If we are to tackle emissions from vehicles, looking at price is one part of that, but only one part. We also need to encourage the development of environmentally friendly automotive technology, whether it be cleaner diesel or fuel cells. I welcome what the Government have already done in that respect, but is it not important to give greater incentives to British firms to develop such technology so that we reap the industrial as well as the environmental benefits?

John Healey: My hon. Friend has a well-established and strong local interest in the future of the automotive industry. He makes the right point that it is a mistake and too simplistic to focus on the main fuel duty rates. To do so misses many of the advances that we have been making, especially through the use of fiscal instruments and other support. The reform of vehicle excise duty and company car tax has had a beneficial impact on the environment. Support for, and voluntary agreements with, the motor industry are bringing forward the new technologies that my hon. Friend is concerned about and resulting in an improvement in the efficiency of engines.

By using duty differentials, we are able to create a shift in the fuels that are used on our roads towards greener fuels. We created a shift entirely to ultra-low sulphur fuels in 2001. We are set to do the same again in September this year with the incentive that we have planned for sulphur-free fuels.

Mr. Roy Beggs (East Antrim) (UUP): I welcome the Government's investment to enhance public transport and long for the completion of the trans-European networks route between Cork, Dublin, Belfast and Larne. What encouragement is being given to the Irish Republic to narrow the gap between fuel prices in the Republic and those in Northern Ireland, with a view to helping to reduce the amount of smuggling?

John Healey: I welcome the hon. Gentleman's welcome for the increase in public investment. He will know that there is a specific public investment programme in transport in Northern Ireland. He draws attention to the real problem of oils fraud in Northern Ireland, which is the only part of the United Kingdom that shares a land border with another European Union state.

The answer is not to look at fuel duty, because the largest part of oils fraud is the laundering and misuse of rebated fuels, on which the duty rates are more than 40p

lower than the road fuel rate. That is why the programme of action to counter that smuggling, laundering and misuse of oils put in place by Customs is so important. Due to the tough action and the investment that we have put in place, in the past couple of years there has been an increase of 7 per cent. in the legitimate duty-paid market for road fuels in Northern Ireland. That reverses a steep five-year decline.

David Taylor (North-West Leicestershire) (Lab/Co-op): The whole House recognises and welcomes the progress that my hon. Friend has described in his answers so far. I note that the British motorist is taxed at about the average for EU countries, but does he acknowledge that much remains to be achieved on motoring taxation? Given the stabilisation of costs, does he accept that the alarums and excursions that are occasionally produced by some lobbies are driven more by politics than by economics or the environment?

John Healey: My hon. Friend points to the sort of factors that my right hon. Friend the Chancellor has to take into account when making duty rate decisions. In a sense, it is most important that we have the strength to take decisions for the British economy that balance the interests of motorists and hauliers, the needs of the public services, the stability of the economy and the responsibilities we have to the environment. That is exactly what we aim to do.

Mr. Oliver Letwin (West Dorset) (Con): Although the Chancellor has chosen to avoid answering this question himself, it would be churlish not to congratulate him on his long period in office. However, he has some way to go before he matches the record of Vasili Feodorovich Gurbazov, who was the Soviet finance Minister for 25 years and tragically died in office, without ever becoming Prime Minister.

One of the hallmarks of the Chancellor's long period in office has been increasing public resentment of the fact that his big Government have given us higher taxes without any commensurate improvements in public services. Does the Minister recognise that the outrage that forced the Chancellor into retreat on his proposed fuel duty increase was just part of a mounting feeling that people are being let down by Labour's big Government, big tax rises and big failures to deliver?

John Healey: Oh dear! I welcome the congratulations that the right hon. Gentleman offers to my right hon. Friend the Chancellor, but I remind him that during my right hon. Friend's period in office there have been five shadow Chancellors. I hope that we will not see a sixth too soon.

When we consider our decisions on fuel duties, we will not take any advice from the Tories. If we had followed the Tory policy that we inherited, of 5 per cent. increases in road fuel duty each year, the motorist and the haulier would now be paying 14p a litre more in duty than they are.

Mr. Letwin: I am afraid that that answer will not help people who feel let down by a Government who have given them the second highest fuel duties in Europe—not, as the hon. Member for North-West Leicestershire (David Taylor) said, somewhere near the average—and an overall increase in tax of £34,000 for every minute of the Chancellor's tenure in office. Does not the Minister see that the reaction on fuel duty and the reaction on council tax are part of a pattern? Has it truly not begun to dawn on him that the taxes required to sustain the Chancellor's big, ineffective Government are now beginning to exceed the limits of what people will accept? As taxes tick up at a rate of £34,000 a minute, is it any wonder that the recent elections suggested that it might be five minutes before midnight for this Government?

John Healey: The right hon. Gentleman is somewhat inventive, but this is a question about fuel duty rates, which he did mention briefly. We understand the cause of concern for the motorist and the haulier. It is in nobody's interest that oil prices are higher than expected, but the problem is caused by world oil prices, not UK fuel duty. That is why my right hon. Friend the Chancellor has been at the forefront of discussions internationally with OPEC about oil supplies and increased oil production. That is why both the Chancellor and the Prime Minister have said that in August we will consider the progress we have made in dealing with this period of high and unsustainable prices. However, rather than the short-term and opportunistic reactions to changing events that the right hon. Gentleman demonstrates, we will not put at risk the stability of the public finances or the economy—two things that my right hon. Friend the Chancellor has worked hard to put in place over the past seven years.

Mr. Letwin: I do not know what the Minister thought the Chancellor's retreat was if it was not short-term opportunism. I am afraid that that answer betrays a complete failure to learn the lessons of Labour's disastrous performance in the recent elections. Those elections revealed mounting concern, not only about fuel duty but about the rest of the 66 stealth tax increases. Since those elections, the Governor of the Bank of England has alerted people to the fact that the Chancellor's big Government and big borrowing are beginning—

Mr. Speaker: Order. The question is about fuel duty.

Mr. Letwin: Do the Chancellor and the Minister recognise that the undignified retreat on fuel duties, the recent rises in interest rates, the level of household indebtedness and the halving of the savings ratio all bear out—*[Interruption.]*

Mr. Speaker: Order. Members must let the Speaker chair the proceedings. I expect the Minister's response to be brief, because we are only on Question 1—and at this rate we may only get to Question 4 before the hour is up.

John Healey: The right hon. Member for West Dorset (Mr. Letwin) quoted the Governor of the Bank of England, so let me, too, quote the Governor on the precise points that the right hon. Gentleman is trying to pray in aid against us. Last night, in his Mansion house speech, the Governor of the Bank of England said

"the improvement in the fiscal stance in recent years has been a key element in achieving macroeconomic stability".

Our public finances are in good shape. The economy is growing strongly. Unemployment has fallen again this week—

Mr. Speaker: Order. We will leave it at that.

Dr. Vincent Cable (Twickenham) (LD): I, too, extend congratulations to the Chancellor for having exceeded the period in office of the last great Liberal Chancellor, Lloyd George, although not yet that of Gladstone, both of whom in fact became Prime Minister—unlike the Russian gentleman.

In the same positive spirit, I suggest that the Government were right not to have panicked at the political demands for the immediate cancellation of the oil price increase in the face of international market instability. Which does the Minister regard as the greatest threat to the stability of the British economy: an oil price shock caused by uncertainty in the middle east or, as the Governor of the Bank of England appears to believe, a house price shock generated domestically?

John Healey: It is neither; it is the re-election of the Conservatives.

International Finance Facility

2. **Valerie Davey** (Bristol, West) (Lab): What recent progress has been made on the international finance facility. [179123]

The Chancellor of the Exchequer (Mr. Gordon Brown): We welcome the proposals at the G8 summit last week that advance our proposal for the international finance facility to double aid and halve poverty. In September, the International Monetary Fund and the World Bank will report on the proposal. I can also confirm that the Global Alliance for Vaccines and Immunisation has indicated interest in applying the principles to the next stage of its important work.

Valerie Davey: I thank the Chancellor for that reply and for his strong international leadership in this field. The vast majority of my constituents want the Government to give a strong moral and financial lead in campaigning for global justice, so can my right hon. Friend tell them and the House how the IFF will link to and support the Commission for Africa?

Mr. Brown: The Commission for Africa will report at the beginning of next year. It will look at proposals under which money for education, health and anti-poverty programmes in Africa can be financed. That report will contain recommendations about the financing of such proposals, including support for the IFF. Over the next few months, we shall have discussions with other countries; France and Brazil will be making a report in the next few weeks; I shall be visiting the Vatican to discuss how it can help to move the proposals forward; and I believe that many other organisations will join the 50 countries that have already given support to the facility.

Tony Baldry (Banbury) (Con): Despite the Chancellor's lead on the matter, we are unlikely to make much progress until after the US presidential election, so will he consider the Treasury working with the Department for International Development to produce a paper that could be published at the start of the United Kingdom's G8 presidency to show how long it will take, at present rates of development assistance, to reach the millennium development goals? Many people in Congress and elsewhere think that the US millennium challenge account will do it all. There is insufficient international recognition of the fact that at present levels of spending we are light years away from meeting the millennium development goals.

Mr. Brown: I am grateful to the hon. Gentleman, who is Chairman of the Select Committee on International Development. He has played an important part internationally in giving support to the proposals. He is right: on present trends, in sub-Saharan Africa the education and anti-poverty targets will not be met until 2150—not 2015 but 150 years from now. That is why there is urgency to persuade the Americans and other countries that we must find a new mechanism to finance development aid. Support for the UK proposal is growing and I am grateful that we have support for it on an all-party basis. I believe that we can do more to win over the Churches and the non-governmental organisations, as well as Governments, and I look forward to support for the proposal from parliamentarians of all countries.

Ms Julia Drown (South Swindon) (Lab): Can my right hon. Friend assure the House that the important lobbying for the international finance facility will not be an excuse for this country not spending 0.7 per cent. of our gross national income on international aid? If part of the lobbying for the IFF says that nations need to mean what they say when they sign up to things such as the millennium development goals, do we not need to mean what we said when we signed up, 34 years ago, to spend 0.7 per cent. of GNI on aid? That target is achievable. Will we see it in the comprehensive spending review?

Mr. Brown: I am grateful to my hon. Friend for taking a very big interest in these matters. She chaired a meeting that I spoke at only a few weeks ago. We have increased overseas development aid from 0.26 to 0.4 per cent., and there will be further announcements, of course, in the spending review that will report before the summer recess. There has been a real-terms increase of almost 100 per cent. in the amount of money going into development aid and, because of the untying of it, there has been a doubling and more in the aid that is going to Africa, which is the source of some of the greatest problems that she has talked about. I can assure her that we remain fixed on the goal of 0.7 per cent. I can also assure her that there will be further announcements to come. Perhaps she would note the fact that, if the Opposition had their way, they would freeze development spending in cash terms, cut it by 5 per cent. in real terms, and the percentage of overseas aid would

go down to the 0.26 per cent. that we had to inherit when we came to office. I hope that they will reconsider their position.

Mr. Russell Brown (Dumfries) (Lab): I appreciate that the IFF has been designed to front-load and meet the required targets to achieve our millennium development goals. I have heard what my right hon. Friend has said this morning, but has any real progress been made in ensuring that the other interested Governments—in particular, the United States—are as committed to what we in this country are trying to achieve?

Mr. Brown: The reason I wanted to deal with this question after the G8 meeting is that progress was made on debt relief for the poorest countries. The G8 decided only last week to provide the necessary financing for the completion of the debt initiative, so progress is being made on one specific aspect that would come under the IFF. I believe that there is also general agreement that, if Africa is to make the necessary reforms, support for education, health and anti-poverty programmes must be provided. I think that my hon. Friend will know that 50 countries have already supported the proposals. I look forward over the next year, particularly in our presidency, to achieving far wider support for the IFF. It is one of the means by which we can indeed meet the 2015 millennium development goals.

Plastic Bags

3. **Dr. John Pugh** (Southport) (LD): What studies the Treasury has made of the environmental benefits of a plastic bag tax. [179124]

The Economic Secretary to the Treasury (John Healey): The Government conducted an assessment of a plastic bag tax in December 2002. A copy of the report is in the Library.

Dr. Pugh: I thank the hon. Gentleman for that answer; I will study the report. Do Ministers agree that our environmental taxation must be evidence-based and, in respect of plastic bag use, take into account reuse, recycling and the disposal costs of substitute packaging?

John Healey: The hon. Gentleman is right in principle and right on the detail. Of course, we make great efforts to ensure that any development of any fiscal decision is evidence-based. That is in part why we conducted an assessment of a plastic bag tax, including in Ireland. I think that he will find that the factors that he mentions are covered in that report, when he gets around to reading it.

Mr. Kevan Jones (North Durham) (Lab): Will my hon. Friend join me in congratulating Durham county council on working with major food retailers in the county—such as Tesco, Sainbury's and the Co-operative Society—not only to encourage customers to reuse their carrier bags, but to provide biodegradable carrier bags? Does he agree that that is a better way forward than slapping an arbitrary tax on shoppers?

John Healey: We are keen to see precisely those sorts of initiatives and innovations, and I certainly welcome the moves that have been made in my hon. Friend's area both by the Co-op and by his local council. Beyond plastic bags, it is true that councils more generally are making a real effort and real progress in reducing the amount of waste and increasing the amount of recycling. That is certainly the direction that we need to encourage.

Gershon Review

4. **Mr. Jonathan Djanogly** (Huntingdon) (Con): What discussions he has had with Sir Peter Gershon regarding the total savings in public sector employment within the Department for Work and Pensions as a result of his efficiency review. [179125]

The Chancellor of the Exchequer (Mr. Gordon Brown): I will report further on my discussions with Sir Peter Gershon when I make the spending round announcements. It has already been agreed that there will be 30,000 fewer staff posts at the Department for Work and Pensions. Some 10,000 staff will be redeployed, and numbers will fall from 130,000 to 100,000.

Mr. Djanogly: But is this not yet another example of the Government's mismanagement of the public sector? They have been spending millions of taxpayers' pounds to create tens of thousands of public sector jobs only to be told by the likes of Sir Peter Gershon that there are too many workers and that they are often working in the wrong places. Does the Chancellor agree that a better run Department would have saved the costs of recruitment, training and 40,000 redundancies if it had not created the jobs in the first place?

Mr. Brown: The hon. Gentleman complains about the expansion of public sector jobs, but let me remind the House of his election pledges:

> "Increase police numbers in Huntingdonshire ... Improve local roads ... Expand ... hospital and fund extra schools and pensions ... Improve our leisure, shopping and children's facilities."

If that is not a demand for extra public spending from the Conservatives, what is?

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): Is my right hon. Friend aware that thousands of people in Blackpool and along the Fylde coast work hard for the Department for Work and Pensions, and does he acknowledge that that hard work is delivering essential services? At Warbreck house, people are delivering disability living allowance and the pensions agency is operating at Mexford house. A variety of different services are carried out at Norcross. Does the Chancellor understand that the people who work in those places are anxious about their future? Will he make sure that there is full and meaningful consultation with trade unions and employees to ensure that essential jobs remain and services continue?

Mr. Brown: It was precisely because Sir Peter Gershon gave us accurate information on job reductions and savings, and said that if we went further than that we

could put services at risk, that we came to the decision about the numbers that I have announced. We are being sensitive, and when I announced the figures in the Budget I paid tribute to the work done in the Department for Work and Pensions. I know that the Department employs many people in my hon. Friend's constituency who do an excellent job for the service. We have invested £2 billion in new technology, which allows us to cut the number of staff in back-office services. However, there will also be 10,000 additional personal advisers so that the front-line work of the service will continue and, indeed, be enhanced so that more people can get back to work.

Sir John Butterfill (Bournemouth, West) (Con): Do the employment figures that the Chancellor cited take account of the anticipated employment costs of the pension protection fund and the new office of the regulator? If not, what does the Chancellor anticipate that they will be?

Mr. Brown: These figures are for the Department as a whole. The individual figures on the administration of the pension protection fund will be announced in due course by the Secretary of State for Work and Pensions. We are determined to honour our commitment to make the pension protection fund work. Of course, we have also set aside money to deal with people who cruelly lost their pensions through no fault of their own under previous arrangements.

I must tell the hon. Gentleman that our investment in the Department for Work and Pensions ensures that we have a better service for those who want the pension credit and those who are looking for jobs. At the same time as we are making the savings, we are ensuring that there is a proper service for everyone who depends on the Department.

Angela Eagle (Wallasey) (Lab): Does my right hon. Friend agree that we are in a period of economic stability with record low unemployment—recent figures show that it is 2.8 per cent.—compared with the period of mass unemployment under the Conservative Government? Does he agree that that gives us an historic chance to restructure the Department for Work and Pensions to help to create even more active labour market policies and ensure that those for whom finding work has been difficult, because their access to the labour market has been beset by problems such as discrimination, are now given the first chance in many years for a meaningful life at work?

Mr. Brown: As my hon. Friend knows, the Department for Work and Pensions is expanding its services to help lone parents to get into work, to help people with disabilities to find jobs and to help people from ethnic minorities who have often felt discriminated against in the labour market. It will offer a specific service to those people who want to get skills. A big expansion is taking place in the service. My hon. Friend is absolutely right—we are determined to achieve full employment in our country. When Conservative Members intervene in this debate, they should congratulate us on having the lowest unemployment for 30 years.

Mr. Howard Flight (Arundel and South Downs) (Con): When will the Government publish the Gershon report promised in April, and what proposals do Gershon or the Chancellor have to address the problem identified by the Public Accounts Committee that one in five welfare payment decisions by the Department for Work and Pensions are incorrect, leading to up to £7 billion per annum of benefits being paid out wrongly?

Mr. Brown: It is precisely because of problems that have been identified in the past that we have taken action. Compared with the position under the previous Government, the percentage of inaccurate payments has gone down under this Government. I hope that the hon. Gentleman is not suggesting that in removing 40,000 gross jobs, or 30,000 net jobs, we are not going far enough in public sector reform. Indeed, no other Government have announced such a staff reduction in one Budget, so he should applaud us for taking action on efficiency, where his predecessors failed.

Rob Marris (Wolverhampton, South-West) (Lab): Is my right hon. Friend aware that the Work and Pensions Committee, on which I serve, is currently carrying out an inquiry into computerisation, which he mentioned? Some of the evidence submitted to the inquiry suggests that his figures are very ambitious. Can he assure the House that when the Committee's report is finally published the Treasury will look at it very carefully?

Mr. Brown: The Treasury looks at everything very carefully, so I can assure my hon. Friend that we will examine the report and, after representations from the relevant Minister, we will discuss with him what should happen next. Despite the fact that we have to make announcements about job reductions, it is right to pay tribute to the tremendous success of the new deal and the Employment Service—now Jobcentre Plus—in creating job opportunities. Again, I should have thought that the shadow Chancellor would want to congratulate us, because in his constituency there are only seven people who are long-term unemployed.

Combined Heat and Power

5. **Miss Anne McIntosh** (Vale of York) (Con): What representations he has received from the combined heat and power sector on the removal of fiscal incentives to develop CHP installations; and if he will make a statement. [179126]

The Economic Secretary to the Treasury (John Healey): We have not received any representations from the combined heat and power sector on the removal of fiscal incentives, and have no plans to remove them. Indeed, on the contrary, only last year we introduced an exemption for good quality CHP from the climate change levy, and were strongly encouraged to do so by the industry.

Miss McIntosh: While it is true that the Government have granted an exemption from the climate change levy, it is equally true that they are imposing an obligation on CHP operators to purchase renewables obligation certificates, which has created a barrier to entry and has affected the ability of existing CHP

operators to remain in operation. It has led to a haemorrhaging of jobs and investment. Therefore, will the Chancellor urge the Government to keep clause 120 of the Energy Bill and make sure that operators are not subject to that irksome fiscal obligation?

John Healey: No. If we did so, we would reduce the capacity to deliver the renewables obligation. There is a distinction to be made between CHP as a fairly mature technology and the renewable technologies that the renewables obligation is designed to promote. A wide range of measures is already in place to support CHP, including fiscal, grant and regulatory measures. At present, there is an increase in CHP generating capacity, but of course we keep such progress under constant review.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Did my hon. Friend see the remarks by the chairman of Shell yesterday about the perils of global warming? If we do not take more action not only on CHP but on generating energy from waste programmes, such as incineration and many other things, and if there are no fiscal incentives to stop dependency on one source of energy, the country and the planet will run into dreadful problems.

John Healey: My hon. Friend is an expert in this area, so he knows that we aim to meet the target of the CHP sector of supplying 10 GW of generation by 2010. On the wider question of waste, he knows that we are putting in place a range of policy support instruments so that we can reduce the amount of waste created, boost recycling and achieve greater capacity to deal with waste in more environmentally friendly ways.

Inland Revenue Office (Hebburn)

7. **Mr. Stephen Hepburn** (Jarrow) (Lab): If he will make a statement on the future of the Inland Revenue office in Hebburn. [179128]

The Paymaster General (Dawn Primarolo): The Inland Revenue building in Hebburn is due to be vacated in March 2005. That is part of a long-term strategy to develop the Newcastle estate that began in 1995 to rationalise the number of sites in Tyneside. The building in Hebburn is leased and the lease will expire in June 2006. The building will be fully vacated in March 2005 and the current plans are that it will be used for contingency purposes between then and the expiry of the lease.

Mr. Hepburn: As part of those plans, 700 jobs will be relocated from Hebburn to Newcastle, which is not only an outright waste of money, but will do the utmost damage to the shopping centre and the local economy in Hebburn. Will my right hon. Friend review the plans, and is she willing to meet a small delegation from the constituency to discuss the matter further?

Dawn Primarolo: As I explained to my hon. Friend, the plans have been under discussion since 1995, in order to provide modern accommodation for the Inland Revenue and the Department for Work and Pensions. Those Departments are committed to remain and to employ people from the south Tyneside region, and there will be no job losses as a result of the relocation. I know that my hon. Friend has followed the matter keenly, and I would be more than happy to meet him to review a constructive way forward for the redevelopment of the site—a subject that I know he has raised with other Ministers.

Africa (Debt Relief)

8. **Andy Burnham** (Leigh) (Lab): What recent steps he has taken towards the cancellation of debt in Africa's poorest countries. [179129]

The Chancellor of the Exchequer (Mr. Gordon Brown): Debt relief of more than $70 billion has already been agreed for 27 countries, mainly African countries, under the HIPC—heavily indebted poor countries—initiative. Last week, at the G8 Heads of State meeting we extended the HIPC initiative by another two years, and it was agreed that more finance was required for debt relief. Both will be of special help to the African countries.

Andy Burnham: I welcome last week's decision of the G8, but does my right hon. Friend share my view that the HIPC initiative needs to go much further and much faster, specifically in providing 100 per cent. debt relief to the poorest African countries, and in bringing in countries currently outside HIPC, particularly Sudan, from where we see terrible images of suffering on our TV screens every evening? When Britain assumes the chair of the G8 next year, will it make this—

Mr. Speaker: Order. One supplementary is fine.

Mr. Brown: My hon. Friend has taken a great interest in these matters, and I thank him. He has rightly pointed out that more help is urgently needed for Sudan, and he will be pleased that my right hon. Friend the Secretary of State for International Development has not only announced more money for Sudan, but is carefully looking at what more we can do, both bilaterally and internationally. In their wisdom the G8 Heads of Government asked the G8 Finance Ministers to look further at what more could be done on debt relief. In addition to extending what was called the sunset date for the HIPC countries, and to provide the necessary financing for completion of the initiative, we were asked to consider measures that can further help the poorest countries address the sustainability of debt. I hope that we can publish a report on that and get action on it before the beginning of next year.

Mr. Mark Field (Cities of London and Westminster) (Con): Although I accept the superficial attraction of debt cancellation in African countries, I am sure the Chancellor is well aware that in many ways it gives the wrong signals to the next generation of dictators in those countries when they see debt being written off in that way. Is the Chancellor ensuring that G8 countries are not just considering debt cancellation but encouraging free trade with those countries, to allow their economies to expand in the years and decades ahead?

Mr. Brown: Debt relief is not unconditional. It carries with it certain obligations on the part of the countries concerned. The hon. Gentleman should agree with me that the initiative proposed around the international finance facility and part of the new plan for Africa is that in return for African countries opening up to trade, dealing with their problems of corruption and moving to monetary and fiscal regimes that make sense in the modern world, we will provide extra money for health, education and anti-poverty programmes. That is the right way forward. It is based on the Monterrey agreement two years ago, and it is important to understand that it is the relationship between developing African countries and the industrialised world that holds the key to the way forward. That includes a settlement of the Doha round of the world trade talks.

Mr. Tom Clarke (Coatbridge and Chryston) (Lab): I welcome the achievements at the G8 summit, but in view of the apparent opposition of Germany and Japan to the Government's original proposals, will my right hon. Friend consider the possibility of a 10-year moratorium on debt servicing, so that we can achieve those vital millennium goals?

Mr. Brown: I am grateful to my right hon. Friend, who has been very active in this area over many years. A debt-servicing moratorium would place no conditions on the countries concerned to use the money for health and education as we would like. One of the great achievements of the HIPC scheme is that large sums of money have been spent on health and education that would otherwise have gone on debt servicing payments. I should like a more comprehensive agreement with the poorer countries whereby in return for the finance that we provide, including the writing off of debts, they take the action necessary to invest in their health and education systems and to deal with problems of corruption and stability. I believe that there is a wish in Africa—my right hon. Friend meets many people from that continent, and has visited it—for that new relationship to work, and that the best way forward is not unconditional support, but a new contract or covenant between the richest and the poorest countries.

Ann McKechin (Glasgow, Maryhill) (Lab): I, too, congratulate my right hon. Friend on his tremendous efforts involving debt relief in the international community. As he is aware, however, for many African countries there is no prospect of reaching the millennium development goals by 2015; in fact, on current projections some of them will take more than 100 years to reach those targets, to which the international community has committed itself. Given that writing off the rest of the debt would, in the case of the United Kingdom, mean only a few extra pounds per year from each taxpayer, is there not a pressing burden on us to consider further relief at the earliest opportunity?

Mr. Brown: I am grateful to my hon. Friend, who has often petitioned me on these issues. One of the millennium development goals is to ensure that primary school education is a right for all people. It would cost the world only $10 billion a year to finance that basic right for 120 million children, two-thirds of whom are girls. I believe that it is possible to do that if we devise new forms of financing, such as the international finance facility, so as to ensure that all countries contribute, that the proposal does not fail if one country is excluded or does not want to take part, and that the money comes immediately and is therefore front-loaded. That innovative way of financing the development of education, then of health and work on AIDS, is the best way forward if we are to move quickly to meet the millennium development goals that my hon. Friend mentioned.

Gershon Review

9. **Mr. David Cameron** (Witney) (Con): What discussions he has had with Sir Peter Gershon regarding the total savings in departmental expenditure in the Department of Trade and Industry as a result of his efficiency review. [179130]

The Chief Secretary to the Treasury (Mr. Paul Boateng): The efficiency review features in regular discussions involving Treasury Ministers, their Department of Trade and Industry counterparts and Sir Peter Gershon, in order to maximise the benefits of the review for front-line services.

Mr. Cameron: Now that the DTI no longer runs car companies, coal mines, power stations, steel mills or any other major businesses, will the Chief Secretary explain why it still needs seven Ministers, with seven private offices? Apart from providing a perk for some of the Chancellor's acolytes, what does it actually do?

Mr. Boateng: Those Ministers do a very great deal. They have responsibility for energy policy and for promoting competition and enterprise. Importantly, too, they have responsibility for the Small Business Service, which helps some 600,000 small and medium-sized businesses—even some, I suspect, in the hon. Gentleman's constituency, and certainly some in his county.

Tony Wright (Cannock Chase) (Lab): I welcome the Government's commitment to robust public sector efficiency reforms, but it has given Opposition Members an opportunity to launch a general attack on civil servants. Civil servants are not to be associated with waste and inefficiency, and it is not good merely to laud front-line public servants and thereby attack back-office staff. Will my right hon. Friend give the assurance that whatever cuts are made, a mechanism will be in place to ensure that service quality is maintained?

Mr. Boateng: Service quality and support for front-line workers are at the heart of our approach to the efficiency agenda. My right hon. Friend the Chancellor has already paid tribute to the work and dedication of our public servants, and I am happy to do so again. We should compare and contrast that with the approach of the shadow Chief Secretary, the hon. Member for Arundel and South Downs (Mr. Flight), whose calumnies against public servants, suggesting that they are there to do as little as possible, are legendary. We support front-line services and the contribution that

civil servants make to the delivery of those services, while believing that there are real efficiency gains that we are determined to obtain from the system.

Mr. David Laws (Yeovil) (LD): Given the amount of money that Department of Trade and Industry Ministers, rather than civil servants, waste, would not it be better to scrap the Department and make savings that could be used for front-line public services?

Mr. Boateng: No it would not—and I have found no support for that proposal from any section of industry. There is certainly no support for it from the Confederation of British Industry or the Trades Union Congress. My right hon. Friend the Secretary of State for Trade and Industry does a superb job in promoting British business, productivity and employment. She and the Department should be congratulated on that.

Mr. Andrew Love (Edmonton) (Lab/Co-op): The efficiency savings are partly to achieve the Lyons review total of 20,000 civil servants to be shifted out of the capital. Are we still on track for achieving that goal? Is there any scope for increasing the number of civil servants who could move?

Mr. Boateng: We are on track for achieving the goal, and my right hon. Friend the Chancellor will make announcements about that as part of the spending review. The Department of Trade and Industry has made a commitment to reduce its headquarters staff by some 450 posts by 2006. That programme is already well under way, and we expect still more from the Dept.

Equitable Life

10. **Mr Andrew Mackay** (Bracknell) (Con): What representations he has received from Equitable Life policyholders about the operation of the regulatory system with regard to Equitable Life. [179132]

The Financial Secretary to the Treasury (Ruth Kelly): The Government have received several representations about a range of Equitable Life issues. I am announcing today, by written statement, the Government's decision on price caps for stakeholder products. For the deposit account product, the cap will be 1 per cent. below the Bank of England base rate. For medium-term and pension products, the cap will be set at an annual management charge of 1.5 per cent. for the first 10 years of the product and 1 per cent. thereafter. The consultation document is available in the Libraries of both Houses and the Vote Office.

Mr. Mackay: Perhaps we can revert to the subject of Equitable Life, rather than a reply to a question that I did not ask and a statement that should have been made separately. Has the Financial Secretary noticed that the grass grows very long at this time of year, and it is easy to kick problems such as Equitable Life into it? When will policyholders be properly compensated? When will the Government stop hiding behind others?

Ruth Kelly: First, I told hon. Members that I had tabled a written statement on stakeholder products. Secondly, that is fundamentally important to people who save in the pensions industry and to future trust in the financial services industry. It relates directly to Equitable Life, among other issues.

However, the right hon. Gentleman asked about compensation for Equitable Life members, so let me deal with that. We commissioned Lord Penrose to conduct an independent inquiry into the circumstances that led to the events at Equitable Life. He found no evidence of maladministration or negligence. He made no recommendation for compensation and, indeed, made it clear that:

> "Principally the Society was the author of its own misfortunes . . . The regulatory system failures were secondary"

factors. Although I have every sympathy with the victims of events at Equitable Life, it would not be right, given the circumstances, for the Government to consider compensation.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Even if we were not to blame for the collapse of Equitable Life or the failure of the regulatory system, can we not have a compensation scheme based on need?

Ruth Kelly: I understand my hon. Friend's point. However, people who invested in Equitable Life did so of their own free choice. The position is different from that of members of failed company pension schemes such as Allied Steel and Wire, which we have debated long and hard in the Chamber. Investors in Equitable Life tend to have supplementary pension provision, and many members have large pension pots, though others have smaller pots. It is largely their expectations that have been disappointed. I sympathise with people whose expectations have been disappointed, but Equitable Life continues in business and continues to fulfil its guaranteed obligations. If insolvency were to occur, we have a clear mechanism for providing compensation.

Mr. Eric Forth (Bromley and Chislehurst) (Con): May I give the Minister a chance to answer the question? She was asked what representations she had had from Equitable Life policyholders, and the House would like to know the answer. Can she also give us a positive response to the question that has so often been asked about the role of the ombudsman? When will she give the ombudsman an opportunity to look into this matter again, to satisfy so many frustrated Equitable Life policyholders?

Ruth Kelly: I have had many representations on the subject of Equitable Life. Indeed, I have met the action groups representing the policyholders. One of the points that we have discussed is the need for comprehensive, efficient regulatory systems. Through the formation of the Financial Services Authority, the single ombudsman scheme and the single comprehensive financial services compensation scheme, we have already put in place an advanced, forward-looking system to protect consumers. The right hon. Gentleman referred to the ombudsman. Yes, it is perfectly within an individual's rights to take their case to the ombudsman, but I am not here to stand up and offer advice to the ombudsman. People will have to make their own decisions.

Mr. Andrew Tyrie (Chichester) (Con): I am very interested in that last remark—that the Minister is not prepared to offer advice to the ombudsman. As the whole House knows, the parliamentary ombudsman has invited submissions on whether she should reopen her inquiry. She must be aware that the hundreds of thousands of policyholders who have lost out now believe that the Government and the Treasury are quietly lobbying the ombudsman not to reopen her inquiry. Will the Minister tell the House whether she has made a submission to the ombudsman—yes or no? If she has, why has she not published it, and had she not better do so immediately?

Ruth Kelly: I am glad that the hon. Gentleman made it clear that he was referring to the parliamentary ombudsman. Of course, I was referring to the financial services ombudsman. The parliamentary ombudsman is an independent officer of the House and it would be inappropriate for me to try to push her in one direction or another. However, she has come to the Treasury and asked for a submission about our case, and we have put forward our view, as requested. She is perfectly at liberty to publish that submission if she so chooses.

Carbon Emissions

11. **Mr. Colin Challen** (Morley and Rothwell) (Lab): What fiscal measures his Department is taking to reduce carbon emissions from road transport. [179133]

The Economic Secretary to the Treasury (John Healey): The Government have introduced a range of fiscal instruments to reduce carbon emissions from road transport, including restructuring vehicle excise duty, reforming company car tax and introducing duty differentials to support the use of cleaner fuels.

Mr. Challen: I thank my hon. Friend for that reply. May I commend to him early-day motion 527 on the way to go proposals? As he will know, environmental justice and social justice often go hand in hand, and the way to go campaign's document, "Paying for Better Transport", contains many detailed proposals for achieving both those aims at one fell swoop. Will he read the document carefully, as is the Treasury's usual very principled way of dealing with such matters, and come back with some answers to the campaign's proposals?

John Healey: I welcome this further interest in environmental issues. I am normally seen as the Minister for booze cruises and fag flights, but I will indeed study the proposals that my hon. Friend mentioned and ensure that the campaign receives a full response. I have noted the support that it has in the House, including that of my hon. Friend.

Lawrie Quinn (Scarborough and Whitby) (Lab): Has my hon. Friend considered the possibilities of modal switch away from road to other modes of transport? With that in mind, has he given particular consideration to the freight sector, and to whether some fiscal incentive for the rail freight industry might help to reduce carbon emissions from road use?

John Healey: Clearly, policy for transport modal switches is less my responsibility than that of my right hon. and hon. Friends in the Department for Transport. My hon. Friend the Member for Scarborough and Whitby (Lawrie Quinn) will lead a delegation from the rail freight industry that is coming to see me next week, and the point that he has raised is no doubt one that the industry will want to make at the meeting. I look forward to seeing him and his colleagues from the industry then.

National Insurance

12. **Mr. Peter Pike** (Burnley) (Lab): What revenue his Department estimates would be received by HM Treasury if the ceiling were to be removed on national insurance contributions on earnings in a full financial year. [179134]

The Paymaster General (Dawn Primarolo): The estimate provided by the Government Actuary's Department is £5.6 billion in 2004–05.

Mr. Pike: I thank my right hon. Friend for that answer. That is a lot of money. Remembering that the Treasury team believe that this Government are best when we are a Labour Government, can we not remove that ceiling, so that we can do more to help the poorer people in this country and spend more on the health service and other such matters?

Dawn Primarolo: As my hon. Friend will know, all those matters are for the Chancellor to consider in the Budget. With regard to pensions, however, the £10 billion extra includes £5 billion more on the poorest one third of pensioners. There is a commitment in relation to the 1 per cent. national insurance contribution rise to secure substantial and sustained increases in the national health service. That will provide investment in more nurses, more doctors and 100 more hospitals, to ensure that we have the health service to which people in this country aspire.

Gregory Barker (Bexhill and Battle) (Con): Removing the ceiling would be another massive tax rise, but there have already been 66 tax rises under the Labour Government. How many more tax rises will there be before this Parliament is out?

Dawn Primarolo: I will not be taking prompts from the hon. Gentleman about tax rises, given his party's record when in government. Nor will I be taking any prompts for cuts in the public services, which his party is suggesting. We will continue the sustained investment to provide the education, health service and transport system that the people of this country want.

Interest Rates

13. **Sir Nicholas Winterton** (Macclesfield) (Con): What discussions he has had with the Governor of the Bank of England on the current level of interest rates. [179135]

The Chancellor of the Exchequer (Mr. Gordon Brown): I meet the Governor regularly, but the level of interest rates is entirely a matter for the Monetary Policy Committee of the Bank of England.

Sir Nicholas Winterton: I am grateful to the Chancellor for that factual and accurate response to my question. Is he aware of the views of the British Chambers of Commerce on interest rates? Although it agrees that small interest rate rises may be necessary to curb inflationary features in our economy, it is also concerned that excessive interest rate rises would have a devastating effect on manufacturing industry, and might not even curb house price inflation, which is one of the problems that this country is facing.

Mr. Brown: I meet representatives of the British Chambers of Commerce regularly, and I last met its president only a few days ago. I listen seriously to what it says. It wants low inflation, which has been achieved, low interest rates, which have been achieved, and low unemployment, which has also been achieved. I thought that the hon. Gentleman was going to thank me for the 63 per cent. drop in unemployment in his constituency since we came to power.

Ms Sally Keeble (Northampton, North) (Lab): May I tell my right hon. Friend that the east midlands regional agent for the Bank of England recently visited my constituency, where he met people from several businesses, including some manufacturers who were more optimistic than they have been for a considerable time and reported improvements in performance, because of both the stability that they have had and low interest rates? If he intends to vary the inflation targets for the Bank of England, will he take carefully into account the needs of manufacturing industry, and will he welcome the improvements in performance in the east midlands region?

Mr. Brown: I am grateful to my hon. Friend, who takes a big interest in questions of manufacturing and the state of the economy. I agree that although manufacturing output has been rising, we wish to see more progress. The important thing is that we have and maintain economic stability. She will be as pleased as I am that the rate of unemployment in her constituency has been halved under a Labour Government.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): As a full-blooded and committed monetarist, the Chancellor will be more aware than many of the power and the effect that even small interest rate rises can have on the level of demand in the economy. Does he therefore share concerns about the Monetary Policy Committee's apparent fixation on house prices, and the potential damage to the real economy that excessive interest rate rises could have if implemented before the impact of recent rate rises fully takes effect?

Mr. Brown: If the hon. Gentleman wants to keep interest rates low, he will want to maintain a Labour Government. The average interest rate under the Conservative Governments from 1979 to 1997 was 10.3 per cent., and interest rates have been less than half that under a Labour Government. I seem to remember that when we made the Bank of England independent, he said:

"The decision to give the Bank of England independence . . . will, in due course, lead to unemployment increasing."—[*Official Report*, 11 November 1997; Vol. 300, c. 791.]

We have created 2 million jobs and halved unemployment.

Transport (London)

15. **Roger Casale** (Wimbledon) (Lab): What representations he has received in the context of the comprehensive spending review on increasing investment in transport infrastructure in London.

[179137]

The Chief Secretary to the Treasury (Mr. Paul Boateng): Representations on investment in London's transport have been received from a wide cross-section of organisations and individuals.

Roger Casale: My constituents recognise that there has been substantial investment in south-west London by the Government in the Merton-Croydon tram link, in new rolling stock and stations on the Northern line by Transport for London, and in rolling stock and stations by South West Trains. But does my right hon. Friend accept that if we are to keep pace with the extraordinary growth of business activity and employment, and to attract important international events such as the Olympics to London, it is important for us to proceed with projects such as Crossrail 1 and 2 and the east London line? The Government must give a strong lead in that regard. Will my right hon. Friend take account of those representations, and seek to invest as much as he can in transport infrastructure in London through the comprehensive spending review?

Mr. Boateng: We take all representations into account. We have already invested some £15 billion in London's transport infrastructure since 1997, and that is delivering the real results that my hon. Friend has identified in his constituency. We welcome his interest in transport and the Olympics, and in that context we should remind ourselves of the International Olympic Committee's comment that London has one of the most extensive rail and underground systems in the world. The committee says that its main transport infrastructure ratio is one of the highest among all the applicant cities.

Between now and 2012—irrespective of whether we win the Olympics bid—we intend to invest more than £18 billion in London's transport. That is a good record, which should be compared and contrasted with the record of the Conservatives.

Business of the House

12.31 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): Will the Leader of the House please give us the business for next week?

The Leader of the House of Commons (Mr. Peter Hain): The business for next week will be as follows.

MONDAY 21 JUNE—Second Reading of the Health Protection Agency Bill *[Lords]*.

TUESDAY 22 JUNE—Opposition day [13th allotted day]. There will be a debate entitled "Threat to the Integrity of the Electoral System", followed by a debate on NHS recruitment and retention. Both debates arise on an Opposition motion.

WEDNESDAY 23 JUNE—Motion to approve a Ways and Means resolution on the Domestic Violence, Crime and Victims Bill *[Lords]*, followed by motions to approve the appointment of managing trustees to the parliamentary contributory pension fund and the House of Commons Members' fund, followed by, if necessary, consideration of Lords amendments.

THURSDAY 24 JUNE—Estimates [3rd Allotted Day]. There will be a debate on the Highways Agency and a debate on taxis and private hire vehicles. Details will be given in the *Official Report*.

At 6 pm the House will be asked to agree all outstanding estimates.

FRIDAY 25 JUNE—The House will not be sitting.

The provisional business for the following week will be:

MONDAY 28 JUNE—Proceedings on the Consolidated Fund (Appropriation) Bill, followed by remaining stages of the Human Tissue Bill.

TUESDAY 29 JUNE—A debate on London schools on a motion for the Adjournment of the House, followed by a motion to take note of the outstanding reports of the Public Accounts Committee to which the Government have replied. Details will be given in the *Official Report*.

WEDNESDAY 30 JUNE—Opposition day [14th allotted day]. There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 1 JULY—A debate on Zimbabwe on a motion for the Adjournment of the House.

FRIDAY 2 JULY—The House will not be sitting.

Following are the details: Thursday 24 June—Estimates to be considered: Central Government Supply Estimates 2004–05 (HC 466); House of Commons: Administration Main Supply Estimate 2004–05 (HC 467); National Audit Office Main Supply Estimate 2004–05 (HC 468); Electoral Commission Main Supply Estimate 2004–05 (HC 469).

Tuesday 29 June—outstanding PAC reports 2003–04 to be considered: 1st report, "Tackling fraud against the Inland Revenue" (HC 62) (Cm 6130); 2nd report, "The new electricity trading arrangements in England and Wales" (HC 63) (Cm 6130); 3rd report, "The Sheep Annual Premium Scheme" (HC 64) (Cm 6136); 4th report, "Improving service delivery: the Forensic Science Service" (HC 137) (Cm 6155); 5th report, "Warm Front: helping to combat fuel poverty" (HC 206) (Cm 6175); 6th report, "Department of Trade and Industry: Regional Grants in England" (HC 207) (Cm 6155); 7th report, "Progress on 15 major capital projects funded by Arts Council England" (HC 253) (Cm 6155); 8th report, "The English national stadium project at Wembley" (HC 254) (Cm 6155); 9th report, "Review of grants made to the National Coalition of Anti-Deportation Campaigns" (HC 305) (Cm 6175); 10th report, "Purchasing and managing software licences" (HC 306) (Cm 6175); 11th report, "Helping consumers benefit from competition in telecommunications" (HC 405) (Cm 6191); 12th report, "Getting it right, putting it right: Improving decision-making and appeals in social security benefits" (HC 406) (Cm 6191); 14th report, "Inland Revenue: Tax Credits" (HC 89) (Cm tbc); 15th report, "Procurement of vaccines by the Department of Health" (HC 429) (Cm tbc); 16th report, "Progress in improving the medical assessment of incapacity and disability benefits" (HC 120) (Cm 6191); 18th report, "PFI: The new headquarters for the Home Office" (HC 501) (Cm tbc); 19th report, "Making a difference: Performance of maintained secondary schools in England" (HC 104) (Cm tbc).

The House may wish to be reminded that, subject to the progress of business, the House will rise for the summer recess at the end of business on Thursday 22 July and return on Tuesday 7 September.

Mr. Heald: I thank the Leader of the House for announcing the business, and in particular for announcing the debate on Zimbabwe. Can he confirm that there will be a statement from the Prime Minister on Monday about the intergovernmental conference?

Does the right hon. Gentleman recall that he got into a bit of trouble last year when he said he was quite happy

"to fight the... European elections on a Labour platform endorsing"

the European constitution? He said

"the Conservatives can oppose it and then the people will decide."

Now that the majority have voted for parties opposed to the constitution, will the right hon. Gentleman not accept their verdict that there is no mandate to sign up to the European constitution?

The right hon. Gentleman has announced an Opposition day debate on the postal ballots fiasco. My hon. Friend the Member for Broxbourne (Dame Marion Roe) has uncovered an important aspect of that: the shocking state of electoral registers with up to 20 per cent. inaccuracies, which has led to thousands of postal ballot papers being sent out to the wrong people. In Newcastle and in Chester, even babies received postal ballot papers. The *Chester Chronicle* headline was, "Blair's Babe: Voting slip 16 years early". The Labour leader of Birmingham city council, Sir Albert Bore, has called for a national rethink on postal voting. *[Interruption.]* This is the Labour leader of the council calling for the rethink. Does the Leader of the House recognise that the advantage of a polling station is that the voter is positively identified and the scope for impersonation reduced? Will he give an assurance that the review of the all-postal experiment will be completed and debated before the Government lay the necessary orders to make this autumn's regional assembly referendums all postal?

[Mr. Heald]

The right hon. Gentleman promised a draft Bill to set up regional assemblies before July. Can he reassure us that there will be a debate about the Bill before the referendums? The Prime Minister has made it clear how vital it is to have lengthy parliamentary debate before a referendum, so will the Leader of the House confirm that that applies not just to the European constitution, but to regional assemblies?

Finally, turning from bogus voters to bogus visas, can we have a debate on visa abuse and illegal immigration? Today's National Audit Office report slams the Home Office for allowing 10 times as many visa applications as embassy staff advised. Yesterday the police smashed a multi-million pound scam, involving student visas with more than 1,000 illegal entrants.

Is it not time that the Government started to listen to, and act on, advice? They are ignoring the voters on the European constitution; they ignored the Electoral Commission's advice on all-postal ballots; they ignored their own embassies' advice on immigration visas. Does the Leader of the House understand why people feel let down by Labour? Can we have a statement—a statement of apology?

Mr. Hain: You would not have thought, Mr. Speaker, from that bravura performance that the Conservatives actually lost the elections last week. *[Interruption.]* Yes, in comparison with the predictions of the Leader of the Opposition, as supported by Conservative Back Benchers, they did very badly indeed.

On Zimbabwe, I freely acknowledge that the hon. Gentleman, and others on both sides of the House, has been pressing me on that matter. I am pleased that we are having a debate about it, which will present an opportunity to send a message loud and clear to Robert Mugabe about what the House thinks of his despotic rule.

Yes, the Prime Minister will make a statement on Monday, following the European Council. The hon. Gentleman referred to the European elections. Of course, when I made my statement last year, there was no prospect of a referendum on the European constitutional treaty. Now there will be a referendum and we will fight it. When we do so, the pathetic Conservative policy on Europe will be exposed and it will be made very clear to the voters. One of the reasons why Conservative policy will be exposed relates to what happened last Thursday. I am surprised—no, perhaps I am not surprised—that the hon. Gentleman did not refer to the fact that a large proportion of the Conservative vote went to the United Kingdom Independence party. Some of his own Back Benchers are sympathetic to the withdrawal from Europe strategy. When the arguments are raised with the electorate, the electorate will clearly see that Britain should be at the heart of Europe under Labour and that Britain would be on a train out of Europe under the Tories.

On the issue of postal votes, the hon. Gentleman mentioned Birmingham, but there were no pilots for postal votes in Birmingham. There were local elections, but not the all-postal voting pilot arrangements that he and his colleagues consistently complain about. They did not apply in the west midlands. I should like to quote the joint statement from the north-west regional returning officer, Sir Howard Bernstein, and Martin Bottomley of the Greater Manchester police, who said:

"While the nature of the allegations has changed this year, the scale has not increased; if anything, it has lessened."

When we look at the facts as opposed to the hype and the rhetoric, what we see is that 14 million people were given the opportunity to vote from the comfort of their own homes. The pilots covered that scale of voters, compared with 6.5 million last year. European election turnout in pilot regions was up more than 100 per cent. Is that not a good thing for democracy? That is compared with a rise of less than 50 per cent. in non-pilot regions. The facts speak for themselves. On the specifics of when the assessment will be made, the Electoral Commission is due to report in September. The Government, led by the Department for Constitutional Affairs and the Office of the Deputy Prime Minister, are carrying out their own inquiry, and we will report to the House when those inquiries are over.

On the question of the regional assemblies Bill, that will be subject to pre-legislative scrutiny. Yesterday, I promised the Liaison Committee a timetable for that, and the expectation is that it will be published and available for pre-legislative scrutiny before the recess. That will give plenty of time for voters who will be voting on regional assemblies—and I hope that they will vote yes—to know what they are voting for, which is a voice for their own regions and, therefore, a stronger voice for their own interests.

I think that I have dealt with the matters raised, but I cannot read my own writing on the last point.

Mr. Heald: Immigration visas.

Mr. Hain: Yes, on the question of immigration visas, we have consistently put in place practices and procedures to tackle any abuses of the visa system or the immigration procedures, and the Home Secretary gave a written ministerial statement today that provides details of our response to the inquiry that was set up into what went wrong in Bulgaria and Romania. That is available for everyone to see.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Leader of the House aware that when he gave the business for the next two weeks, he also announced the recess for 22 July, which means that after the next two weeks' business, there are only three more weeks left before the long recess? He will know that I have called for the introduction of a ban on fox hunting, and we need that before the long recess. There are now three weeks available for us to show that most Labour MPs are in favour of banning hunting, most Tory MPs are in favour of the opposite, the Liberals are split down the middle—so there is nothing neater in electoral terms—and UKIP members will be fighting one another like Kilkenny cats. There is not a subject under the sun that is better suited to us, and to raising our morale in the constituencies, than a ban on fox hunting. Get on with it!

Mr. Hain: I am with my hon. Friend in sentiment all the way. As he knows, the House voted for a ban on hunting and an end to cruelty to animals by a landslide majority, and I was in the same Lobby as he, with the vast majority of my right hon. and hon. Friends. The House's view on the matter is overwhelmingly clear, and I hope that Opposition Members will give a guarantee that the Conservatives in the House of Lords will not seek again to threaten the primacy of the House of Commons on this or other matters. I can tell my hon. Friend that when the time is opportune, an announcement will be made. The Government's intention is, as I have consistently said, to resolve the matter.

Mr. Paul Tyler (North Cornwall) (LD): May we have a statement, either before or during Tuesday's debate, on the Government's intentions on opinion polls, their use by newspapers and their potential for distortion of the electoral process? The Prime Minister's answer yesterday implied that that is simply a party matter, but I suggest that it is a much bigger issue. It affects every member of the House and the whole integrity of the political process. I draw the right hon. Gentleman's attention to early-day motion 1294, which a large number of Members on both sides have signed.

[That this House regrets the decline of self-regulation of public opinion polling companies in the United Kingdom; is deeply concerned that there are no sufficient checks on the integrity of polling or polling organisations; further expresses concern at the proliferation of non-scientific/empirical polling, in particular the use of techniques designed to secure the results favoured by those who commission the polls, and lack of transparency in the methodology employed; and calls on Her Majesty's Government to conduct a thorough investigation into the integrity, honesty and professionalism of the polling industry and, if indicated, introduce regulation.]

May I also draw the right hon. Gentleman's attention to some specifics from last week, when the poll YouGov and the *Evening Standard* purported to demonstrate that Messrs. Livingstone and Norris were neck and neck when they were clearly nothing of the sort? The same poll in *The Daily Telegraph* overestimated and grossly promoted UKIP, when that was clearly inaccurate. Finally, the exit poll, which is quite difficult to get wrong, was simply wrong. May I suggest that the whole way in which polls are regulated or self-regulated should be examined?

On a quite separate matter, will the Leader of the House see whether the Home Secretary can come to the House, next week or the week after, to discuss some very important national lessons emerging from the Caroline Dickinson murder inquiry? The right hon. Gentleman may know that the family are constituents of mine. I took John and Sue Dickinson to see a succession of Ministers about the important lessons that need to be learned from the inquiry.

The chilling truth is that, without the heroic persistence of John Dickinson and the incredibly lucky break that occurred when an immigration officer guessed what might have happened with the person found to be the culprit in due course, no case could have been brought and no conviction secured. That is a shocking reflection on the adequacy of cross-Europe co-operation.

I do not deny for a moment that there has been a great improvement in that co-operation since 1996, and I am grateful to Ministers for their response to our lobbying on this matter. However, will the Leader of the House ask the Home Secretary to look carefully to see whether there can be greater co-ordination between the investigating forces across Europe? In particular, will he look at the question of the harmonisation of DNA testing and analysis? That has not been possible in the past, but it was a very important feature of the Dickinson case. We all know that serious crime crosses national boundaries. Crime-stoppers must do so as well.

Mr. Hain: First, I pay tribute to the way in which the hon. Gentleman stood by the Dickinson family as they went through this dreadful experience. I agree that Mr. Dickinson showed enormous persistence and courage, and great skill, in ensuring that justice was done.

It is a pretty shocking episode. The almost accidental way in which justice was eventually done exposes a series of matters, not least the question of harmonisation of DNA testing. Work on that is being done, and I know that my right hon. Friend the Home Secretary will take careful note of the interest of the hon. Gentleman in these matters, and of the points that he has raised.

The hon. Gentleman asked about opinion polls. I am sure that he does not blame those polls for the fact that the Liberal Democrat candidate in the London mayoral elections polled only 15 per cent., but he makes a fair and important point. My right hon. Friend the Prime Minister has made it clear that the chairman of the Labour party will consult with other parties on what is, as the hon. Gentleman rightly said, an all-party matter.

Joan Ruddock (Lewisham, Deptford) (Lab): Has my right hon. Friend seen the editorial in today's edition of *The Daily Telegraph*? It denigrates the proposals by the Modernisation Committee that people visiting the House should get a greater welcome and that the term "strangers" should no longer be used.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Rubbish!

Joan Ruddock: No doubt the right hon. Gentleman agrees with the question posed by the newspaper. It asked:

"Why . . . should Parliament, a serious, grown-up institution, change its well tried ways to attract the attentions of those too young to be interested in it?"

Is that merely a reflection of the elderly profile of *Telegraph* readers, or is something more serious going on?

Mr. Hain: My parents-in-law are *Telegraph* readers, so I do not want to insult too many of them. However, I very much agree with my hon. Friend that the editorial was extraordinary. It began by saying:

"The heart sinks at proposals to make the House of Commons more accessible to young people."

[Mr. Hain]

In our democracy, the young persons' vote is declining, as is their interest in politics. It seems that *The Daily Telegraph* has the enthusiastic support of the right hon. Member for Bromley and Chislehurst (Mr. Forth), the former shadow Leader of the House.

Mr. Forth *indicated assent.*

Mr. Hain: The right hon. Gentleman nods, from his mediaeval posture on the other side of the House. The newspaper seems to want to turn off young people and young voters. The Modernisation Committee is an all-party committee, with Conservative, Liberal Democrat and Labour members. We feel that the House of Commons should send out a loud and clear signal to all members of the public—and to young voters in particular—that this is their House of Commons. They are entitled to be able to visit it more easily, to be given a better welcome and to have their concerns addressed. A whole series of practical and radical measures have been suggested to enable Parliament to be better connected with the public. We ought to welcome that.

Sir Nicholas Winterton (Macclesfield) (Con): I thank the Leader of the House very much for arranging the debate on Zimbabwe. I hope that the Foreign Secretary will open the debate, as it is a matter of very considerable importance. To some of us it is as important as the matters relating to Iraq, but my question is to do with how the House operates. Will the right hon. Gentleman take very seriously the problems facing many Select Committees, which are finding it difficult to get a quorum of members for important meetings? Particularly on the Government side, it appears that members of the Select Committee are being appointed to other Committees—

Chris Bryant (Rhondda) (Lab): Nonsense.

Mr. Speaker: Order.

Sir Nicholas Winterton: Thank you very much, Mr. Speaker. Government Members are being appointed to other Committees of the House that they consider take priority over Select Committees. I believe that Select Committees are the most effective way of the House holding the Government of the day to account. Therefore, they must be of considerable importance. Will the Leader of the House turn his attention to that and have a word with his own leader of the business, as it were, namely, the Chief Whip?

Mr. Hain: The Chief Whip will have taken note of the points made by the hon. Gentleman and, especially given his seniority in the House, will want to study them carefully. The hon. Gentleman will find that in many of these instances it is a question of appointments to Standing Committees and Statutory Instrument Committees, which are very important, although I agree that Select Committees are vital for the effective functioning of the House and for holding Governments and Ministers accountable. I am happy to confirm that the Foreign Secretary will be opening the Zimbabwe debate. I know that the hon. Gentleman has taken an interest in the dreadful events in Zimbabwe.

Mr. Kevin Hughes (Doncaster, North) (Lab): My right hon. Friend will be aware that the NHS loans out a lot of medical equipment and aids such as crutches, commodes, wheelchairs and even specialist beds, much of which is never returned. Will he ask the Health Secretary to come to the House and make a statement on the issue? Will he join me in congratulating BBC Radio Sheffield and other groups in South Yorkshire who have got together to campaign and encourage people to take such equipment back? That will save the NHS hundreds of thousands of pounds.

Mr. Hain: I am happy to congratulate BBC Radio Sheffield, on which I have been interviewed from time to time. I join him in appealing to his constituents and others to return equipment that is vital for the effective functioning of local hospitals.

Mr. Hugo Swire (East Devon) (Con): The Leader of the House will have seen recent reports, which were not unsurprisingly welcomed by the House Builders Federation, that the Government plan to scrap local authority designation of protected land. The Campaign to Protect Rural England has called the plan a blow for local democracy. Given the recent controversy over the Barker report, the cynical manipulation of the green belt and the general concern about the concreting over of our countryside, will the Leader of the House provide Government time before the summer recess for a debate on this extremely important matter?

Mr. Hain: I am sorry, but I have to rebut the proposition that we seek to erode the green belt or concrete over the countryside. It is just nonsense and scaremongering. The hon. Gentleman will have seen a number of written ministerial statements that made clear what we were doing to find areas, especially brownfield sites, which were suitable for the extra housing projects that we need to fill the gap in the housing programme that has been largely bequeathed by the Conservative Government.

David Winnick (Walsall, North) (Lab): What did my right hon. Friend mean precisely when he said to my hon. Friend the Member for Bolsover (Mr. Skinner) "when the time is opportune" with regard to the use of the Parliament Act to make sure that hunting with dogs comes finally to an end? Can he be more precise? Does he understand that the question now is whether we will have the courage to end this barbaric sport once and for all? That is what the overwhelming majority of Labour Members wants and undoubtedly what a large majority of the country expects this Parliament to do before the general election.

Mr. Hain: As I have assured my hon. Friend and others, we are determined to resolve this matter.

David Winnick: When?

Mr. Hain: When the time is right, I will make an announcement.

David Winnick: What does that mean?

Mr. Hain: When the time is right, I will make an announcement. There is no attempt to avoid this issue. It is clear that what my hon. Friend described as a barbaric practice has to be ended. There is no question about that. I am with him all the way. I think that he will be encouraged when I make the announcement about how we intend to proceed.

Rev. Ian Paisley (North Antrim) (DUP): Can the Leader of the House give the House some information about the future of the statue of the Lord Protector Oliver Cromwell, which is outside the House? He must be aware of the statements in the press that its location is to be changed. If that is so, why, when and where to?

Mr. Hain: I have not seen any proposals to change its position, so the hon. Gentleman can be reassured on that.

Kate Hoey (Vauxhall) (Lab): In welcoming the debate on Zimbabwe in Government time, may I pay tribute to the Leader of the House for the work that he has done behind the scenes to ensure that finally we have a debate? Given that the Foreign Secretary will open the debate, will he inform the House of some extra sanctions that this country might be able to impose rather than waiting for the European Union to do so? Is it possible for the House to have some form of debate to show that we do not want the England cricket team to go to Zimbabwe even to play one-day matches or the Zimbabwean team to come here in September and play at the Oval in my constituency in the International Cricket Council championships?

Mr. Hain: I am grateful to my hon. Friend for her question. As she knows, I am with her all the way in my opposition to Mugabe's regime. I know that my right hon. Friend the Foreign Secretary is extremely concerned to make sure that events change for the better for the people of Zimbabwe. He will carefully note the view that she has expressed and will want to see whether he can make any progress in the direction that she asks.

Sir George Young (North-West Hampshire) (Con): Has a date for the statement by the Chancellor on the outcome of his comprehensive spending review yet appeared on the Leader's radar and if so, can he share it with us? Can he give a guarantee that before the House rises there will be a full day's debate in Government time on that statement so that the Chancellor can seek to persuade the Governor of the Bank of England that the Government's expenditure plans are sustainable?

Mr. Hain: There is no question but that the Government's expenditure plans are sustainable. That statement has been widely endorsed by economic commentators and others. As for a statement on the CSR, yes it is on my radar and no, I am not able to tell him yet when it will be.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): My right hon. Friend will be aware that, while there is no appetite to return to regular late-night sittings and all-night sittings, there is a mood in favour of adjusting the hours as they now stand. Has he made any progress on that matter?

Mr. Hain: I thank my hon. Friend for the constructive discussions that I have had with him and the efforts that he has made with others to find a way forward. The Modernisation Committee met yesterday and agreed after a fairly lengthy discussion to proceed with its review, which will include taking evidence from hon. Members who have been particularly articulate in supporting one position or another. We will also take close account of the excellent Procedure Committee report, which contains a comprehensive survey of Members' opinions, with an unusually high return from Members. I thank the Procedure Committee for that.

I am anxious, as I know my hon. Friend is, to find a way of avoiding a knife-edge vote like we had last time, but I think that if we simply dropped a proposition on the table tomorrow, we would get that again. I want to find a way of addressing all the issues that have arisen in the consultations that I have had and those issues that have been drawn to the attention of the Procedure Committee and the Modernisation Committee. We want a modern approach. We do not want to roll the clock back, but we want an approach that deals with all the concerns that a large number of Members have about the present situation. That is what the Modernisation Committee will do. We shall write shortly to every hon. Member to ask whether they wish to add to our knowledge any points other than those identified by the Procedure Committee, which is chaired by the hon. Member for Macclesfield (Sir Nicholas Winterton), so that we can make a recommendation to the House.

Mr. Michael Jack (Fylde) (Con): In his Mansion house speech last night, the Chancellor understandably called for an increase in the supply of housing, but unfortunately in the north-west of England, outside certain selected inner-city areas, Government housing policy is inhibiting the reuse of brownfield sites and the further supply of affordable housing. Will the Leader of the House persuade the Minister for Housing and Planning to make a statement to the House perhaps before it rises for the summer recess indicating a willingness to review policy with a view to achieving Government policy?

Mr. Hain: I am a bit puzzled by that point, because I do not recognise that situation. However, as the right hon. Gentleman represents a constituency in the north-west, he will know it better than I do. I will certainly ensure that my right hon. Friend the Minister for Housing and Planning is well seized of his points and is able to discuss them with him to discover what can be done.

Mr. Alan Hurst (Braintree) (Lab): The Braintree Riverside club in my constituency has been in existence since 1974. It has 150 members and provides an opportunity for older people to learn new skills in art, carving, computers, history and a range of other subjects every Friday. Up to now, the club has been supported by Braintree college, but under the new terms of the college's financial directives, it will not be able to pay the costs of £30,000 in the coming financial year. The club provides a valuable facility to the older people of Braintree. Can my right hon. Friend arrange an early debate so that lifelong learning and skills can be put at the forefront of the agenda for people in Braintree?

Mr. Hain: I acknowledge that that is an important issue for my hon. Friend's area. There will be a debate on Wednesday in which he could raise the matter further, and I hope that he will consider whether he wishes to do so.

Mr. Andrew Mackay (Bracknell) (Con): I also thank the Leader of the House for arranging a debate on Zimbabwe, which will give many of us an opportunity to encourage the Foreign Secretary to press internationally for deeper, sharp sanctions against the Mugabe regime.

The situation in Iraq is clearly deteriorating rapidly. I put it to the Leader of the House that the occasional statement, though welcome, from the Prime Minister, the Foreign Secretary or the Secretary of State for Defence is not enough, and we need to have another debate on Iraq soon.

Mr. Hain: I am sympathetic to the right hon. Gentleman's request and discussions are taking place. Clearly, the situation in Iraq is now entering a different position, with the handover of power to the Iraqis themselves and the prospect of elections to follow next year. It would be a good opportunity for the House to discuss where we are going and where our strategic focus lies, so I will bear the right hon. Gentleman's request closely in mind.

Julie Morgan (Cardiff, North) (Lab): May I draw my right hon. Friend's attention to early-day motion 1292?

[That this House notes that the overwhelming majority of medical studies have shown that passive smoking is severely detrimental to human health; further notes that, according to a recent Imperial College London study, one person working in the hospitality industry is killed every week by the effects of passive smoking and that according to other studies, smoking is the cause of 32,000 deaths from lung cancer and 11,000 from other cancers every year; further notes that the Department of Health has initiated a major consultation exercise on smoking in public places that will form part of a White Paper later this year and that the Welsh Assembly is beginning a similar consultation; rejects the notion that a ban on smoking in public places would be illiberal and believes that a ban would act as an encouragement for heavy smokers to kick the habit; and calls upon Her Majesty's Government to introduce legislation to ban the smoking of tobacco in public places forthwith.]

It already has more than 100 signatures. Is he also aware of the private Member's Bill, which I am now promoting? It has passed through the other place, promoted by Baroness Finlay of Llandaff. What can my right hon. Friend do to ensure the safety of people working in the catering and hospitality industry, one of whom dies every week because of passive smoking? Can he arrange for us to have a debate on that important issue and does he agree that we should take the lead in that crucial area of public health?

Mr. Hain: I agree that we should take a lead in that crucial area of public health and, indeed, we are doing so. My right hon. Friend the Secretary of State for Health has launched a major consultation, which includes questions about what action could be taken to tackle smoking, and second-hand smoking in particular. That has been extended to the end of the month and one of the options is the introduction of legislation to ban smoking in public places. My hon. Friend has been a champion of that policy and I pay tribute to her. The Second Reading of her Bill will take place on 15 October.

Mr. Eric Forth (Bromley and Chislehurst) (Con): The hon. Member for North Cornwall (Mr. Tyler) called for the regulation of opinion polls, but will the Leader of the House consider regulating Liberal party election literature, which is even more dishonest than some of the opinion polls mentioned? Can the Leader of the House assist us by rehearsing again the timetable for the regional assemblies legislation? If we are to get the draft Bill only just before the summer recess and if it will be subject to pre-legislative scrutiny, the voters will not know what the draft Bill—never mind the final Bill—will be like, before they are asked to vote in the referendums. Is not that the wrong way round and will he therefore look again at the timetable? Will he give an undertaking that people will not be asked to vote on regional assemblies until they know the final form of the legislation?

Mr. Hain: In a moment of unanimity with the right hon. Gentleman, I agree that regulating Liberal Democrat literature would be in the interests of humanity, not to mention democracy and honesty in politics. I will look carefully at any opportunities to do so.

On the issue of the regional assemblies Bill, I go back to the precedents. I was involved in the referendum held in September 1997 on whether to set up a Welsh Assembly. It was preceded by a White Paper, called "A Voice for Wales". The public knew that they were voting on whether to set up a Welsh Assembly. Not even a draft Bill was published before the referendum, let alone one subject to pre-legislative scrutiny. We have moved on since then. We have had a White Paper and the voters in the north-west, the north-east, Yorkshire and Humberside will know that they are voting on whether to have a regional assembly to give them a voice and real power over regional issues. The Labour party is in favour of empowering the regions of England and providing them with better democracy. The fact that we will publish a draft Bill before the summer recess, which will then enter the pre-legislative process, will mean that extra information will be available, and the right hon. Gentleman should welcome that. We are not failing to make details available of what will be a short Bill: voters will have more information than the Scots and the Welsh did when they voted in September 1997.

Llew Smith (Blaenau Gwent) (Lab): The Leader of the House will be aware that the public were informed by many of the world's politicians that we needed to go to war with Iraq because it had weapons of mass destruction, it was an immediate threat to the world and Saddam Hussein was behind the tragedy of 9/11. Now we know that none of those statements was true, may we have a debate to examine the evidence behind them? At the same time, perhaps we could discuss the real reasons for going to war, which were oil and the west's need to control the Gulf region.

Mr. Hain: My hon. Friend and I have an honest disagreement on that matter. I respect the honesty of his point of view and ask him to respect the honesty of mine, that of the Prime Minister and of the Cabinet, who took the decision—with the overwhelming backing of the House of Commons in a vote—to go to war. On the question of weapons of mass destruction, we await the report of the Butler inquiry and the later report from the Iraq survey group. They will pose all sorts of questions, and it will be open to my hon. Friend to look at those.

I disagree with my hon. Friend fundamentally on one point. The Government never ever said that Saddam Hussein was responsible for 9/11. We never made that assertion and nobody should be allowed to suggest that we did.

Mr. Roy Beggs (East Antrim) (UUP): There was uproar and outrage recently at Belfast Crown court about the sentencing of Conor Doyle, who brutally murdered his girlfriend, Angela Snoddy, by stabbing her more than 70 times, almost severing her head. Could we have a debate on sentencing for serious crimes? Conor Doyle was sentenced to serve only 10 years before being considered for release. The House should have the opportunity to discuss sentencing levels, so that magistrates and the judiciary are aware of the concerns of right hon. and hon. Members and their constituents that, in far too many cases, sentences do not fit the crime. Life appears to be cheap, especially for women, and we need an opportunity to urge the Attorney-General to review all low sentences automatically.

Mr. Hain: As the hon. Gentleman knows, my right hon. Friend the Home Secretary has been anxious to ensure that life genuinely means life for the most serious murders and other crimes. He has introduced changes in the tariff arrangements and the sentencing procedures to ensure that the seriousness of crimes is taken into account by the courts. I agree that the case he mentions is appalling, and my right hon. Friend is taking a close interest in it.

Chris Bryant (Rhondda) (Lab): May we have a debate on the lessons to be learned from last week's elections?

Mr. Forth: Twenty-two per cent.

Chris Bryant: I am glad that the right hon. Gentleman said that, because 22 of the 25 seats in the Rhondda were held by Labour—I do not know what the problem was elsewhere.

May we look especially into the fact that many ordinary people who sought postal ballots were troubled that someone had to witness their voting? They would like to see a change in that system. Furthermore, could the local and European elections always be held on the same day in future, as that seems to be rather good for turnout?

Mr. Hain: I certainly agree with the points that my hon. Friend made. The result in the Rhondda was an example to us all, not least in Neath. There was a complete wipe-out of Plaid Cymru, which paid the price for the dreadful council it had run and the policies for which it had been responsible. I agree with his point about the witness procedure, which was included, I think, at the insistence of the Liberal Democrats and the Conservatives, who wanted to make as much mess as they could of the postal voting system—they wanted to discredit it from the beginning. The witness statement made many voters feel that the privacy of their vote was in some way transgressed and I think that the Electoral Commission will want to look at that issue.

There is great merit in my hon. Friend's last point; when there are European elections, local elections should be held on the same day, so that people can vote just once. As we saw, turnout was up significantly. The results, if not brilliant for the Labour party, were brilliant for democracy.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Can the Leader of the House find time next week for a statement to explain the logic behind why there will be referendums for regional assemblies before the House passes legislation, yet the Prime Minister is insistent that the House comes to its deliberations on the European constitution before the people will get a choice?

Mr. Hain: The situation is simple and I shall explain it to the hon. Gentleman. There are important precedents. When establishing a new body, such as assemblies for the three English regions, there is a vote on the principle, followed by the legislation to effect it. If the vote is no, the legislation is not proceeded with. That is exactly what we did in the case of Scotland and Wales and it makes sense, because an assembly is a new body—an entirely new institution.

What is at stake in the European constitutional treaty, however, is the amendment, reform and modernisation of several existing European treaties. There is a European Union; we are in it. We made that decision in a referendum under a Labour Government—denied by a Conservative Government—in 1975. As the legislation goes through, all the issues will be exposed, as will a lot of the Tory myths and downright lies about what the new constitutional treaty is about. The voters will come to see that it is a common-sense reform and modernisation, and the simplification of a tangled web of treaties into one text, so that everybody can see how the EU is structured and how it works. They will know, too, that the House of Commons for the very first time will be given a say on any new piece of European legislation. That is a big advance for democratic rights and for national sovereignty, and the hon. Gentleman should recognise it.

Mr. Gordon Prentice (Pendle) (Lab): May I return to the point that was raised by the right hon. Member for Bromley and Chislehurst (Mr. Forth)? It is important that we have an early statement from the Deputy Prime Minister on the timetable for the regional assembly referendums—when the orders will be made and so on. Does the Leader of the House think it right that we go ahead with all-postal voting in the regional assembly referendums in October when the Electoral Commission

[Mr. Gordon Prentice]

will not publish its review of all-postal voting on 10 June until the previous month—September? The whole thing has concertinaed and we need to rethink the timetable.

Mr. Hain: If I may say so, I think my hon. Friend has bought a lot of the Tory and media myths.

Mr. Prentice: No, no.

Mr. Hain: I am sorry to have to say that to my hon. Friend but I am afraid it is true.

The timetable is clear. We are currently assessing the evidence about what happened last Thursday and in the preceding week or two, because votes were cast before Thursday in large, if not overwhelming, measure. The Government will also seek the advice of the Electoral Commission and there will be plenty of time to take that into account for the postal ballots. There is a difference in that situation, however: people will be asked to vote yes or no to a regional assembly. We hope they vote yes, but that situation is different from the two sets of elections with what many people found were rather complicated ballot papers.

Angus Robertson (Moray) (SNP): The Leader of the House may be aware of the ongoing discussions since July last year between the United States Administration and the United Kingdom Government about the renewal of a bilateral agreement on weapons of mass destruction programmes for both the US and the UK. May I commend a new report by the British American Security Information Council? Its conclusion states:

"The Labour Government has declined to set aside time for a full parliamentary debate and it has been parsimonious with the actualite of the agreement."

Does the Leader of the House agree that US-UK nuclear weapons collaboration under the mutual defence agreement is important and that it should be debated in full?

Mr. Hain: It has been going on for a very long time—many decades—so I do not see a case for an urgent debate, but the hon. Gentleman can apply for a debate in the normal way.

David Taylor (North-West Leicestershire) (Lab/Co-op): Public-private partnerships and private finance initiatives, equally unattractive cousins, have racked up aggregated debts of £120 billion, which is more than 10 per cent. of gross domestic product and is off the Government balance sheet. Perhaps the largest such deal is the one to modernise and upgrade the tube network, whose present net value is £16 billion over the next 30 years and which provides returns to shareholders at the mouth-watering levels of 18 to 20 per cent. Has the Leader of the House seen the report published today by Sir John Bourn, the Comptroller and Auditor General. Stripped of the accounting jargon with which I am relatively familiar, that report is excoriating in its criticism. It says, in effect, that the deal is prohibitive in cost, flawed in concept and intolerable in consequence to the taxpayers, travellers and train drivers of this land. When can we have a debate on the shambles and folly that is PFI?

Mr. Hain: There are many opportunities to debate those matters. The Government will obviously want to study the report carefully and the Secretary of State for Transport will want to note my hon. Friend's points, but he must acknowledge that through the PFI and the PPPs there has been a huge expansion in capital programmes under the Labour Government—

David Taylor: At a cost.

Mr. Hain: Of course. But the cost through public borrowing and public funding would have meant fewer opportunities to provide from public finance the many capital and public spending projects in which we have invested on a record basis.

Sir Sydney Chapman (Chipping Barnet) (Con): May I return the Leader of the House to the issue raised by my right hon. Friend the Member for Bracknell (Mr. Mackay)? The right hon. Gentleman will be aware that four weeks ago I asked for a debate on Iraq, especially in the light of the handover to the Interim Government on 30 June. As that date is only 13 days away and as he has already announced the business for the next fortnight, may I earnestly implore him seriously to consider holding a debate, certainly in the three weeks thereafter before we go down for the summer recess?

Mr. Hain: I will pay very serious attention to the hon. Gentleman's request. I am sympathetic to it, but it is a question of fitting it into the rest of the business—the need to get Royal Assent for Bills and so forth. However, the time is fast approaching when we should take stock of where we are going on Iraq and his point will be well noted.

Mr. Harry Barnes (North-East Derbyshire) (Lab): As a Bill to implement a version of the Tobin tax has been accepted by the commission on finance and budgets in Belgium and is due to be voted on by its Parliament in a fortnight's time, can we have a debate on the sensible proposals that the Belgians are currently examining? Those proposals involve a low, normal tax on currency speculation, but when matters get out of hand and the currency is being battered about by massive speculation, there should be a high rate of tax to interfere with that and dampen it down, because many of the world's economies in poorer nations are destroyed by currency speculation.

Mr. Hain: I acknowledge that my hon. Friend has long been an advocate of the Tobin tax. The Chancellor and the previous Secretary of State for International Development, who addressed these matters some years ago, have explained the Government's point of view, but I am sure that the Treasury will want to note the points that my hon. Friend makes.

Dr. Julian Lewis (New Forest, East) (Con): I was tempted to ask for a debate on just how badly a Labour Government have to lose a European election before they will realise that they should not sign up to a European constitution, but as I know that I would not get that, may I ask instead for a statement or debate on the law of trespass? I was involved in a case whereby a burglary took place and the police identified the fact

that people had been present but were not able to charge them because their alibi was that they had gone into the house with the intention of occupying it and setting up a squat. Is there not something extremely strange about a situation where if people steal and take away another's property, they commit a criminal offence, but when they enter another's property, change the locks and sit there, they cannot be touched by the police and the owner has to go to enormous expense and trouble to reoccupy his or her own property?

Mr. Hain: That is a rather strange situation, I must concede. I am sure that Ministers in the Department for Constitutional Affairs, one of whom is sitting to my left, will have noted very carefully what the hon. Gentleman has said.

On the Europeans elections, the blunt truth is that everyone lost them: the Conservatives lost them, Labour lost them, the Liberal Democrats lost them and the United Kingdom Independence party lost them, as did every other minor party. That is the picture that resulted from last Thursday's vote.

Point of Order

1.22 pm

Mr. George Osborne (Tatton) (Con): On a point of order, Mr. Speaker. It is a point of order that relates to Treasury questions, which we have just had, and the answer that the Financial Secretary gave to Question 10, on Equitable Life, which was asked by my right hon. Friend the Member for Bracknell (Mr. Mackay). The Financial Secretary used her answer to make a major announcement about the future of the savings industry and to launch a Government consultation document, which is now available in the Library. Is it right that the Government can use a very narrowly worded question on Equitable Life to make an announcement about what is really a very different area of Treasury business, and to do so in such a way that gives the House very little opportunity—indeed, no opportunity whatsoever—to question the Government? When the Government first made such an announcement, they did so by oral statement. There was a statement on Sandler products at the time. Is it right for the House that that announcement has been slipped out in response to an oral question on another issue?

Mr. Speaker: Of course, I am not responsible for the replies from Ministers. The hon. Gentleman will have noticed that those on both Front Benches get some elbow room from the Speaker, so it cuts both ways. My understanding was that the Minister was drawing attention to a written statement that was put on the Order Paper today. Therefore, I gave the hon. Lady some elbow room. I would not expect that to happen all the time, but it did today, so we will leave it at that.

BILL PRESENTED

Mental Capacity

Mr. David Lammy, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Mr. Secretary Blunkett, Mr. Secretary Reid, Ms Rosie Winterton and Mr. Christopher Leslie, presented a Bill to make new provision relating to persons who lack capacity; to establish a superior court of record called the Court of Protection in place of the office of the Supreme Court called by that name; to make provision in connection with the Convention on the International Protection of Adults signed at The Hague on 13th January 2000; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed. [Bill 120].

Orders of the Day

Public Audit (Wales) Bill *[Lords]*

[Relevant documents: The Fifth Report from the Welsh Affairs Committee, Session 2002–03, on the draft Public Audit (Wales) Bill, HC 763, and the Government's response thereto, HC 87, Session 2003–04.]

Order for Second Reading read.

1.24 pm

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): I beg to move, That the Bill be now read a Second time.

The Public Audit (Wales) Bill is intended to create a unitary public audit framework for Wales, with overall responsibility for public audit vested in one person—the Auditor General for Wales. The Bill will extend the Auditor General's powers to include most, although not all, of the current functions of the Audit Commission in Wales. Together, the Auditor General and his staff will be known as the Wales Audit Office or Swyddfa Archwilio Cymru. It builds on the creation, under the Government of Wales Act 1998, of the Office of the Auditor General for Wales and the National Assembly's Audit Committee to scrutinise the National Assembly's expenditure and the value for money obtained from it.

Llew Smith (Blaenau Gwent) (Lab): The Minister says that the new audit office will have the ability to scrutinise the funding of the National Assembly for Wales. Will it be able to look, for example, into the commitment made at the time of the referendum? We were told, as he well knows, that if we voted for the National Assembly, we would have a bonfire of the quangos. We were promised not only such a bonfire, but that the savings that would come from it—we were told that they would be £20 million—would be more than enough to run the National Assembly for Wales. We now know that the National Assembly costs an additional £100 million or so a year to run, so would it be possible for the new audit office to consider the original claim and, indeed, the funding since then of that institution?

Mr. Touhig: Of course, it will be a matter for the Auditor General to decide what he and his staff will examine. As for the point that my hon. Friend makes about a bonfire of the quangos, I am not sure whether there has been one, but there have certainly been a few sparks.

Devolution has resulted in a far greater degree of scrutiny and accountability in respect of public spending in Wales, and the Bill will advance that cause further. Under the Bill, the Auditor General will retain responsibility for financial and value-for-money auditing of the Assembly, its bodies and its funds. The Bill will extend the Auditor General's remit, so that he or she will have sole responsibility for the financial audit and value-for-money studies of NHS bodies in Wales. He or she will appoint auditors to local government bodies in Wales and take on inspection functions under the Wales programme for improvement, best value review under the Local Government Act 1999.

Mr. Greg Knight (East Yorkshire) (Con): Does the Minister not think that there is a case for the Public Accounts Committee also to have the power to scrutinise the Welsh Assembly's spending decisions?

Mr. Touhig: Of course, the Public Accounts Committee can broadly examine such matters because the House votes the budget for the Welsh Assembly to the Secretary of State for Wales, who then hands it to the Welsh Assembly. That is a matter for the PAC, but the right hon. Gentleman will accept that the Assembly has its own very effective Audit Committee.

Mr. Alan Williams (Swansea, West) (Lab): In fact, the Public Accounts Committee, as my hon. Friend knows, only investigates reports from the National Audit Office, under Sir John Bourn, in so far as they affect England. Sir John Bourn, with a different hat on, reports directly to Wales. So we in the PAC have no locus to hear matters that relate specifically to Wales.

Mr. Touhig: I am grateful to my right hon. Friend for making that point clear to the House.

Llew Smith: In referring to the commitment to have a bonfire of the quangos, the Minister admitted that there had been not a bonfire, but a few sparks. Will he accept that we have not had even a few sparks, only a damp squib? There are now more quangos in Wales than when the commitment was made. Indeed, quangos in Wales are far more powerful now than they were then.

Mr. Touhig: I think that I will stick by my original comments and say that there have been a few sparks.

Hon. Members will be aware that the Bill has been the subject of pre-legislative scrutiny and public consultation. It was introduced in another place last November and closely examined there, and the process has undoubtedly improved it. I especially pay tribute to representatives of the Conservative party and the Liberal Democrats because their contributions to the process and the discussions that I had with them helped to inform our judgments on how to amend and improve the Bill. That represents Parliament working at its best.

The Bill's objectives have been almost universally welcomed by all who took part in the early scrutiny. The Assembly in Cardiff, the Auditor General for Wales, the Audit Commission in Wales and the Welsh Local Government Association have welcomed it. The Welsh Local Government Association is satisfied that the Bill's proposals will not impinge on its constitutional independence and democratic accountability. Indeed, several of the Bill's provisions are designed to safeguard the independence of local government. Foremost among them is this safeguard: although the Auditor General will take on responsibility for the appointment of auditors to local government bodies, he or she will not be able to appoint him or herself in a personal capacity to be that auditor.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): Clause 5 will insert new section 145C "Studies relating to registered social landlords" into the Government of Wales Act 1998. Will the Auditor General be able to appoint auditors to examine social landlords in isolation? I ask because the new section contains nine subsections, but does not make it clear where the responsibility for such appointments lies.

Mr. Touhig: Yes, the Auditor General will be able to do that, which will be welcomed as beneficial.

Key benefits will flow from the Bill. It will result in a single audit body where there are now two, which will enable expertise and best practice from differing areas of audit work to be developed and shared more easily. It will make public audit arrangements in Wales simpler and more understandable. For example, two different bodies currently have responsibility for various aspects of the financial audit of the health service and both have responsibility for value-for-money studies. I think that everyone would agree that that is confusing and over-complex. Under the Bill, the Auditor General will have sole responsibility for the financial and value-for-money audit of NHS bodies in Wales. The Bill also tries to encourage collaboration and mutual assistance between the Auditor General and a wide range of relevant bodies, such as Audit Scotland and the Comptroller and Auditor General for Northern Ireland.

We have tried to find the most logical and cost-effective approach on cross-border work between England and Wales. I can confirm that the Audit Commission will retain its existing functions under the Audit Commission Act 1998 to undertake local government cross-border reviews and other studies on an England and Wales basis. Similarly, the Health and Social Care (Community Health and Standards) Act 2003 empowers the newly created Commission for Healthcare Audit and Inspection to undertake equivalent cross-border reviews in respect of NHS bodies.

Gareth Thomas (Clwyd, West) (Lab): Does my hon. Friend agree that cross-border comparisons are absolutely essential if we are to guarantee that there is a broad-ranging approach on ensuring that we have value for money between England and Wales?

Mr. Touhig: I do, because I remember from my previous incarnation as a councillor in Gwent in south-east Wales that cross-border comparisons help to drive up standards. We learned a great deal from such studies.

The Bill will facilitate cross-border working by agreement and the Government are confident that co-operation will be widely embraced. It includes provisions that require the Auditor General, the Audit Commission, the Assembly and CHAI to co-operate and consult each other when necessary for the proper exercise of their respective functions. The hon. Member for Leominster (Mr. Wiggin) will recall from our debates on the Wales (Health) Bill that several Conservatives Members were especially keen to ensure that there were would be no duplication of effort through cross-border co-operation. The Bill requires the Audit Commission and CHAI to have regard to work done by the Auditor General when undertaking cross-border work.

The Government amended the Bill in another place to impose mutual duties on certain key bodies to provide each other with any information that they may reasonably require for cross-border comparative purposes. Those bodies are the Auditor General and the Audit Commission, and the Auditor General and CHAI. All the essentials are in place for effective and productive cross-border collaboration without imposing over-rigid requirements.

Since the draft Bill was first published in April 2003, it has been scrutinised by the Select Committee on Welsh Affairs, the report and recommendations of which were debated by the Welsh Grand Committee in July 2003. A Committee of the Assembly also scrutinised the draft Bill in the early summer of 2003 and the full Assembly debated its report. More than 200 organisations were involved in a 12-week public consultation, and 41 recommendations for change or clarification were made in all, of which 19 were accepted. In addition, improvements were made to the Bill as a result of amendments made during its passage through another place. I have already mentioned the amendments made on the mutual duty of the key audit and inspection bodies to provide each other with information for cross-border comparative studies, and I also want to touch on other key improvements to the Bill.

The draft Bill was designed to give the Auditor General enhanced rights of access to documents and information on bodies for which he has statutory audit responsibility, and those enhanced rights reflected the recommendations of Lord Sharman's report. Clauses 11, 18 and 52 of the Bill will ensure that auditors should be able to follow the trail of public money to end users. My hon. Friend the Member for Blaenau Gwent (Llew Smith) will remember when we were involved in pressing for an inquiry on a college in our part of the world, so I am sure that we will all welcome the improvement to the system.

The Welsh Affairs Committee recommended that the Bill should provide consistent access rights across both local government and non-local government sectors in Wales, and the draft Bill was amended to achieve that. However, the Bill now goes one step further. It has been amended to enable the Auditor General and appointed auditors of local government bodies to require assistance and information from effectively any person whom they consider could help in exercising these functions, irrespective of whether that person held or was responsible for relevant documents. That means that a person will no longer be able to refuse to give an auditor assistance solely on the basis that he or she had lost a document or was no longer in possession of it.

Hon. Members will be well aware that the most contentious of the Bill's provisions is clause 54. It will restrict the disclosure of information obtained during the course of a local government audit or study by an auditor or the Auditor General, albeit with widely cast exceptions. The clause is equivalent to section 49 of the Audit Commission Act 1998. Both pieces of legislation impose a criminal sanction on a person who discloses information in contravention of those provisions. Both the Welsh Affairs Committee and the Welsh Assembly recommended that the clause should be deleted from the draft Bill, as did the Auditor General. However, the

[Mr. Touhig]

Audit Commission and the Welsh Local Government Association argued for it to be retained because it would provide a safeguard against the inappropriate or premature release of information—I stress the importance of the word "premature".

The Government fully understand that there should be no impediment to the legitimate disclosure of information, and the Freedom of Information Act 2000 is a testament to that. In this particular case, however, they also consider that there should not be undue inconsistency in the criminal law between England and Wales on the appropriate release of information. That would be the case if clause 54 were deleted while section 49 of the Audit Commission Act 1998 remained in force.

Owing to those concerns, the Government amended clause 54 in another place to enable the Bill to be further amended after its enactment to reflect the outcome of a general review that is being undertaken by the Department for Constitutional Affairs under the Freedom of Information Act on existing statutory bars to the disclosure of information. The Government have announced their intention to amend section 49 of the Audit Commission Act as a result of the review, and I made a ministerial statement to that effect, which was laid before both Houses of Parliament on 24 March. The amendment will overturn the existing presumption in section 49 against disclosure, and change it to one in favour of disclosure, which is wholly consistent with the spirit of the Freedom of Information Act 2000.

Lembit Öpik (Montgomeryshire) (LD): While welcoming the change and the fact that the Government have listened to people's concerns, I should be grateful if the Minister would outline the time scale. Lord Evans said in another place that he expected change to be completed

"as soon as possible and certainly before the end of this year."—[*Official Report, House of Lords*, 11 May 2004; Vol. 661, c. 168.]

Will the Minister assure us that the matter will be entirely resolved by the end of the year?

Mr. Touhig: I am grateful to the hon. Gentleman, and was about to come on to that point. It is the Government's intention to make an order before the end of the year to amend section 49. We have to amend clause 54 separately, and that amendment will be made by the end of the year to bring it into line with section 49.

Mr. Liddell-Grainger: Clause 54(2)(h) talks about the disclosure of information

"for the purposes of any criminal proceedings which have been or may be initiated".

If such information is disclosed retrospectively, who would be responsible? Would it be the Audit Commission in Wales or the Audit Commission? If there is a UK-wide investigation before the Bill is enacted which body would be responsible?

Mr. Touhig: I believe that it would be the Audit Commission, although it may be the Auditor General for Wales. I will clarify the position for the hon. Gentleman before the winding-up speeches

Clause 22 deals with immediate and other reports in the public interest. Subsection (1) states:

"In auditing accounts of a body under this Chapter, an auditor must consider whether, in the public interest, he should make a report on any matter which comes to his notice in the course of the audit, in order for it to be . . . considered by the body, or . . . brought to the attention of the public."

Subsection (3) makes the position clear. It states:

"If the auditor considers that the public interest requires the matter to be made the subject of an immediate report, he must make the report immediately."

I hope that that assuages the concerns of right hon. and hon. Members. The Government are determined that there should be no unreasonable impediments to the proper disclosure of information in the Bill.

Mr. Liddell-Grainger: Are subsections (1) and (3) of clause 22 covered by the Human Rights Act 1998? If one asked for retrospective information about an audit, disclosure of such information in the public interest could breach someone's human rights.

Mr. Touhig: I do not believe that that would be the case but, again, I will provide clarification later for the hon. Gentleman on that important point. We are establishing a series of measures so that there is a presumption in favour of disclosure, and I believe that Members on both sides of the House will welcome that.

The role of the public expenditure watchdog is vital in maintaining and improving accountability and safeguarding the public interest. Almost £12 billion of taxpayers' money is spent on functions devolved to the National Assembly, which ensures that it is spent correctly and with due regard to value for money in public services. Although financial audit remains a key component of an auditor's work, the role of auditing has developed over recent years. It increasingly includes advice and assessment of clients' corporate governance arrangements, including the assessment of risk management. Advice on increasingly sophisticated financial management systems is another important aspect of auditing. Inside an organisation, people would say that the watchdog is a man's best friend. A value-for-money audit provides reassurance to the public, and is strategically important for developing policy and improving performance.

The mechanisms for public expenditure and accountability are becoming more complex. The Assembly is working with the Government to develop a distinctive partnership approach, which involves a range of public, voluntary and private sector bodies in the development of policy and the delivery of objectives. Good examples include the communities first initiative and the Wales waste strategy, but all the initiatives involve close collaboration and co-operation across sectors. The value-for-money functions of the Auditor General for Wales are retrospective, and cover the way in which a body has used its resources in the past. The Bill will enable him to undertake forward-looking value-for-money studies across the sectors, covering the full range of public bodies in Wales. Those studies can inform policy decisions and will provide reassurance to taxpayers that their money is being well spent.

In conclusion, the Bill offers a single framework for public audit in Wales, with expertise vested in a single organisation, which suits both the way in which the

Government work in Wales and the interests of the people of Wales, who pay for the services that they receive from the public sector. It will concentrate expertise and help to develop and spread innovation and best audit practice across the public sector in Wales. It will also enable the Wales Audit Office to play a full part in developing wider audit standards in co-operation with other bodies throughout the United Kingdom. It provides the basis for a world-class audit body of which Wales can be proud, and gives the Auditor General the tools that he needs to meet the challenges of rapid change and an increasingly complex public finance framework. I commend the Bill to the House.

1.46 pm

Mr. Bill Wiggin (Leominster) (Con): I am grateful to the Minister for his kind words, and to the hon. Member for Clwyd, South (Mr. Jones), the Chairman of the Welsh Affairs Committee, under whom I served when the Bill was scrutinised. I pay tribute to the Committee's hard work, and particularly to him.

Regrettably, the programme motion proposes a deadline of 1 July for Committee proceedings. Such a timetable will create difficulties, given the complexities of clause 54 that the Minister has just told us about. The Bill will consolidate audit arrangements for public bodies in Wales, replacing the Auditor General in Wales and the Audit Commission in Wales with a national audit office that will ensure best value from the National Assembly, health bodies, NHS trusts and local government bodies. In principle, we welcome the consolidation of a single audit regime in Wales, which makes good sense. The new office has great potential to improve the quality of public services and government in Wales, and ensure the best-value use of resources. We owe a debt of gratitude to Baroness Noakes and Lord Roberts of Conwy, who greatly improved the Bill in the other place. Most of the 23 Government amendments made in the House of Lords were introduced after discussion of Conservative amendments, so I am grateful to my colleagues in another place.

There are, however, still inconsistencies in the Bill about which we are concerned. The Government have insisted on making the Bill consistent with audit arrangements in England simply by regurgitating arrangements that currently exist in England and Wales. Consequently, a great opportunity for improving the audit regime in Wales has been missed. Clauses 5 and 11 are consistent with provisions in England, but create arrangements that are inconsistent in Wales.

We are concerned that the criminal sanctions in clause 5 will affect registered social landlords' rights of access, as the clause makes it a criminal offence for registered social landlords to hinder the work of the Auditor General for Wales. However, criminal sanctions are omitted from clause 11, which deals with the Auditor General's right of access to general information. We will therefore make the Bill consistent by tabling amendments that either remove the criminal sanctions from clause 5 or create criminal penalties for a breach of access rights in clause 11. Clauses 18, 53 and 5 do not deal with criminal sanctions, but are inconsistent with one another, so we will table amendments to deal with that.

In an attempt to justify those inconsistencies, the Minister said that the Bill is consistent with audit provisions in England. The Government have ignored the chance to create a coherent, logical audit regime in Wales, and one such inconsistency is to be found in clause 14. The Auditor General cannot appoint himself as the auditor to local authorities, yet he can audit NHS bodies himself. As Baroness Noakes pointed out, why would such an appointment cause a conflict of interest in local government bodies but not health trusts? It is puzzling that there should be constraints on the Auditor General in the local government sphere while he has freedom to act directly in the health field.

The most contentious issue is clause 54, which restricts the disclosure of information held by the Auditor General in respect of local government unless consent is given for its disclosure by the body or the person to whom the information relates.

Mr. Liddell-Grainger: My hon. Friend is making a powerful case. Does he agree that if the Auditor General found an anomaly in relation an NHS trust or social housing, the Audit Commission would have to audit the Auditor General to check that his figures were right, so that in the Audit Commission role he could take action on the Auditor?

Mr. Wiggin: I am grateful to my hon. Friend for that intervention. He makes an important point and I look forward to hearing his contribution in Committee, which I am sure will be valuable. The difficulty with this part of the Bill is that the Auditor General is not allowed to appoint himself. If he is allowed to appoint himself to audit NHS trusts, surely he should be able to appoint himself to audit local government expenditure. My hon. Friend sensibly points out that we need consistency; otherwise the purpose of the Bill is diminished. The Bill is a good one, by and large, and it will improve matters, but not as much as I would have liked.

Mr. Andrew Robathan (Blaby) (Con): While my hon. Friend is on inconsistency and disclosure of information, can he say whether, in his judgment, the failure to disclose information could be in conflict with the Freedom of Information Act 2000, about which we heard from the Minister?

Mr. Wiggin: I shall have more to say about clause 54, but there is indeed a problem. The Government Whip seemed surprised by my opening comments about the timetabling, and I shall try to explain why I am bothered. The Government's amendments to clause 54 through amendment of section 49 of the Audit Commission Act 1998, under the Freedom of Information Act 2000, will not take place until after the Bill is on the statute book. We are therefore being asked to legislate on trust. Surely it is the job of Parliament to ensure that we legislate as well as we can, rather than by remote control or trust in the Government. That is why the Committee stage should take place after the Government have tabled their amendments to the other legislation.

Lembit Öpik: Although I understand the hon. Gentleman's suspicion about taking the Minister's assurance on trust, does he accept that given the explicit

[Lembit Öpik]

statements made in another place and by the Minister today committing the Government to introducing the appropriate amendments before the end of 2004, the Government are unlikely to have much room for manoeuvre or delay?

Mr. Wiggin: I am tempted to remind the hon. Gentleman that the Secretary of State just told us that everybody lost the European elections. When one came first in those elections, it is difficult to believe the Government all the time.

Mr. Robathan: I do not wish in any way to impugn the Minister, who is a decent soul, but until about two months ago we were told categorically that there would not be a referendum on a European Union constitution. Now we are told that there will be a referendum. Does that not reinforce my hon. Friend's point that we should not take assurances on trust?

Mr. Wiggin: I agree. The problem in the present case is that there is no option. We shall deal with that in Committee. The Bill is a good piece of legislation and the Government are trying to do their best, but the problem—I address this to the hon. Member for Montgomeryshire (Lembit Öpik) as well—is that even though the Government have promised to make changes, we still have not seen a draft or detail of those changes.

Mr. Alan Williams: The House will have the opportunity to discuss the Government amendments when they are tabled, and that is when we will make the decision. Since we are giving a subordinate power, which could not be used to introduce changes in Wales as it is contingent on what happens in England, the Bill is utterly logical.

Mr. Wiggin: I do not agree. The right hon. Gentleman implies that whatever is later debated will be perfectly adequate for Wales. That is fundamentally at odds with the Select Committee report. Everyone who has criticised the clause is deeply unhappy about it. I do not agree with the right hon. Gentleman, but I accept that he is doing his best by intervening.

If I can make some progress, perhaps I can shed some light on why I am concerned about clause 54. It restricts disclosure of information held by the Auditor General in respect of local government unless consent is given by the relevant body. The Government have conceded that the clause is not satisfactory, but their amendment does not go far enough to protect against those who mishandle their duties to public bodies. It blocks the proper presentation of findings in the public domain that would embarrass those involved.

The Government amendment would allow but not require the Secretary of State to amend clause 54, but only if section 49 of the Audit Commission Act 1998 is amended under the Freedom of Information Act 2000. However, the Government have not proposed to change section 49, except in what we heard today, so I have reservations about the possible use of clause 54 against whistleblowers. Anyone who doubts that should consider what happened to James Cameron. I was extremely disturbed to read about that.

Those who support a free society will also have concerns about clause 54, as it would deter potential whistleblowers, who would be treated far more harshly in local government audit than in any other public sector audit environment. That is one of the inconsistencies that concern us. We believe it is wrong in principle to apply criminal sanctions to the disclosure of audit information. That was the conclusion of the Welsh Affairs Committee too, and of the Assembly Committee that considered the draft Bill. The Auditor General has made it clear that he did not request those provisions. It is the Government who wish to undermine the accountability and responsibility of public bodies for their actions.

Under what circumstances do the Government consider that criminal sanctions would be appropriate for the disclosure of information? In his opening comments the Minister suggested that criminal sanctions would be appropriate if someone released information a little earlier than they should, but I do not believe that James Cameron would ever have found it too late to deliver the information that he did.

Mr. Touhig: I shall try to be helpful. The Government take the view, as I said, that there should be no inconsistency in criminal justice between England and Wales. That is why we thought clause 54 should be retained. Following discussions in the other place and with colleagues, we amended the clause in the other House, as the hon. Gentleman understands. As a Member of Parliament in the 1992–97 Parliament, I introduced a Bill to protect whistleblowers. The hon. Member for Blaby (Mr. Robathan) was very helpful in the debate—we may have converted him in the course of it—and he made an important contribution to that debate. I may have been sitting on the Opposition Benches as he is now, but that is the will of fate.

Clause 54(2) lists a number of exceptions to the restriction on disclosing information. Those exceptions explicitly allow disclosure on matters relating to best value, fraud, the work of the ombudsman, the discharge of social service functions, education best-value matters, matters affecting social landlords and matters of a criminal nature. So on a raft of matters set out in subsection (2), disclosure is allowed as the clause stands.

Mr. Wiggin: I am grateful to the Minister, and I am keen to emphasise that at no stage did I think that he was one of those on the darker side of this business who would suppress whistleblowers. Nevertheless, we must be careful. One can only imagine the fear and trepidation felt by someone before they blow the whistle.

Mark Tami (Alyn and Deeside) (Lab): If the hon. Gentleman does not consider criminal sanctions suitable, what sanctions would be suitable?

Mr. Wiggin: If whistleblowers are to be allowed to tell the truth, criminal sanctions may not be the best way to deal with them. We are talking about people releasing information, not stealing or committing acts that are traditionally known as crimes. They could be fined or dealt with in other ways, but the clause allows imprisonment. Even fining may be too harsh. I am concerned not so much about the scale of the

punishment as about the whole principle of how we legislate and the manner in which the Government are promising to change the Bill after it is on the statute book. I hope that that answers the hon. Gentleman's question.

On Third Reading in the other place, Lord Evans of Temple Guiting announced that the Office of the Deputy Prime Minister had instructed the Department for Constitutional Affairs to incorporate an amendment to section 49 of the Audit Commission Act and to amend clause 54 accordingly, although that will not happen until the end of this year. Clause 54 represents another example of the Bill following English precedent instead of taking the opportunity to create something new for Wales. As the Welsh Affairs Committee said, it is a shame that the Bill is not better for Wales instead of no worse than for England.

As it stands, the Bill represents many wasted opportunities. I fear that the changes that it introduces have not been properly costed. The Government have admitted to an inaccurate estimate of start-up costs, with the most recent regulatory impact assessment raising the initial cost from £500,000 to £987,000. However, that does not account for additional budgetary costs, even though there will be no scale economies in establishing the Wales Audit Office. It would be helpful if the Minister informed the House of the current running costs, and I hope that he will do so when he winds up.

Although the Bill will make a difference, it is rather disappointing that it is the only piece of Wales-specific legislation, despite the National Assembly for Wales having proposed five Bills. We know that Lord Morris of Aberavon was disappointed when, much to the Minister's embarrassment, he said on Second Reading in the other place:

"I know the pressures on the Government's business managers . . . and"

I have

"seen many Ministers' worthy legislative proposals thrown aside for lack of time. But that is the purpose of the Secretary of State for Wales—to fight for Wales in Cabinet; he has hardly any other real functions."

He must have forgotten that the Secretary of State has another job, as of course we could not forget, as he answered questions this morning. He continued:

"By any standards, this is pretty poor reward for his efforts."—[*Official Report, House of Lords*, 9 December 2003; Vol. 655, c. 717.]

Overall, we welcome the Second Reading of the Bill, which will create a single audit body in Wales to the benefit of the people of Wales. The Bill has been greatly improved by the hard work of Conservatives, but inconsistencies and concerns remain. I do not wish at any stage to forget the input of the Welsh Affairs Committee.

The challenge in Committee will be to amend clause 54 so that the Government can ensure that it satisfies modern tests of transparency. I know that they and the Minister want to deliver that result, but I am still not happy that they have completely succeeded.

How can we possibly pass the Bill until section 49 of the Audit Commission Act has been amended? I cannot believe that the Government would want it any other way, given that they propose to uphold the accountability of public bodies and to protect those who blow the whistle on corruption.

We will strive in Committee to resolve the inconsistencies in the criminal sanction provisions with regard to rights of access to information. There is an underlying concern that the Bill simply imports the current audit regime for England and Wales, thereby ignoring the chance to make the audit regime in Wales sharper and more suitable than the English version. Instead of making Wales the beacon of good audit practice, the Government have chosen to duplicate the Audit Commission Act. That is short-sighted. We shall endeavour to improve the Bill further in Committee.

2.3 pm

Mr. Martyn Jones (Clwyd, South) (Lab): Following last year's effective consultation and pre-legislative scrutiny of the Bill by the Select Committee on Welsh Affairs, of which I am Chairman, the Welsh Grand Committee and Committees of the Welsh Assembly, several changes have been made, and it has been improved still further during its passage through the Lords. I should like to single out the following matters for the House's attention.

Julie Morgan (Cardiff, North) (Lab): As my hon. Friend says, the Bill has received an enormous amount of scrutiny, during which the Welsh Affairs Committee and the Committee in the Assembly interviewed the same people. Next week those two Committees will start a joint investigation—an historic event. Does he agree that that is partly a result of our experience on this Bill?

Mr. Jones: I am grateful to my hon. Friend. I was going to mention that later, but she has pre-empted me.

The Welsh Affairs Committee welcomed the extension of the Auditor General for Wales's access rights to follow public money to end recipients such as contractors and grant recipients—that was in clause 11 at the time—and recommended that those extended rights should also apply to local government-appointed auditors. That was accepted, and what is now clause 18 was amended before the Bill was introduced. That is an example of how pre-legislative scrutiny is helpful. Following debate in the Lords, the Government extended those rights even further to require assistance from anyone who might have relevant information, as well as the production of documents. That is a good outcome. Public auditors in Wales will now have access rights among the best in the civilised world and fully in line with Lord Sharman's recommendations.

The draft Bill allowed the Audit Commission to continue to have access rights to Welsh local authorities for the purposes of producing cross-border reports on performance. We should remember that the Auditor General for Wales was not being given similar access to English local authorities. The Welsh Affairs Committee recommended that the Auditor General for Wales and the Audit Commission should co-operate on cross-border work and produce reports that were jointly badged so that both organisations could take their share of the credit.

Mr. Liddell-Grainger: The hon. Gentleman is making some interesting points. He hits the nail on the head in

[Mr. Liddell-Grainger]

relation to access to documents by the Auditor General, which is covered by clause 11(3), but how does he see that unfolding in relation to, for example, cross-border investigations of subsidiary companies? There are cost implications, legal implications and, perhaps, European implications, but none of that is dealt with in the Bill.

Mr. Jones: I agree that, on the face of it, that is not in the Bill. However, the Government's proposals go some way towards meeting the concerns expressed in the Welsh Affairs Committee as regards such situations.

The Government did not accept the Committee's view, but they amended the Bill to require the Audit Commission to take account of the work of the Auditor General for Wales and to co-operate with him—or her, as may be the case in future. Following pressure in the House of Lords, the Government tabled new clauses requiring the Audit Commission, the Auditor General for Wales and the Commission for Healthcare Audit and Inspection to share relevant information. Although we are not entirely happy with that, it is a good halfway-house solution. I hope that the Government will consider that further.

Clause 54—formerly clause 50—prevents information obtained in the course of an audit from being disclosed except in certain circumstances. Our Committee backed suggestions that it should be deleted and replaced with agreed protocols about the clearance of draft reports. The Government did not accept that because they believed the clause to be identical to section 49 of the Audit Commission Act 1998, which will continue to apply in England. As that section contains offence provisions, the Government took the view, as the Minister confirmed again today, that it would be unacceptable to have aspects of criminal law that applied in England but not in Wales.

Following pressure by the Lords, the Government issued a ministerial statement saying that section 49 was under review as part of the review of statutory bars following the passing of the Freedom of Information Act 2000. They further stated that it is likely to be amended to create a presumption in favour of disclosure rather than against it, as at present. Clause 54 now contains an order-making power to allow the Secretary of State to amend it in line with any changes made to section 49 of the 1998 Act. I understand that, as the Minister repeated today, that will happen within the year. However, I still believe, as do my Committee, that Wales is being required to hang on to England's coat tails. That is a cause for concern.

More generally, part 2, which covers local government audit, replicates the Audit Commission Act 1998 in large measure, with the Auditor General for Wales being put into the commission's shoes. The Bill has its origin in a local government Act of the 1970s, the name of which escapes me, and could do with being brought into the 21st century. However, the Government do not wish to create different rules for local government in England and in Wales—that is a reasonable proposition—especially as such bodies are accountable to their electorates, not the Welsh Assembly.

Part 2 also contains offence provisions unlike the audit arrangements for the Assembly and its related public bodies. That contrasts with the audit of NHS bodies, which are accountable to the Assembly, and part 3 greatly simplifies the audit regime to suit Welsh circumstances.

Overall, the Bill is a good measure, which will create a Wales Audit Office. That is appropriate for the devolved environment in which we now have to work in Wales.

2.10 pm

Lembit Öpik (Montgomeryshire) (LD): Good auditing tends to be invisible in that, when it is done correctly, the general public get the benefit but do not necessarily observe the process. In my time as a Member of Parliament, not one member of the public has lobbied me for the Bill. I can see that the Minister is barely able to contain his shock at that discovery but it is true. Nevertheless, a responsible Parliament must take the matter seriously.

The complex and sophisticated nature of modern auditing means that it is in order for us to try to ensure that we have a strategic and consistent approach across Wales. I therefore join others who give the Government credit for the extensive scrutiny that has taken place in the run-up to the debate. As we have heard, the Welsh Grand Committee debated the Bill last July, the National Assembly for Wales considered it in August, and the Select Committee on Welsh Affairs produced a report—we have just heard some of its findings—and the Assembly also published a report. That is an example of the way in which value can be added through detailed consideration on a cross-party and cross-body basis before the Government commit themselves to a Bill.

I am pleased that the Minister noted the benefit of consulting Opposition parties, including the Liberal Democrats and the Conservatives, and I am glad that we assisted him. Indeed, if he would like to delegate any substantial part of his ministerial responsibilities, the hon. Member for Leominster (Mr. Wiggin)—I am sure that I can speak for him—and I would be willing to help him out on a daily basis on the assumption that we got a proportion of his salary.

Mr. Touhig: Modern apprenticeships.

Lembit Öpik: Indeed, it could be a good example of that. Perhaps we can discuss that after the business today.

The Minister outlined some of the key benefits of the Bill. They include a single audit body for Wales instead of two, making the public auditing process simpler and handling cross-border working coherently. That can lead to a practical improvement in cross-border relations, for example, in the health service. I have previously raised points about securing English health provision for Welsh patients. There has been some debate about issues that relate indirectly to auditing when I have discussed those matters with the Royal Shrewsbury hospital. If the cross-border working element of the Bill is effective, it could improve access to health provision for Welsh patients. Although the measure may, at first sight, appear theoretical and somewhat removed from the interests of the public, some of the aspects that the Minister highlighted will provide a practical benefit.

An extensive debate was also held in another place, where amendments were tabled. I am obliged to pay tribute to my Liberal Democrat colleagues in another place, who, in their quiet and methodical way, ensured that best practice was derived from Conservative and other Members of the House of Lords.

Clause 54 probably occupied the greatest amount of time. It places restrictions on the disclosure of information obtained by the Auditor General or an appointed auditor about local government audits and studies, except in some specified circumstances. Other speakers have already given a definition and I therefore do not need to dwell on that. There was great concern that the clause provided for things for which no one was calling. I am optimistic about the Government's willingness to alter that, because they appear to have accepted the arguments. Perhaps I am simply an optimist or willing to trust the Minister because he has an honest face, but I believe that he will ensure that the issues that relate to clause 54 will be resolved before the end of 2004.

I have already quoted Lords Evans's words when he made an explicit commitment to resolve the section 49 element of the difficulties. The Minister went a little further today when he said that he would try to ensure that the consequential alterations that have to be made to clause 54 would happen by the end of the year. He can correct me if I am wrong, but I believe that those two assurances mean that the Minister will deliver the desired outcome. In a sense, the question is not whether the Minister's words and those of the Lords are appropriate, but whether to trust the Government. I trust them on the matter and can envisage no reason why they would renege on something for which they have accepted the arguments.

I was intrigued by the observations of the hon. Member for Leominster about the importance of whistleblowing. I suppose that, after all these years, the Conservative view of whistleblowers has altered. Whistleblowers did not have a good time between 1979 and 1997. I chuckled quietly to myself when I heard the hon. Gentleman concerning himself about the sanctions that clause 54 might grant the Government, including imprisonment. Unless my memory deceives me, at least one whistleblower went to prison between 1979 and 1997 under a Conservative Government, explicitly for blowing a whistle on them.

Mr. Wiggin: While the hon. Gentleman was chuckling to himself, did he consider the difference between audit information and the Official Secrets Act?

Lembit Öpik: Yes, but until now, the hon. Gentleman made no distinction between whistleblowers who are acceptable and those who are not. He begins to box himself in if he claims that whistleblowers on audit information should be given more latitude than those who have a similar, principled concern about official secrets. One could go as far as to say that whistleblowers violate the Official Secrets Act in the public interest because they feel a greater moral imperative than someone in an audit office, and that they therefore act extremely nobly.

Mr. Wiggin: I am nervous about straying out of order but the hon. Gentleman should consider the difference between the Official Secrets Act, which seeks to protect our servicemen and their lives, and audit information, which under the Bill, is likely to be relevant to local authorities and the way in which they spend public money.

Lembit Öpik: We could go on about different levels of whistleblowing, but the hon. Gentleman makes a fair point and I shall not play games. There are different levels, but I am encouraged by the Conservatives' recognition that there are times when people should be entitled to blow a whistle without recrimination from Government. That must be good news for whistleblowers everywhere in the Conservative party. If they have information that could be in the public interest, they might even be entitled to a community service award for blowing their whistles.

I have one last thought about clause 54: the only thing that the Minister did not explicitly describe was the mechanics of ensuring that the clause is brought into line with the promises that he made today. I would be grateful if he could briefly outline the input that the House will have into the changes that hon. Members on both sides agree will be useful.

I can say without fear of contradiction that this is the greatest Public Audit (Wales) Bill ever to be laid before the House. Although it might not set the good people of Montgomeryshire alight with excitement, they stand to gain from it practically through a more rational, strategic and simplified approach to cross-border auditing. If the Bill is successful in its goals, I fully believe that it will help us to have a sound and sensible public audit of public money, and that it will ensure that the audit process is done once rather than twice, as it is at present because of the duplication in the system. We shall probe some minor changes in Committee, but I am satisfied that there will be enough time to do that under the programme that the Government are proposing. For that reason, the Liberal Democrats support the Second Reading.

2.21 pm

Mr. Alan Williams (Swansea, West) (Lab): I welcome the consensus on the Bill. In my Liaison Committee role, I see part of that being attributable to its having had a pre-legislative and draft legislative stage. Strangely enough, that was common practice in the 19th century. It was dropped in the last century and has been embraced again by the previous and current Leaders of the House with the full support and encouragement of the Liaison Committee.

In a different role, as the Chairman of the Public Accounts Commission in this House, may I say how welcome it is to have this additional armament relating to the scrutiny of public expenditure? It has always been a criticism of the Public Accounts Committee—a remarkable Committee on which I have served for 14 years—that it can deal with only about 50 reports in a year. With £650 billion worth of public expenditure and income to scrutinise, 50 inquiries a year can obviously only scratch the surface. As someone who was, and is, no enthusiast for devolution, may I give it one point of credit for having enhanced public audit in this country? Scotland and Wales, which previously had perhaps only one or two inquiries into their expenditure during the year, now have their own respective bodies. I welcome this strengthening of the organisation in Wales.

[Mr. Alan Williams]

In fact, public audit to some extent rebuts the argument that we do not get anything for nothing, in that the National Audit Office has claimed for years that it makes enough savings to reclaim its costs eightfold each year. The hon. Member for Bridgwater (Mr. Liddell-Grainger) asked who audits the auditors, so he might be interested in this. As Chair of the Public Accounts Commission, I set up an independent value-for-money audit of the National Audit Office, which has reported in the last couple of weeks. That report confirms the NAO's own estimate that it makes eight times as much for the taxpayer as it costs the taxpayer. I hope that the Bill will create a similar experience for Wales.

Like the Under-Secretary of State for Wales, my hon. Friend the Member for Islwyn (Mr. Touhig) and those new converts on the Conservative Benches, I have a great sympathy for whistleblowers. I remember that, when Rhodri Morgan was in this House, he had a system whereby his telephone was linked to the fax machines in the Wales Office. In some way, whispers used to get to him about what was going on in Wales. On one occasion, he came to see my hon. Friend the Member for Pontypridd (Dr. Howells)—who was also on the Public Accounts Committee at the time—and me. A group of civil servants had asked whether they could meet the two of us because there was something going on in the Welsh Development Agency that they felt needed to be exposed.

We offered to meet the civil servants in Cardiff, but they said, "No, we're known in Cardiff. We'd be recognised there, and you'd be recognised there. Can we come to London?" So we met them in one of the "W" rooms here. We were about to produce a report from the National Audit Office on excessive car expenses in the WDA, and these two WDA officials came to us and said, "Look, we'd better tell you what's going on there, but you mustn't say where it came from." What they exposed was a conspiracy to privatise two sections of the WDA: the property section and the consultancy section. Feasibility studies had been commissioned on that proposition, yet there was not one word of record of them in the minutes of the board, though the board was involved. There was no record of feasibility studies where one might expect to find them because they had been farmed out to irrelevant divisions in the WDA. One head of a division was so worried about what was going on that he kept photocopies of everything that he had in an attic, in case the situation was exposed at some time.

Eventually, an ignominious report was produced on the WDA's conduct, which led to resignations. The board had deliberately conspired to conceal what was happening. We subsequently discovered that the only person who seemed to know about it at this end was the then Secretary of State. In our National Audit Office report, we made a recommendation that there should be protection for whistleblowers when the national interest would benefit from their actions.

It was a paradox for someone who is anti-devolution, such as myself, that there were two exposures at the WDA—another one followed—and the Development Board for Rural Wales was also in the queue. So we had a neurosis about quangos in Wales, which led to the clinching argument in the devolution debate: "We will have a bonfire of the quangos." The debate was won by only a quarter of 1 per cent., and without the bonfire argument, it would not have been won. I would have been happy if it had not been, but that is another point. I would suggest that the new body, as part of its first inquiry, should ask, "How did we lose the bonfire of the quangos? Where in the system did it disappear?"

I welcome the opportunities that will be created by the evolution of separate auditing bodies for Scotland, England, Wales and Northern Ireland. Each, in its own devolved way, will be experimenting individually with methods, approaches and structures. This will give us the opportunity to spend much more time carrying out comparative studies of the ways in which the benefits or disadvantages of different methods emerge in the various parts of the United Kingdom—I have asked the National Audit Office, through the forum of auditors, to consider this—so that we can all learn from best practice. In the case of Wales, for example, I think that most Welsh Members would agree that an area that requires such attention is the delivery of the health service. I am glad that I wrote to the NAO and asked for a comparative examination of the facilities, waiting lists and so on for hip, knee and cataract operations in Wales, England and Scotland. I believe that such a report is relatively imminent and may be available in the summer.

I welcome this Bill, it enhances the auditing facilities, and I wish the new organisation well.

2.30 pm

Hywel Williams (Caernarfon) (PC): It is a pleasure to follow the right hon. Member for Swansea, West (Mr. Williams) and to hear his positive comments on the setting up of this body in Wales. We cannot claim him as a convert, as he has said explicitly, but it is pleasing to hear his comments, including his pertinent point about quangos. If he is looking for the ashes of the bonfire of the quangos, or perhaps even for some action, he should question not the Assembly, but his friends down there who are in charge. In some ways, it is not an Assembly matter, although it has joint responsibility, and has in the past acted more corporately than it does now.

On behalf of Plaid Cymru, I join the general welcome for this Bill, which confers new functions on the Auditor General for Wales in setting up this powerful new body for audit. We hope sincerely that its effects will be apparent very quickly. We hope that it will lead to much greater scrutiny, accountability and transparency in relation to public expenditure in Wales, all of which will be very welcome. We agree that a single public audit body for Wales headed by the Auditor General is most desirable, given the current arrangement in Cardiff and the duplication.

Some hon. Members might recall the slightly jocular tone that I adopted when I made a speech on this matter in the Welsh Grand Committee—*[Interruption.]* It was a thin house. I said:

> "The word 'auditing' does not conventionally gladden the heart or excite the nerves . . . it is hardly likely that anyone's famous last words would contain the immortal line, 'I wish I had done a bit more auditing'."—[*Official Report, Welsh Grand Committee*, 15 July 2003; c. 7.]

We would do well, however, to note and praise the value of the work done by the Audit Committee of the

National Assembly. My impression is that it has worked well, and without some of the pyrotechnics that we have seen in other aspects of the Assembly's operations. It has worked well jointly with all the parties that have been involved, and it has worked hard and to a purpose. It has adopted a practical approach.

The complaint is sometimes heard in the less enlightened parts of the press, especially in north and west Wales, "What has the Assembly done for us?" If we consider the work of the Audit Committee, it claims to have saved at least £90 million out of a budget of £10 billion to £12 billion, depending on which year one counts. That might not seem much, but £90 million is a great deal of money, which, I am sure, has been very well used.

The hon. Member for Clwyd, West (Gareth Thomas) made the point in the Welsh Grand Committee, which was also raised earlier, that the regulatory impact assessment put the cost of the move at £500,000, but we understand that that figure has increased. I would be grateful if the Under-Secretary could say what the future cost is likely to be, if he is in a position to do so. That would be a matter of interest to Members of the House and to the public in general in Wales. The proper audit of public expenditure is such an important aspect of securing the public good that we should know what it costs, and what the regulatory costs are. Certainly, we should be clearer about the amount of money that has been saved. With due respect to the Under-Secretary, the Secretary of State and previous Secretaries of State, I would venture that the savings that have been achieved since the establishment of the Assembly might not have been achieved under the pre-Assembly arrangements. Judging on the past record, therefore, this Bill promises much. We will look for reports of positive results in the future.

As the Under-Secretary and other Members have said, this Bill has been the subject of a great deal of scrutiny. Irrespective of the debates and discussions in Cardiff, the Welsh Affairs Committee and Welsh Grand Committee have also considered the matter. Of course, it has also been the subject of the usual procedures in the passage of Bills through the other place. On behalf of Plaid Cymru, I hope that it will now proceed quickly to Committee, and that it will be examined in the proper amount of detail. We will be looking to make a positive contribution to that process.

Members have already referred to a number of improvements achieved in the other place. Plaid Cymru Members were very pleased to note the Government's change of heart on clause 54. I am glad that the Government saw sense, or at least realised that their approach, and that of the Wales Local Government Association, was inconsistent with the principles of freedom of information, and was thus unsustainable. We will be looking to make sure that the Government keep their word.

Lembit Öpik: For the avoidance of any possible doubt, is the hon. Gentleman aware that quite a few people in local government in Wales want this change, too? Delyn Liberal Democrats, for example, are very keen to ensure that these changes are made, because they have concerns that some of the bad things that happened in Flintshire might end up being covered up instead of exposed if clause 54 is not amended. Does he therefore agree that since the argument has been totally won, the Under-Secretary is under a tremendous obligation to make sure that he delivers to the timetable that he has promised, which is this year?

Hywel Williams: I am grateful for that intervention and I agree entirely with the hon. Gentleman. As I said, we will make sure that we do our best to hold the Government to what the Minister has said this afternoon. Rather than carp at any questions about motivation or what has happened in the past, I want to accept and celebrate the change in the other place.

I hope to have the opportunity in Committee to examine this Bill in detail. Briefly, I want to comment on a couple of issues that have been raised by other Members. To make a broad point, were we to compare part 2 with part 3, we would see that part 2 is concerned with the audit of local government bodies, and runs to four chapters and 47 clauses. Part 3, however, is concerned with the NHS and contains a mere five clauses. How does one account for this startling variation? Is audit in the NHS simpler or more straightforward? Given the huge expenditure on the health service, I scarcely think so. Is it that local government is inherently more complex? As a former council employee, albeit a long time ago, I do not underestimate the complexity of local authority finance, even in such well-run authorities as Gwynedd county council, both the old and the new. We have had yet another reorganisation of the health service, and whatever its merits or demerits, no one could claim that the establishment of 22 local health boards and a wide variety of some 30 other bodies in the new system is a move towards simplicity.

The NHS is a complicated organisation, and has five clauses about it, whereas local authorities, which are perhaps equally complicated, have a huge section of their own. Perhaps it is not that local authorities are more complex, or that the health service is a beacon of organisational simplicity and clarity, but that the clauses relating to the health service are new, whereas the chapters and clauses relating to local government replicate the existing legislation, but with a Wales tag. For that reason, many who welcome the intention and hope sincerely that the Bill will increase accountability also consider that an opportunity has been missed—the opportunity to simplify existing law and write new law suited to Welsh circumstances, rather than producing a Welsh version of the arrangements for England and Wales.

As others have said, the reproduction and adaptation of existing legislation has led to inconsistencies. For instance, the penalty arrangements in clauses 5, 19 and 29 vary. One clause provides for a £20 fine for each day on which an offence continues, while the others do not. Some might say that fining public bodies is not the right way in which to proceed. After all, the auditor has a right to seek injunctions; alternatively, the miscreant's authority could be hauled before the Audit Committee. Others might say that a £20-a-day fine is derisory, and hardly constitutes encouragement to comply.

All I am saying—and I will repeat it in Committee—is that there is an inconsistency in the Bill which arises from the nature of the legislation being reproduced in it. I shall not proceed with that critique now, but I assure the Minister that my party will be tabling amendments.

[Hywel Williams]

Let me conclude by emphasising the importance of keeping the Assembly and the Audit Committee in the loop, engaging them when appropriate, and enabling them to continue their good work in maintaining the high standards of probity in public expenditure that we value so much.

2.42 pm

Mr. Andrew Robathan (Blaby) (Con): This is not a bad Bill, but as we have heard from the hon. Member for Caernarfon (Hywel Williams) and the Chairman of the Welsh Affairs Committee, the hon. Member for Clwyd, South (Mr. Jones), it could be improved. Nor is it a small Bill, and it will require detailed scrutiny.

Some may ask why an English Member representing a midlands shire constituency should speak on this Bill. It is true that there are not quite as many Conservative MPs in Wales as we might wish, but I do have Welsh antecedents. My father was born in Llandaff, and my grandfather was headmaster of Llandaff cathedral school. Both my great-grandfather and my great-great-grandfather were doctors in Risca, in the Minister's constituency of Islwyn, in the valleys. Although I am not actually Welsh myself, I can claim to be Welsh when I want to be. I am certainly much more Welsh than the Secretary of State, who has no Welsh connections at all apart from having happened to end up in his present berth in Neath.

Hywel Williams: Does the hon. Gentleman agree with a past president of my party, Dr. Gwynfor Evans, who once famously stated that anyone can be Welsh as long as he is prepared to take the consequences?

Mr. Robathan: Funnily enough, I do agree, not least because those who stand next to me in church always say, "You must have some Welsh antecedents because you sing so loudly"—if not so beautifully.

Lembit Öpik: May I ask who the hon. Gentleman supports in the current Euro football competition?

Mr. Deputy Speaker (Sir Michael Lord): Order. It might be a good idea if the hon. Member for Blaby (Mr. Robathan) returned to the subject of the Bill.

Mr. Robathan: I accept your strictures, Mr Deputy Speaker. Apart from anything else, I believe in neither the cricket test nor the football test. Furthermore, I think that football tends to be played by rather overpaid louts. I say that in my constituency, so everyone knows that it is what I think—and I believe it has been proved this week.

Like the right hon. Member for Swansea, West (Mr. Williams), I do not particularly like devolution, and I do not particularly like the Welsh Assembly, for which only one out of four Welsh voters voted. In fact, I have heard Welsh Members of Parliament—not members of my party—describe the Assembly as a rather second-rate county council, although I accept that it is doing good work.

Mr. Wiggin: My hon. Friend will not need to be reminded that the Conservative Assembly Members were recently proved to be the most hard-working group. Perhaps that is one reason why he was able to be complimentary about the Assembly.

Mr. Robathan: I did not know that, although of course I support the Conservative Assembly Members. Nevertheless, I am not sure that Wales is as much a better place as it was claimed that it would be when the Assembly was established. It is up to the Welsh to decide what form of government to have, but I repeat that only one person in four voted for the Assembly.

It is because of my distrust of devolution that I have certain qualms about the Bill. It appears to be non-controversial, but the taxes that will fund it are paid by all taxpayers. The hon. Member for Blaenau Gwent (Llew Smith), who is not here now, pointed out that the costs of the Assembly, originally estimated at £20 million a year, are now £100 million.

According to the explanatory notes, the compliance costs will be borne by the Assembly, and the Assembly considers that the Bill will not result in any additional budgetary costs to it or other public bodies. As I have said, however, the original estimate of the Assembly's costs was itself wrong.

I understand that we shall be bringing together 45 staff from the National Audit Office and 200 from the Audit Commission. I hope that that will not involve huge compliance costs. I am not particularly au fait with Cardiff these days. I hope the Minister will tell me whether a new building will be needed, and how the costs will be paid. I understand that the costs of setting up the new arrangements will be £1 million.

I was particularly puzzled by what the right hon. Member for Swansea, West said about the Public Accounts Commission. It seems to me that the Public Accounts Committee here should be able to examine what is done in Wales. The right hon. Gentleman said that it could not, whereas the Minister said that it could. The discrepancy needs to be cleared up.

According to clause 40, any public-interest report will be sent to the Home Secretary—a UK post, obviously. Surely it should also go to the Public Accounts Committee as well if that is requested.

We have discussed the conflict between the Freedom of Information Act and clause 54. It is important to establish whether the Act will override the clause. I do not impugn the Minister, but I think that the issue should be sorted out now, in the Chamber. After all, there is no mad rush for the Bill.

The way in which the Bill reflects on whistleblowers has also been discussed. The Minister has a very good record in that regard. I remember a debate on the subject. I think I supported the Minister then, which was surprising, as one or two Whips were quite keen for me not to.

Where is that bonfire of the quangos? We should not take everything on trust.

A piece of non-controversial legislation is all too easy to nod through. Much of our legislation is not sufficiently considered. I do not pretend to be either an accountant or an expert on auditing, nor do I represent a Welsh seat; but I think it important to the stature of

the House that we produce well-thought-through, precise, detailed legislation. Questions have already been asked about various aspects of the Bill. Let me add that we have a duty to ensure that any moneys raised from our constituents and spent on whatever we decide is spent well.

2.49 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): As a Scotsman hiding in Somerset, I claim even less reason than my hon. Friend the Member for Blaby (Mr. Robathan) to speak in the debate. Someone once asked me what my view of Wales was from my seat, and I said, "Overlooking it." I apologise to all Welsh Members for that faux pas.

I agree with other hon. Members that this is not a bad Bill, but I should like to speak about a part of the Bill that I do not like. In a wonderful bit of double speak, clause 6 refers to the provision:

"The Auditor General for Wales may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure."

That is my problem with this generally good Bill.

The whole point of having an Audit Commission is to be able to follow an audit thread. I am worried that the Auditor General can borrow money, even on a temporary overdraft basis, in order to follow an audit thread for one simple reason. If he cannot follow the thread through private or public accountability—in other words, if it has been delegated to a private auditor—it means that either the National Assembly for Wales or the British taxpayer will have to be pick up the tab. There is no other way round it. In respect of Wales, of course, it means the Welsh taxpayer.

That is my main difficulty with the Bill. The audit trail has to be examined, but not through the eyes of the Welsh, the Scots, the Irish or anyone else. It must be possible to follow a thread where public money is involved. Too often in this country audit trails have left the taxpayer out of pocket by millions of pounds with absolutely no benefit—and certainly no prosecution—at the end of the day. It worries me that we are allowing the Auditor General to run an overdraft. Why should he need to run an overdraft? Do we not have enough money in the country? Is the Chancellor not telling us something? Are we running all this on Barclay cards? That is not the way to do an audit trail.

The fees are another problem. New section 93A in clause 7 states:

"The Auditor General for Wales may charge a fee for auditing a person's accounts."

If he is delegating that responsibility to a well-known firm of accountants—it does not matter which—and that firm is unable to retrieve the money from the person because of a dispute, what happens? Does the Auditor General for Wales sue the company to get the money back or does the delegated auditor, a private individual, sue for it? If the company goes into liquidation in the meantime, what do we do? Do we pursue the company directors, or does the Welsh Assembly have to pick up the tab? Exactly what would happen in those circumstances has not been clearly explained.

Much has been said about clause 5. It is a crucial provision, dealing with auditing of registered social landlords. I doubt whether many Members would be unable to recall occasions—I have spent only three years in the House—on which such landlords were brought into question and people were anxious to follow them up. The noble Baroness Noakes said:

"The criminal law is a blunt instrument for a public audit regime . . . I am reinforced in this by the absence of criminal sanctions".—[*Official Report, House of Lords*, 1 April 2004; Vol. 659, c. 1461.]

That just about sums it up. The Minister said that we audit social landlords correctly by our ability to follow the audit trail and secure what information we want. However, at the end of the day, we do not have a criminal sanction. Social landlords can be very good at disappearing. A company may have a problem, the social landlords may leave, the company goes down the pan and once again the taxpayer is left to pick up the bill. Will the Minister reflect on Baroness Noakes' view of the criminal law as a blunt instrument and ensure that people realise that it is unacceptable to walk away from a company because the Audit Commission of Wales is in pursuit.

There are nine subsections to clause 5, which gives the Auditor General the ability to pursue reasonable costs, but when he delegates the responsibility for investigating a company, who takes the decision? Is there a time limit and a budget? Is there a narrow or broad brief, or is the delegated body asked to write its own brief? I ask those questions because we all know what happens—I am a capitalist and do not disapprove of commercialism—when something is given to a private company. It will obviously try to keep it all going and there is a tendency—dare I say it to any lawyers or accountants in the Chamber—to egg up the costs. What powers will the Auditor General for Wales have to rein in costs at all levels? Clause 5 does not make that clear, so we may have to amend later clauses to tighten it up.

I want to move on to the enormous amount that the Audit Commission has achieved in the last year. It has dealt with late payments to farmers in Wales, the National Council for Education and Training for Wales, compensating farmers for tuberculosis—I had to get that in somewhere—in Wales, the renewal of private sector housing, the management of the delivery of hospital cleaning services, the procurement of primary care medicine and the management of further education and estates in Wales.

I have two questions for the Minister. First, has the Audit Commission done everything that it wanted? At the moment it has a very large staff—about 4,000 people—because it covers England and Wales. Are there further objectives that have been prevented because of stepping on the toes of the Welsh Assembly? When the Bill is enacted and the Audit Commission for Wales is established, it will want to do its job to the best of its ability. As my hon. Friend asked a few moments ago, will there be sufficient numbers of staff seconded into Wales to carry out the role properly? What it did last year certainly amounts to an ambitious programme, never mind what it might be asked to do in the future. Currently, there 2,300 staff dealing with England and Wales, including 1,500 commissioners and 450 inspectors. I believe that the number of staff taken on specifically for Wales is way below even a third of that. It is important to look further into that problem.

[Mr. Ian Liddell-Grainger]

Costs are also important. The fifth report of the Welsh Affairs Committee supplies the figure of £500,000. The report states:

"We have to express some concern that there is as yet no realistic published estimate of set-up costs . . . or savings, arising from"

the new office. It continues by stating that that is

"exactly the sort of failing for which auditors are rightly swift to criticise other organisations. We hope that . . . a clearer idea of costs"

will emerge. Does the Minister have any idea of the costs that will accrue? I see that the Chairman of the Welsh Affairs Committee is in his place. It is surely crucial to know what sort of budget the Auditor General for Wales will have on day one. Presumably, he will want to make progress as quickly as possible when the Bill is enacted. Can the Minister give us an assurance about the total costs?

In conclusion, this is a good Bill, but it does need tweaking. Some glaring provisions stand out and need to be amended. I have already mentioned the point about the criminal law. The provisions need tightening up. Cross-border co-operation is important—I do not mean that Wales is not part of Great Britain—so the provisions must be sensible. If we cannot follow up the trails properly, every one that the Auditor General wants to pursue will fail. In the eyes of the law, the job will not be deemed to have been done sufficiently, which cannot be acceptable to the Minister. If we need retrospective information, the Minister must ensure that the law gives us the ability to use it. It is all very well for the Bill to say that it can be done, but when there is no tie-up between England and Wales, following the split, there is the possibility that many things that desperately need to be pursued will fall through the lines.

2.59 pm

Mr. Hugo Swire (East Devon) (Con): The Opposition broadly welcome the Bill, as has been heard this afternoon. It must make sense to consolidate the audit arrangements for public bodies in Wales by replacing the Auditor General for Wales and the Audit Commission in Wales with the Wales Audit Office or, as it is called—this might be one of my few attempts at Welsh this afternoon—y Swyddfa Archwilio Cymru. I think that my hon. Friend the Member for Leominster (Mr. Wiggin) will squirm in his seat at that when he reads the Welsh press tomorrow. He, of course, is a man who started off by learning the Welsh national anthem and I am told that he is progressing well in that language. I have to say that my credentials are somewhat more challenged, in that I took a lot of convincing that the hon. Member for Alyn and Deeside (Mark Tami), who was in his place earlier and who serves with me on the Northern Ireland Affairs Committee, was not in fact a Member of Parliament for Scotland—a mistake that I made early on in my parliamentary career.

We will nevertheless put that behind us and move on to the substance of the matter before us this afternoon. The Minister was, in his usual manner, reasoned, conciliatory and generous to many this afternoon, including the Select Committee on Welsh Affairs, and we thank him for that. I thank him, too, for the tribute that he paid to our Conservative colleagues in the other place. We all agree that their diligence has ensured that this Bill has been greatly improved. It has to be said, however, that some inconsistencies and genuine concerns remain.

It is worth reiterating that the Opposition are disappointed that this is the only piece of Wales-specific legislation, in spite of the fact that the National Assembly for Wales has proposed five Bills. Welsh Conservatives, Liberal peers, Plaid Cymru and Labour, in the shape of Lord Morris of Aberavon, have all, as we have heard, shared that sense of disappointment.

In his opening remarks, the Minister referred to the cross-border reviews and the co-operation between England and Wales. That part of the Bill is no doubt to be welcomed. However, what is perhaps less welcome is the Government's failure to introduce something new and radical—something Wales-specific. By mirroring the Audit Commission Act 1998, the Government have missed a trick and, as my hon. Friend the Member for Leominster has said, we shall seek to remedy that in Committee.

The hon. Member for Blaenau Gwent (Llew Smith) and the right hon. Member for Swansea, West (Mr. Williams) both mentioned the bonfire of quangos—or perhaps we should say the "bonfire of the vanities"—and commented that there has not been so much as a spark, let alone a bonfire. Perhaps that should now be looked at as a priority. The Government's financial record on matters Welsh is, I have to say, a little questionable. I asked the Secretary of State for Wales back in May what the cost of the Welsh Assembly to the public purse was estimated to be at the commencement of that project, and the answer was that the additional running costs of the Assembly would be £15 to £20 million more than the cost of running the Wales Office. That is in addition to the £55 million or so that we are now facing for the establishment of the Welsh Assembly. Those costs in no way mirror those of the Scottish Parliament, but we can see how the costs of such projects can escalate very quickly.

Mr. Liddell-Grainger: My hon. Friend is making interesting points. Perhaps I may help him. A major part of the draft Public Audit (Wales) Bill was devoted to the cost of setting the Welsh Assembly up but this Bill contains no actual breakdown of costings. Does my hon. Friend agree that the Minister must give costings in line with what the Welsh Affairs Committee asked for?

Mr. Swire: My hon. Friend makes a customarily good point, but I shall turn to costings in a minute, if I am able to in the limited time that I have left this afternoon.

The Minister spent much time telling the House how the Audit Office will scrutinise expenditure in Wales, but not much time telling us what the cost of the legislation will be. The Government have already admitted that their initial start-up costs were inaccurate, and the latest regulatory impact assessment has almost doubled that cost, from £500,000 to just under £1 million. It would therefore be helpful if the Minister could give us an up-to-date and, hopefully, final figure when he replies this afternoon.

My right hon. Friend the Member for East Yorkshire (Mr. Knight), who is no longer in his place, made a good point about the scrutiny of expenditure in Wales by the Public Accounts Committee. I hope that the Minister will seek to address that concern later this afternoon.

It would be quite wrong for me to continue in my comments without thanking those two excellent volunteers, my hon. Friends the Members for Blaby (Mr. Robathan) and for Bridgwater (Mr. Liddell-Grainger), who made contributions in their own way. My hon. Friend the Member for Blaby, who was quick to stress his Welsh antecedents, comes from a distinguished line of doctors and teachers from Llandaff and was more than happy to take the responsibility for being Welsh. He raised concerns about costs, and questioned whether a new building was needed, which, again, has not come out so far in the debate. He thought that well-thought-out and precise legislation was needed, and that we had a duty to ensure that money raised from our constituents was well spent. I think that most of us in the House would agree with those sentiments. Those are the prevailing sentiments with any kind of legislation, certainly among Opposition Members.

My hon. Friend the Member for Bridgwater, who takes the responsibility of being not a Welshman but a Scot in Somerset—perhaps an altogether more difficult position—made some probing interventions throughout the debate and, like all good Scots, concentrated on the financial aspects of the Bill. He made a series of points on the auditing of social landlords. Those good points were well made, and are worthy of a response from the Minister. He concluded by saying that he thought that although this was a good Bill, it needed tweaking. I look forward to joining him in the tweaking process in Committee later on this Session.

The Minister made many reassuring noises about clause 54 and about how clause 49 was to be amended in favour of disclosure. However, we are being asked to accept that those very necessary changes will be made after enactment—although in all fairness, by the end of 2004. My party believes that it is quite wrong and unnecessary to introduce new legislation without making those fundamental changes at this stage.

We are, it must be remembered, talking about large sums of money, and we have only to look to Brussels and the corruption in the European Union to see how whistleblowers have been treated in the past—and yes, regrettably, by a Welsh ex-Labour MP and party leader. That is in sharp contrast with the excellent record of the Under-Secretary of State for Wales, the hon. Member for Islwyn (Mr. Touhig), who, ironically, succeeded the gentleman to whom I am alluding in that seat. The hon. Member for Montgomeryshire (Lembit Öpik) went off at a slight tangent about whistleblowers. I know that he plays in a band, so perhaps he should confine his blowing to his harmonica.

For once, however, the House is on the whole in considerable agreement on the Bill. We think that it has merit, and we look forward to the Committee stage, when we can introduce those amendments that will make the Bill even better, more workable and more relevant to the people of Wales. I look forward to the Minister's response, and hope very much that rather than repeating some of the points that he made in his very good introductory speech, he will seek to answer some of the excellent probing points made by Opposition Members this afternoon.

3.8 pm

Mr. Touhig: With the permission of the House, Mr. Deputy Speaker, I shall reply to the debate. We have had an interesting and highly constructive debate on the Public Audit (Wales) Bill. Many good points have been made, and I can assure Members of all parties that the Government will consider those points carefully as we move towards Committee. The Bill's key objective is to create a simpler and more rational structure for public audit in Wales. That will break down operational boundaries and assist in the development and spread of best audit practice.

The Bill is based on the principle that public audit in Wales should be a simpler, more co-operative and more proactive process. It should reduce the burden of audit and inspection activity in Wales, without diminishing audit standards. That point was expressed by a number of bodies that responded to the public consultation on the Bill. For three years running, the Auditor General's annual report to the Assembly has shown that overall standards of financial management and probity are high. However, there can be no room for complacency and this Bill will ensure that we are able to build on that achievement. Through co-operation and consultation, the Bill will encourage a more strategic and inclusive approach to planning and carrying out audit, examination and inspection work. In addition, it will ensure that other bodies outside Wales can work with the Auditor General in developing areas such as audit standards and practice. That work has an increasingly international dimension.

The Auditor General and his staff have much to contribute. They have a wealth of expertise and experience, and it is fitting that they should play their full part. Some have said that this Bill is a patchwork of different provisions rather than a coherent whole. I disagree. Key people, such as the Auditor General for Wales and the director general of the Audit Commission in Wales, have wholeheartedly welcomed the Bill's proposals.

The very real benefits that this Bill will bring to the public audit process should not be lost in the wider debate. The Audit Commission in Wales, the Auditor General and the staff of the National Audit Office have done, and continue to do, excellent work in upholding and improving the high standards of public accountability that exist in Wales.

We have heard today about the pre-legislative scrutiny that the Bill has gone through. I pay tribute to the members of the Welsh Affairs Committee under the chairmanship of my hon. Friend the member for Clwyd, South (Mr. Jones), and to those in the Welsh Assembly's Audit Committee who played a strenuous part in the consultation.

In my opening remarks, I took a number of interventions from Opposition Members, to which I shall now respond. The hon. Member for Bridgwater (Mr. Liddell-Grainger) asked whether the Auditor General for Wales could appoint auditors for social landlords in Wales, and I want to amplify the response that I gave. The Auditor General for Wales has no

[Mr. Touhig]

power to appoint auditors to registered social landlords in Wales because such landlords are not public bodies, and not all receive their funding from the Assembly. However, he will be able to undertake value-for-money programmes in the registered social landlords sector, with the agreement of the National Assembly.

The hon. Member for Bridgwater also asked whether the publication of a report under clause 22 would breach the Human Rights Act 1998. The answer is no: local government bodies cannot be victims under the terms of that Act.

My right hon. Friend the Member for Swansea, West (Mr. Williams) made an important and welcome contribution about the locus of the PAC in respect of the National Assembly. The PAC has a locus, in the sense that the Government of Wales Act 1998 provides that the Assembly's Audit Committee can, on behalf of the PAC, take evidence on audit issues, and report back to the PAC. That is covered by section 102(2) of the 1998 Act.

The hon. Member for Leominster (Mr. Wiggin) welcomed the Bill. He said that it was a good piece of legislation, but that some opportunities had been missed. I am sure that we will explore that further in Committee. He was concerned that, although the Auditor General could audit the NHS, he could not do the same for local government. That is because local government enjoys a distinct democratic legitimacy that is bestowed by the electorate. Health bodies do not have that, as their members are not directly elected by the public. The Government are keen to ensure that local government retains its democratic independence. That is why we feel it right that the Auditor General should not be the auditor of local government, but that he should be able appoint those who will perform that function.

The hon. Gentleman asked about the details of the orders to amend clause 54. At this stage, I cannot go into detail about how those orders will be drafted, as discussions are continuing. As soon as I have some information, I shall make it available to the House. If it becomes available while the Bill is in Committee, I shall bring it to the attention of colleagues, as I think that people should know the Government's plans.

Mr. Wiggin: I am grateful for the Minister's kind offer. However, the Committee sittings may start as soon as next week, so he has only a small window of opportunity in which to deliver that information.

Mr. Touhig: I accept that, but I merely want to make it clear to the House that I shall do all I can to get that information to colleagues. I recognise that I am asking for support for the Bill, and that that requires a degree of trust that the Government will introduce amendments later in the year.

The hon. Gentleman mentioned whistleblowers. He was worried that they might be deterred, but I do not believe that the Bill will cause that to happen. The Auditor General for Wales is the prescribed person for the purposes of the Public Interest Disclosure Act 1998. My private Member's Bill that would have had the same effect was thwarted by the previous, Conservative Government. In fairness, I should say that the 1998 Act was introduced by a Conservative Member. It was supported by this Government and subsequently enacted.

Various hon. Members asked about the running costs of the Auditor General's office. The Auditor General can raise income through fees and charges. The gap between estimated income and expenditure is met by the National Assembly. I believe that, in 2003–04, that amounts to about £2.5 million.

In the Welsh Grand Committee, the hon. Member for Ribble Valley (Mr. Evans) raised the question of set-up costs, and various hon. Members asked the same question this afternoon. When we carried out the pre-legislative scrutiny, we gave a figure of £500,000 for set-up costs, but that was before a working group produced a detailed analysis. The new estimate is £987,000, but more than half the difference between that and the original estimate is accounted for by costs that were not anticipated originally. Non-recoverable value-added tax charges amount to £147,000, and £127,000 is accounted for in the appointment of a dedicated project manager. Originally, project management was to be done as an in-house exercise and funded by NAO and Audit Commission resources, but that is no longer the case. Finally, the Auditor General for Wales has estimated costs for information and communications technology at £350,000—over £150,000 more than originally anticipated.

The revised costs were considered and approved by the National Assembly's Audit Committee in May, and await approval by the Assembly's Finance Minister. I remind the House that, in evidence to the Welsh Affairs Committee in June 2003, Sir John Bourn said that the original estimate of £500,000 was a "ball-park" figure that he did not consider irresponsible. However, the estimates have had to be revised, and it is right that colleagues should seek—and be given—information about the new costs forecasts.

My hon. Friend the Member for Clwyd, South (Mr. Jones) welcomed the improved access rights to be given to the Auditor General, and I am sure that all hon. Members agree with that. I want to emphasise again the important work that the Welsh Affairs Committee performed in the pre-legislative scrutiny. That scrutiny process is now a matter of course for Welsh Bills, and the Committee plays a vital role in that. It will now begin consideration of the draft transport Bill for Wales, which we look forward to debating in the Welsh Grand Committee, perhaps next month.

The hon. Member for Montgomeryshire (Lembit Öpik) said that he had not been lobbied about an audit Bill by any of his constituents. I am not surprised at that, but I am sure that all hon. Members would agree that when something goes wrong with any public service issue and costs arise, we all turn to the auditors to find out why. He expressed concerns about clause 54 and asked what role the House would play in the amendment to which the clause refers. The amendment will be made through an order that will be laid and approved by a resolution of each House of Parliament. The same procedure will apply to the amendment of section 49 of the Audit Commission Act 1998. I stress that clause 54 would not prevent an auditor from

disclosing evidence of corruption or malpractice if they encountered it and felt that they had a duty to bring it to the public.

The hon. Gentleman also spoke about the way in which the previous Government treated whistleblowers. He was right to make that point. Indeed, when I presented a private Member's Bill on the subject, it was thwarted by the previous Government, who did not wish to see it on the statute book.

My right hon. Friend the Member for Swansea, West welcomed the Bill. I was pleased about that because he brings considerable experience and knowledge of audit matters to the debate. All hon. Members value his contribution and he speaks with authority. I have no doubt that we will take account of the points that he has made and focus on them as we go through Committee stage.

The hon. Member for Caernarfon (Hywel Williams) joined in welcoming the Bill. As I recall the Welsh Grand Committee debate, he was the only hon. Member who brought a degree of humour to our proceedings. We certainly enjoyed that, and I look forward to the contributions that he will make in Committee. He asked whether there was any information about the future costs of the new Wales Audit Office. The Auditor General will submit his estimate of income and expenditure to the Assembly Audit Committee in autumn this year in the normal way, and it is not possible for me at this stage to pre-empt those estimates.

The hon. Gentleman also asked how we could account for the huge difference between the sizes of part 2, covering local government, and part 3, on the NHS. Of course, the drafting and structure of a Bill are matters for parliamentary counsel. Hon. Members may recall that the Health (Wales) Bill, which reorganised parts of the health service in Wales, ran to 10 clauses, so one cannot read too much into the point that the hon. Gentleman made.

The hon. Member for Blaby (Mr. Robathan) said that he felt that the Bill was not bad but could be improved. If he is on the Committee, I shall look forward to his contributions, because when I introduced my private Member's Bill to protect whistleblowers, I believe that he came into the Chamber in order to cause me some grief but was swayed by the power of my argument, and I certainly felt that I had an ally in him as we reached the conclusion of the debate. I was pleased to have him on my side, and was grateful for his contribution.

The hon. Gentleman also referred to the costs of setting up the office and asked where the office would be located. I will deal with that point in a moment. He also touched on the extensive pre-legislative scrutiny. He said that clause 40 required public interest reports to be sent to the Home Secretary, but asked whether they should not also be sent to the Public Accounts Committee. Clause 40 deals only with public interest reports on police authorities in Wales and that is why it is felt that the Home Office is the appropriate recipient of those reports.

The hon. Gentleman asked whether there would be new building costs. The new body proposes to operate from the existing accommodation. The offices of the Auditor General for Wales and the Audit Commission are in close proximity. When the leases of the property expire, a rationalisation of accommodation may take place, but it will be for the Auditor General to come forward with proposals.

The hon. Member for Bridgwater welcomed the Bill and made a number of important points. I will seek to cover some of them. He raised some detailed points to which I am not able to give a proper response today. I propose to write to him on any points that I do not cover and place a copy of my letter in the Library so that all hon. Members are aware of my responses. The hon. Gentleman asked what powers the Auditor General had to reign in costs at all levels. Contracts for the provision of services to the Auditor General will be the subject of the usual public procurement rules. He asked why there was a need for an Auditor General to run up an overdraft. It is overstating it to say that he would run up an overdraft. The facility gives the Auditor General the ability to cover short-term deficits of income and expenditure. The Auditor General's remit is expanding and this facility is also open to the Audit Commission and the Auditor General for Scotland. This aspect of the finances of the Auditor General for Wales would be subject to scrutiny by the Assembly's Audit Committee, and by the Auditor General for Wales' own external auditors.

Mr. Liddell-Grainger: The other part of my question was: what would happen if the money could not be reclaimed but had been borrowed? Who would be responsible for getting the money back if there was a shortfall?

Mr. Touhig: That is one of the matters that I will write to the hon. Gentleman about at a later stage.

I welcome the hon. Member for East Devon (Mr. Swire) to his first appearance on the Front Bench in a Welsh debate. I look forward to his future contributions. He made some powerful points, and I am sure that we will welcome the contributions that he will make in Committee.

Mr. Robathan: Will the Minister join me in hoping that my hon. Friend will be able to improve his accent and pronunciation of Welsh words?

Mr. Touhig: I have no doubt that the hon. Member for Leominster will be giving him some lessons, or that Labour and Opposition Members will seek to help him improve his pronunciation of Welsh place names. He has a long way to go, but if he is a willing pupil there are plenty of good teachers here.

Finally, I thank all hon. Members who have taken part in the debate today. The Bill is an excellent example of how the Government and the Assembly work in partnership in the best interests of the people of Wales, and I invite hon. Members to give it a Second Reading.

Question put and agreed to.

Bill accordingly read a Second time.

PUBLIC AUDIT (WALES) BILL [*LORDS*] (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003].

That the following provisions shall apply to the Public Audit (Wales) Bill [Lords]:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 1st July 2004.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Sessional Order B (programming committees) made on 28th June 2001 shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further message from the Lords) may be programmed.—[Paul Clark.]

Question agreed to.

PUBLIC AUDIT (WALES) BILL [*LORDS*] (MONEY)

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),

That, for the purposes of any Act resulting from the Public Audit (Wales) Bill [Lords] it is expedient to authorise the payment out of money provided by Parliament of—

(a) any increase attributable to that Act in the sums payable, by virtue of any other Act, out of money so provided; and

(b) any expenses of the Secretary of State under that Act.—[Paul Clark.]

Question agreed to.

TRANSPORT

Motion made, and Question put forthwith, pursuant to Standing Order 118(6) (Standing Committees on Delegated Legislation),

That the draft British Transport Police (Transitional and Consequential Provisions) Order 2004, which was laid before this House on 20th May, be approved.—[Paul Clark.]

Question agreed to.

Fishing Boat Sinking (Loch Ryan)

Motion made, and Question proposed, That this House do now adjourn.—*[Paul Clark.]*

3.25 pm

Andy Burnham (Leigh) (Lab): On 12 July 2003, a fishing boat sank in Loch Ryan in west Scotland, claiming the lives of three of my constituents. Shaun Ridley and his two sons, Steven and Michael, were returning to shore with their grandfather, Brian Ridley, and family friend, Harry Houghton, after the five had enjoyed a successful day's fishing. It ended in appalling tragedy when water taken over the bow of the boat submerged it and took it down in a matter of minutes. Shaun and Michael were airlifted from the water after four hours. Despite the efforts of hospital staff, they could not be revived. Steven's body was found six weeks later, miles down the coast.

It is impossible to describe the devastating impact that the events have had on a loving family, the survivors and, more widely, a close-knit community in West Leigh. That community has rallied round and provided great support, with many people travelling to Scotland to help with the search for Steven. The circumstances and causes of the accident have been the subject of a detailed inquiry by the marine accident investigation branch. Its report was published in April and makes eight separate recommendations to prevent such a terrible accident from reoccurring. Port authorities were asked to impose speed limits for fast, conventional ferries when entering and leaving port. Ferry operators were asked to ensure full adherence to the requirements for permanent lookout. Coastguard and rescue services were required to review their practices with a view to eliminating the alarming errors that were made in this case. Those are strong recommendations and nothing short of full implementation will do. I hope that the Minister in his reply will outline the steps that his Department is taking to ensure that that is the case.

In my view, the strength of the recommendations is at odds with the body of the report and its analysis of the accident. It is the firm view of the family and survivors that the report is selective in its use of supporting evidence, does not provide an accurate record of events and lacks balance in its analysis of them. It makes unequivocal criticisms of the fishing party, but seems to be at pains to mute and minimise criticisms of professionals and explain away their failings. As Pauline Ridley, wife of Shaun and mother of Steven and Michael, points out, there is a great difference between the health and safety responsibilities of a major industry and a family out sailing for a day's fishing.

Pauline is here today to witness our proceedings, together with her mother, Joan, and father, Tommy. Brian Ridley is accompanied by his wife, Marie, mother of Shaun, and the boys' grandmother. Harry Houghton is joined by his wife Audrey. Today is yet another difficult day for them, but they are here primarily to stop such a tragedy happening to another family and because they feel that they cannot leave the report unchallenged.

I have read and re-read the report and spoken on many occasions to the family and survivors. I have had to ask myself the difficult question—although the

answer may be hard to accept—whether the MAIB has reflected the full truth and fairly apportioned responsibility for this terrible accident. I have to say that I do not believe that it has and I will outline detailed concerns and questions that require further investigation.

I want to set out four points of relevant context. First, the House should know that wash from ferries operating in and out of Loch Ryan is a matter of long-standing local concern. In advance of today's debate, I spoke to my right hon. Friend the Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) whose constituency borders the loch. He confirmed that, on many occasions over the years, he has raised the concerns of local fishermen about wash emanating from ferries operating in the port, with fast conventional ferries often cited as the worst offenders.

The second contextual point is the long dependence of the local economy on the ferry industry. The report notes that ferry services started in the area in 1861 and that it is one of the oldest established routes across the Irish sea. It seems that there is local nervousness—understandable to a Member representing a constituency such as mine—about questioning the activities of such major and long-standing local employers, but to what extent has that engendered a dangerous local culture, where people feel unable to speak out on public safety issues?

It has been suggested that other accidents have been kept from the public gaze by out-of-court settlements. Indeed, only hours after the accident, when the family were at the hospital, confronted with media interest, they were advised by a local police officer, "Don't mention the ferries." Media coverage immediately after the accident included quotation of a local spokesman for the coastguard who attributed it to a "freak gust of wind." That theory was dismissed soon afterwards.

The third point of context came as a shock to me. Despite its long history as a ferry port, and the operation of heavy commercial traffic with high-speed craft, there is no statutory harbour authority regulating activity on Loch Ryan. It was unbelievable to discover that that could be the case in Britain in 2004. The fourth background point is that less than two months after the accident, a similar accident involving ferry wash in the loch led to sweeping recommendations, including the establishment of a statutory harbour authority.

I have four specific concerns about the report. The first relates to the circumstances of the accident. On page 41, the MAIB sets out its belief that the events that finally sank the boat

"unfolded between 16.39 and 16.44 . . . The MAIB does not know the source of the wave(s) that impacted on the boat at, or about, 16.42. The survivors strongly believe that the wave(s) had originated from the ferry . . . which had very recently passed them. However, the ferry had passed out of the loch by the time the waves reached the boat and, considering the position of the accident, obtained from VDR radar recordings, and the apparent direction of the wash waves, this theory is not supported by the evidence."

The report later claims that the waves that swamped the boat came from the starboard quarter and from a direction of about north-west, and provides the following explanation:

"Seacat Rapide, the Belfast to Troon fast ferry, passed 7 miles from Corsewell Point about 25 minutes before the accident. The MAIB has consulted experts for an opinion on whether wash waves from this vessel could have been significant in the position of the accident. The Branch was told that they would not have been. However, during an investigation into another incident the Branch asked . . . for members of the public to come forward with their experiences of wash from ferries in the Loch Ryan area. One response, from a reliable witness, included the information that over many years of observing the effects of wash in the area, he had noted, among other things, that the wash from the Belfast to Troon ferry could have a noticeable and significant effect on the shoreline . . . Despite the experts' view"—

I stress those words—

"the MAIB believe that this observer's evidence is compelling and the coincidence in the timing, and in the fact that waves from the Seacat Rapide would approach the loch from roughly the right direction, should not be ignored."

I find it surprising, to say the least, that the MAIB should promote the views of an unnamed member of the public, even if we are told that they are a "reliable witness", over those of experts and, perhaps more important, the vehement testimony of the survivors. The survivors dispute that version of events, stating that the wave that took the boat down came from the same direction as the one that, moments earlier, had swamped the boat, and they are adamant that it happened earlier in the afternoon—at 3 pm. Harry Houghton's watch stopped at that time when it was submerged in seawater.

The survivors dispute strongly the report's observation that

"a person's memory is fallible, especially when that person has been subjected to a very stressful situation".

In this case, I know the opposite to be true: the events that led to the sinking of the boat will be for ever etched on the minds of the survivors.

The dispute about the origin and direction of the waves that sank the boat brings me to my second area of concern: the fast conventional ferry, the Stena Caledonia, and its speed. Page 9 of the report notes:

"Some conventional ferries can develop sufficient speed in shallow water to move into the critical speed range and produce critical speed wash similar to that of an HSC"—

a high-speed craft.

On page 58, the MAIB states:

"In the area where the accident occurred, where the water is about 11 m, a vessel making 17.2 knots through the water is on the margin of the critical speed zone. In this case, the Stena Caledonia was making slightly less speed. Even so, she would have been producing large sub-critical wash waves such as those described by the survivors."

While its role in the accident is a matter of dispute, it would seem beyond doubt that the Stena Caledonia was travelling too fast for a boat leaving Loch Ryan, where other, smaller fishing boats had been spotted and where safety concerns are well known.

The report accepts that

"the greater knowledge and understanding of wash emanating from conventional ferries, gained by having a risk assessment passage plan (as required in Dublin) might have given the bridge officers a greater awareness of the effects of wash from their vessels on a small craft."

[Andy Burnham]

It continues:

"The MAIB investigation has discovered an apparent lack of awareness among the conventional ferry crews about the hazards of wash effects. In the vicinity of small boats, there appears to be a lack of concern unless a collision or close-quarters situation in imminent. Interest in the boat appears to diminish once she is past the beam of the ferry. Both high speed and conventional ferries can produce significant wash which can endanger vulnerable craft after the vessel has passed."

Clearly, the MAIB was sufficiently concerned about the speed of the boat to include those words, but I am yet to be convinced that there is not clear evidence in the report to show that the boat was, in fact, travelling in the critical range.

Figure 2, which shows the Stena Caledonia's radar at 16.37, shows a speed-over-the-ground reading of 17.4 knots—well past the 17.2 knots critical speed range for a fast conventional ferry. I have checked that point with the MAIB and have been told that speed over the ground does not relate to the actual speed of the boat. It says that the boat was travelling at 17 knots or just under and that tidal pull led to the radar recording a greater speed over the ground. Although I understand that distinction, it nevertheless seems to take the boat into the critical speed range, with similar effects. I am yet to be convinced that there is clear evidence in the report to show that the boat was not travelling in the critical range while still in the loch, with small vessels close by.

Further questions arise. Is it proven that a speed over the ground of 17.4 knots would not produce critical wash? If so, should the captain of the ferry not have reduced speed, having taken into account the effects of the tidal pull? Was the boat accelerating when the reading was taken? If it was not producing critical wash at the time of the radar reading, when did it reach that critical speed? The 17.4 knots reading was taken when the ferry was level with the fishing boat. What was the weight of the boat? Would its weight have had an effect on the size of the wash produced? Is it true that the loch was dredged very soon after the accident, which might suggest that its shallowness was affecting wash size? Those questions need further investigation and I ask the Minister to consider commissioning that work.

Although the report dismisses the Stena Caledonia's role in the sinking of the boat, it nevertheless makes two recommendations—2004/163 and 2004/162—one of which alerts harbour authorities to the potential of fast conventional ferries to create similar wash to that produced by high-speed craft. The second recommendation asks operators to consider whether any of their boats has the potential to reach critical speeds and, if so, to produce an RAPP, so that crew are fully aware of the dangers. Those strong recommendations about fast conventional ferries seem at odds with the main body of the report, given that the role of the Stena Caledonia has been discounted.

I now turn to lookouts. The survivors and their family have always maintained their disbelief that seven ferries passed the upturned boat through the late afternoon and early evening—sometimes a matter of yards away, and the survivors have spoken of seeing people clearly moving inside the wheelhouses of those boats—yet not one of the lookouts was able to spot the bright life jackets and upturned hull. On that hull, Harry Houghton was at times waving at the boats, trying to grab the attention of those on them by waving a fluorescent buoy. Figures 8 to 11 in the report confirm the survivors' account that the boat passed very close by. It was a clear summer's day in Scotland. The survivors dispute whether the weather deteriorated in the way the report describes.

The report quotes the international convention on standards of training, certification and watchkeeping for seafarers, which states:

"A proper lookout shall be maintained at all times . . . and shall serve the purpose of: detecting ships or aircraft in distress, shipwrecked persons, wrecks, debris, and other hazards to safe navigation. The lookout must be able to give full attention to the keeping of a proper lookout and no other duties shall be undertaken or assigned which could interfere with that task."

On page 59, the MAIB seems to suggest that that was not the case in Loch Ryan. It states:

"Other ferries operate in the entrance to Loch Ryan with the bridge officer or the master performing the role"—

of lookout—

"The latter arrangement would be deemed to be compliant with the rules if the officer can devote his time solely to the task of lookout. However, it is doubtful that, with all the other requirements associated with either setting out on passage, or on arrival, the bridge officer or master can adequately perform the role in the confines of the entrance to Loch Ryan."

The MAIB also noted that two of the ferries had improperly set radars on that day. It concluded that there were "shortfalls" in the lookout arrangements, but seemed to explain them away by saying that it had received assurances that designated lookouts were posted on all ferries operating on that day and that conditions would have made it difficult to spot the boat. It is an undeniable fact that the submerged boat was showing on the radar, so, in my view, a fully engaged lookout would have spotted it. We need more detail on the precise shortfalls of the lookout arrangements. If the arrangements were not up to scratch, as the report says, we should know why, and know the effect that those deficiencies would have on the lookout's ability to spot the boat.

My fourth point is on survival times. The report goes into great detail about the search and rescue operation and the basic mistakes made. Belfast coastguard was below minimum staffing levels and Clyde coastguard was below recommended levels. Such understaffing, coupled with the inadequacy of the procedures, led to the failure to correct a simple mistake in the inputting of the co-ordinates of where the survivors were rescued from, so the rescue helicopter was sent to the wrong location. Furthermore, the inshore lifeboat that located the boat was tasked with towing it from the scene instead of giving first priority to the search for survivors. After taking everything into account, the MAIB concludes:

"It is therefore possible, in a best case scenario, that Shaun and Michael Ridley could have been recovered 47 minutes earlier had the correct position been given."

The MAIB asked Professor Mike Tipton, an expert in cold water immersion survival, what difference that would have made. His analysis was that it would, in all probability, have made no difference. However, the family will have to live with the terrible fact that they will never know for sure. Pauline Ridley points out that clinical staff at the hospital worked on Shaun and

Michael for about two hours, clearly suggesting that they were not dead on arrival. Furthermore, she says that it is possible that Steven was still close by to Shaun at the earlier time when, if things had gone to plan, rescuers would have been on the scene. From all that, we know two facts: first, we will never know for sure whether a properly conducted rescue operation would have made a difference; and, secondly, the search and rescue operation was seriously defective.

The four areas that I have outlined cover issues of major dispute. At the same time as this report was published, the MAIB released another report into a more minor incident involving ferry wash in Loch Ryan on 3 September last year. It recommended that Dumfries and Galloway council should take the lead role in establishing a statutory harbour authority with responsibility for all of Loch Ryan. That major recommendation suggests that arrangements to date have been seriously deficient and have put public safety at risk. I cannot help but conclude that it was less controversial to attach such a major recommendation to a report into a more minor incident. The number of the report into the minor incident is No. 4/2004, while the report about which I have been talking is No. 5/2004. It is almost unbelievable that major commercial ferry operations have been run for years out of an unregulated British port with no harbour authority. It seems to me that the failure to create a statutory harbour authority has placed the public at risk. It would help to know from the MAIB the extent to which the report into the accident that I have described today influenced its decision to make major recommendations in its other report.

In conclusion, I make two requests. First, will the Minister consider the points that I have raised and commission a further investigation into them? Secondly, I ask the authorities in Scotland to order a fatal accident inquiry so that all the issues that I have mentioned can be thoroughly investigated.

Although the circumstances surrounding the tragedy are difficult to ascertain with absolute certainty, three things about that day are beyond doubt: wash from ferries affected the boat, lookouts had shortcomings and the search and rescue operation was seriously defective. One can only conclude that the lack of a permanent harbour authority contributed to that unsatisfactory state of affairs.

We are grateful to you, Mr. Deputy Speaker, and to Mr. Speaker, for granting this debate today so that I, on behalf of the family, can place the facts on record. Shaun Ridley would never have knowingly placed his family at risk, but, like the rest of the public, he could not have known just how dangerous the unregulated Loch Ryan was to small vessels.

3.44 pm

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): Terrible as this subject is, I congratulate my hon. Friend the Member for Leigh (Andy Burnham) on his handling of it and on securing this debate. He has helped the House by raising some important issues, and since the incident occurred, he has represented his constituents' interests tirelessly. On behalf of Her Majesty's Government, I convey my deepest sympathy to Mrs. Pauline Ridley, who lost her husband, Shaun, and her two sons, Steven, aged 15, and Michael, aged 12, in that terrible accident on Loch Ryan. I also offer my condolences to the two survivors—Mr. Brian Ridley, who lost his only son and two grandsons, and Mr. Harry Houghton, a family friend. There is no heavier burden that a parent has to bear than the loss of a child, especially those so young and in such tragic circumstances

The marine accident investigation branch is an independent body that reports directly to the Secretary of State. Following a technical investigation into the circumstances and the causes of an accident, it makes recommendations based on its findings. The sole purpose of an investigation by the marine accident investigation branch is to make recommendations that will improve the safety of life at sea and help to prevent future accidents. It does not seek to attribute blame. To maintain its reputation, it relies on its investigations being fair, comprehensive and balanced. Indeed, it has a high reputation, not just in this country but internationally, and has been emulated by investigators in other countries. Since it was established in 1989, the marine accident investigation branch has inevitably gained a great deal of experience investigating a wide range of marine accidents. During the course of a single year, it typically conducts about 40 investigations.

In 2003 alone, the marine accident investigation branch investigated 27 deaths resulting from marine accidents. That was 27 too many, and in hindsight most of them were avoidable. Three of those deaths happened, as we have heard, on 12 July 2003, when Shaun Ridley's boat became swamped. Investigations are greatly assisted by eye witness accounts, but accident inspectors have to collect and analyse a large amount of evidence from many sources to compile a report that reflects the sequence of events as completely as possible. Six inspectors and a human-factors expert collectively spent many hundreds of hours collecting and analysing evidence before the final report was produced.

In conducting his investigation into the tragedy on Loch Ryan, the chief inspector appreciated the assistance and co-operation of Mr. Brian Ridley and Mr. Harry Houghton. I have been asked to comment on progress implementing the recommendations arising from the investigation, and I can report that recommendations to the Maritime and Coastguard Agency, the Royal National Lifeboat Institution and the ferry operators have all been accepted and implemented, or are due to be implemented this summer. Following recommendations, the Maritime and Coastguard Agency has conducted a review of similar but less severe marine accidents, and is improving links and the exchange of information with the National Federation of Sea Anglers by establishing a sea angling liaison officer.

The Maritime and Coastguard Agency is writing to all United Kingdom port authorities to highlight the potential danger to small craft from the wakes of both conventional and high speed ferries. It has also reviewed and revised its incident management course to concentrate more specifically on the watch manager's role as the search and rescue mission co-ordinator. It has changed its training courses to reinforce communication protocols.

[Mr. David Jamieson]

I shall deal with some of the criticisms that have been made about the particular investigation, beginning with the location and timing of the incident. Establishing the precise location and time of an accident at sea can be a difficult task, even though that is fundamental to an investigation. In this case, in addition to the information provided by the survivors, the marine accident investigation branch was able to analyse information taken from the voyage data recorders—the VDRs—provided by Stena Line Ltd. and P&O Irish Sea, which operated vessels through Loch Ryan on the day of the accident. The ferries that operate to and from Loch Ryan all have VDRs fitted.

VDRs record certain key information, including conversations that take place on the bridge and radar information, which allows the marine accident investigation branch to recreate a picture of vessel movements. Such devices can tell us a great deal about when and where an accident occurred.

On its outbound voyage the Stena Caledonia passed the Ridley's boat at 16.38 hours and the Superstar Express passed it inbound at 16.45. The officer on watch on the Stena Caledonia saw a boat and commented on its presence to his helmsman. The officer was later shown Shaun Ridley's boat and was able to confirm that it was the boat that he had seen. The radar recordings from both ferries show the position and relative movement of the Ridleys' boat between 16.32 and 16.46. The recordings show the point in time when the Ridleys' boat became static after it had been swamped and its engine had cut out.

The marine accident investigation branch supplemented its information about the location of the boat close to the time of the accident by a visual sighting made by the crew of a passing fishing vessel at about 16.41. Given the degree of confidence that the marine accident investigation branch places in the radar information, it is completely satisfied that the location of the accident was as stated in its report.

Questions have been raised about the cause of the accident and, in particular, about the role played by the wash of an outbound ferry. In constructing the probable accident scenario, the marine accident investigation branch took account of the evidence provided by the survivors. The inspectors also considered other relevant evidence, including the VDR data, meteorological data, evidence from inspection of the hull—which showed that it had a leak—and the sea trials, which indicated that the boat was vulnerable to swamping from waves approaching from the stern.

In its report the marine accident investigation branch acknowledges that some of the evidence is conflicting. However, it regards the VDR evidence as being compelling, and it is confident that in its published report it has accurately reconstructed the events in the final few minutes before the boat sank.

It is not disputed that the ferry Stena Caledonia was passing through Loch Ryan on an outbound voyage at about the time of the accident. The marine accident investigation branch has the data from its voyage data recorder and the radar image that shows the position of Mr. Ridley's boat between 16.32 and 16.38. At that time the Stena Caledonia was making 17.4 knots over the ground as it passed about 600 m from the Ridleys' boat. Given the tidal conditions at the time, the speed of the ferry through the water would have been about 16.8 knots, which is just below the speed that is needed to generate a critical wash, taking proper account of the depth of the water.

A passing distance of 600 m is not considered close, and the marine accident investigation branch is fully convinced that on the basis of the evidence, including the survivors' accounts, the boat successfully rode the wash waves from Stena Caledonia at about 16.38. However, the branch cannot be certain of the source of the waves that came over the starboard quarter of the boat at, or about, 16.42 causing the boat to be swamped and to sink within just a couple of minutes. The branch concluded that the waves could not have come from either the Stena Caledonia or the Superstar Express, which had yet to enter the loch on her inbound voyage.

The marine accident investigation branch believes that there is a possibility—I put it no higher than that—that there could have been wash waves from the Seacat Rapide, the high-speed ferry operating on the route from Belfast to Troon, which passed nine or 10 miles away some 25 minutes before the accident. At a speed of 35 knots, the branch says that she would have been operating within the terms of her risk assessment passage plan, but still fast enough to produce the powerful sub-critical waves that my hon. Friend mentioned, which might have contributed to the swamping of the heavily loaded and, by then, partially flooded boat. The branch holds that wash propagation from high-speed ferries is not yet fully understood. Although other experts may disagree, the branch gives credence to the evidence of a witness, who has observed the wash effects from such ferries in and around Loch Ryan over many years, because of his scientific background and his comprehensive description of the phenomena he had observed. I accept my hon. Friend's point that we do not want to give overdue credence to that witness, but we certainly cannot rule out the careful examination of such evidence in future.

The marine accident investigation branch reports on the sad and regrettable fact that no one on board the three ferries, which passed the survivors a total of seven times, saw the problem. Those ferries were passing somewhere between 400 m and 800 m away from the casualties, and each ferry had a dedicated lookout as well as collectively several hundred passengers on board. Those on board other smaller and slower vessels also failed to see the people in the water. However, taking account of the prevailing choppy sea conditions and the blue and white colours of the bow of the boat, which was the only part of the boat remaining above the surface, the branch considers that it would have been difficult to spot. Furthermore, despite having inflated two life jackets, the casualties would have been difficult to see in the water. The fact that the problem was not spotted is a matter of concern to the branch; that is why its report contains a recommendation addressing that aspect of the tragedy.

There has been some criticism of the search and rescue mission, which began some four hours after the accident when a yacht saw the bow of the boat and rescued the two survivors who were clinging on to it. Shaun and the boys, who were wearing life jackets, had drifted away under the influence of the wind.

The United Kingdom is rightly very proud of its maritime search and rescue services. The Maritime and Coastguard Agency handles more than 12,000 incidents annually and renders assistance in more than half those incidents, with the result that some 5,000 people are rescued each year. It is very rare for a mistake to be made. Of course, any error occurring in a search and rescue mission is a matter of regret, but the most important thing is to learn from such errors when they occur. In this case, the marine accident investigation branch discovered that a typing error was made when inputting the position of the casualty that was not noticed during the normal double checks on such information.

The effect was to cause the helicopter to go in the wrong direction even though it had been given the right location when it took off. However, I believe that my hon. Friend accepts that, even if it had gone directly to the reported position of the boat, there is no guarantee that the survivors or bodies would have been spotted immediately, especially as the helicopter is not fitted with forward-looking, infrared equipment.

When the survivors were rescued, Shaun and the boys had been drifting away from the boat for several hours, so their location was uncertain. In an ideal world, the helicopter would have flown directly to where Shaun and Michael Ridley had drifted, spotted them immediately and recovered them. Only in those fortuitous circumstances would they have been recovered 47 minutes earlier.

Indeed, although it is impossible to be certain, expert opinion is that it is unlikely that casualties immersed in those waters and at those temperatures would have survived to the point in time when they might have been rescued.

Although it did not alter the outcome, the vital necessity to undertake double checks on the accuracy of crucial information such as the initial position has been reinforced in all Maritime and Coastguard Agency co-ordination centres and with the rescue units that it co-ordinates. We shall monitor that closely to ensure that that happens. The need for control and planning of radio communications by the Maritime and Coastguard Agency marine rescue co-ordination centres and for radio discipline is being underlined to all MCA operators.

The investigation into the tragedy has been thorough and independent. No assurance about an investigation can be given to the bereaved or to the survivors except that it will be rigorous and without favour. The chief inspector of marine accidents is satisfied that the report into the tragedy is fair. When the recommendations are implemented, safety of life at sea will be improved.

I have already reported that the recommendations are being implemented. I can add that, already this summer, coastguard officers are being proactive in visiting caravan sites such as that near where the Ridleys were staying. The purpose of the visits is to increase safety awareness among the casual, recreational seafarers and to stress the importance of being properly equipped and prepared.

A fatal accident inquiry may yet be held, but that is a matter for the Procurator Fiscal and the Crown Office in Scotland. It is not a matter that I, as a Minister, can decide. The decision is a matter for the judiciary in Scotland. I am told that such an inquiry would resemble a public inquiry. It would examine all the issues that my hon. Friend would want to be considered. However, I stress again that the decision is a matter for the judiciary in Scotland. Unfortunately, I have no remit to direct them to make such an inspection.

Pending the decision on whether there will be a fatal accident inquiry in Scotland, it would be premature of me to comment on the need or otherwise for that form of public inquiry. However, if such an accident inquiry does not take place in Scotland, I shall review the request for further examination of the issues that my hon. Friend has raised.

This has been an appalling tragedy and, having had a similar one involving some of my own constituents on the south coast 10 years ago, I know that it will bear down heavily on the parents and all those involved. I congratulate my hon. Friend again on the way in which he has tirelessly represented his constituents, not only in the Chamber, but in his correspondence to the Department and his interaction with the marine accident investigation branch. This has been a matter of great sensitivity for him and, of course, for the families and all those who have been affected by this tragedy.

It is most important that we learn from tragic events. Because human beings are as they are, we will never be able to prevent every such incident from happening, but we must learn from these events and reduce the probability of there being casualties in the future, particularly among children and young people. Again, I congratulate my hon. Friend on securing this debate. I am sure that there will be more to say on this issue, and he can be assured that my Department will do everything that it can to facilitate the answers to the questions that his constituents have raised.

Question put and agreed to.

Adjourned accordingly at five minutes past Four o'clock.

House of Commons

Friday 18 June 2004

The House met at half-past Nine o'clock

PRAYERS

The First Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

[SYLVIA HEAL *in the Chair*]

9.33 am

Mr. Greg Knight (East Yorkshire) (Con): On a point of order, Madam Deputy Speaker. You probably saw the news late last night on the report by the National Audit Office, which shows that some clearly fraudulent and other meritless visa applications for people to enter Britain were approved on the instructions of the Home Office against the advice of officials. Have you received any indication that the Home Secretary will come here today to make a statement on that very serious matter? Perhaps more relevantly, have you heard whether the Home Secretary is about to make a personal statement, because many of us think that it is a resigning matter?

Madam Deputy Speaker : I am not aware that the Home Secretary or any other Minister has made a request to come before the House, but I am sure that the right hon. Gentleman's comments will have been noted.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Further to that point of order, Madam Deputy Speaker. You will know that we now have a procedure known as urgent questions, by which an application can be made to Mr. Speaker for a matter to be considered on a particular day. Will you confirm that were this matter to be submitted to Mr. Speaker on Monday, it could still legitimately be regarded as urgent because the Minister in question did not ask to come to the House today?

We often find ourselves in this odd position. Although there is no reason, as far as I know, why the urgent question procedure should not be used on a Friday—I wish it were used more often because this is, of course, a normal sitting day—surely it would still be appropriate for Mr. Speaker at least to consider an application for an urgent question even if a weekend intervenes and the matter was considered urgent today.

Madam Deputy Speaker: That is entirely a matter for Mr. Speaker to consider when he receives—if he should—the application.

Orders of the Day

Christmas Day (Trading) Bill

Not amended in the Standing Committee, considered.

New Clause 1

CULTURAL AND NON-CHRISTIAN EXEMPTION

'(1) Where the owner of a large shop employs entirely non-Christian employees in that shop and lodges notice of such fact with the local authority no later than 1st November in any year, the large shop shall be exempt from the provisions of this act for the Christmas Day following.

(2) A notice made under subsection (1) shall be in writing and shall identify—

(a) the shop premises concerned,

(b) the owner of the shop, and

(c) the identity of all the employees.'.—*[Mr. Greg Knight.]*

Brought up, and read the First time.

9.36 am

Mr. Greg Knight (East Yorkshire) (Con): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss amendment No. 11, in page 1, line 8 [Clause 1], at end insert—

'(2A) Subsection(1) does not apply to any shop where there is a local public demand for it to be open on Christmas Day.

(2B) A local public demand under subsection (2A) shall be deemed to exist for the Christmas Day following where by 1st November in any year the local authority has received a petition signed by no fewer than 1,000 persons

(a) who reside within the local authority area in which the large shop is situated, and

(b) whose names appear on the electoral register.'.

Mr. Knight: I start from the position of thinking that the Bill is not necessary. I have arrived at that position without encouragement, coercion or inducement from any trade union. However, if others take a different view and think that we should legislate, it is right and proper that we try to accommodate all shades of opinion from all members of our society.

The new clause recognises that not every resident of England and Wales is a Christian. Indeed, many members of this country do not practise the Christian religion and, indeed, may support another religion for which Christmas day has no religious significance.

Mr. Eric Forth (Bromley and Chislehurst) (Con): I hope it may help my right hon. Friend, even at this early stage in his analysis, if I remind him of what I told the House on Second Reading, because it relates exactly to his point. I said—I quote myself, Madam Deputy Speaker, which is always a pleasurable thing to do:

"Among people of working age—the 16 to 74 age group—the Christian element is 72 per cent., but the number of people with no religion, or no stated religion, was 22 per cent. The figure for the other defined religions was 4.1 per cent.—[*Official Report*, 26 March 2004; Vol. 419, c. 1169.]

[Mr. Eric Forth]

"Other defined religions" includes Muslims, Hindus, Sikhs, Jews, others and Buddhists. Does that not set the context for what my right hon. Friend is going to argue? It reinforces his point that we simply must not assume that everyone of working age—this is the key point, as is made clear in the census, from which I quoted—is necessarily of the Christian religion.

Mr. Knight: I am grateful to my right hon. Friend, but the argument goes wider than that. I come from a relatively small family and have one brother. We received a similar education and obviously come from the same cultural background, yet his attitude to Sundays and Christmas day is totally different from mine. For me, Christmas is the time to stay at home with friends. My brother takes the opposite view. He likes to travel the world and to go shopping. He now lives in Hong Kong, where he can go to the shops on Christmas day. He often visits America, where it is possible to shop in New York on Christmas day. So two brothers from the same cultural upbringing have a totally different view of Christmas. I would argue that many Christians—

Madam Deputy Speaker: Order. This is not a Second Reading debate. I hope that the right hon. Gentleman will start to address his new clause.

Mr. Knight: I am grateful, Madam Deputy Speaker, but I was seeking to explain that it is not just non-Christians who would favour new clause 1. Many people from a Christian background do not believe that Christmas day is a day on which one should stay at home and not be able to visit a shop.

New clause 1 would exempt from the Bill large shops owned and run by non-Christians with non-Christian employees. I do not know how many right hon. and hon. Members are familiar with the city of Leicester, but I suspect that in view of the forthcoming by-election in Leicester, South many will become far more familiar with it in the coming weeks. I used to live in the city, which has changed dramatically, not always for the better as for many years it had the misfortune of having a Labour-controlled, anti-motorist city council. However, multiculturalism has made Leicester a better city, as members of the Asian community have brought a quality of life that was not present before.

If hon. Members visit Melton road or Belgrave road in Leicester they would find a number of Asian shops that provide a valuable service, not just to members of the Asian community but to everyone. They include a number of large shops—we are not just talking about small corner shops—that are owned and run by members of the Asian community and trade seven days a week. Why do some Labour Members want to force such shops to close on Christmas day, when the owners and employees are not Christian? What is the argument for forcing the non-Christian owner of a large shop to close his store on Christmas day? People who seek to change the law in that way ought to be prepared to consider reasonable exemptions where there is a good case for them.

Mr. Forth: I hope that my right hon. Friend will explain how verification would be achieved. Would people simply declare their religion or would there be an attempt at verification? Is he worried that his new clause contains the seeds of falsification or misrepresentation?

Mr. Knight: When one is framing legislation one must always be aware of the fact that some people will seek to cheat or get round legal restrictions. However, new clause 1(2) enables the local authority to carry out random checks to see whether what is purported to be the case is indeed so. I would rather leave that to the local authority, as the owner of a large shop who wants to trade on Christmas day has to submit a notice to it identifying the shop premises, the owner of the shop and the identity of all employees, which should provide it with sufficient evidence when carrying out random checks to see whether information relating to a shop run and staffed by non-Christians is genuine. My right hon. Friend's fears are therefore groundless.

Mr. Christopher Chope (Christchurch) (Con): Does my right hon. Friend agree that it is unlikely that such an application would be made without the employees being aware of it? If the notice stated that they were non-Christian but they were in fact Christian, that would soon be drawn to the attention of the local authority.

Mr. Knight: My hon. Friend is quite right. The employees would appreciate the fact that the owner has to list the people in his employ. If he sought to go behind their backs, they, or any member of their family, could draw the error to the attention of the local authority.

Mr. Win Griffiths (Bridgend) (Lab): Does the right hon. Gentleman accept that, unfortunately, new clause 1(2) provides opportunities that unscrupulous employers of whatever faith have pursued throughout the ages? His proposal is quite unnecessary. We ought to get on and discuss the substance of the Bill, and see it safely through the House.

Mr. Knight: I do not agree. The new clause is necessary, and I do not share the hon. Gentleman's depressing view of employers. If the Under-Secretary of State for Trade and Industry, the hon. Member for Bradford, South (Mr. Sutcliffe), thinks that more checks and greater protection against fraud are needed, I am sure that that could be discussed after our debate and perhaps corrected in the other place, if the Bill proceeds that far. I do not accept, however, that any further amendment is necessary.

9.45 am

Mr. Kevan Jones (North Durham) (Lab): Does the right hon. Gentleman agree that his proposal would impose great burdens on shop owners? How would they verify what someone's religion is or is not?

Mr. Knight: That is quite simple. If a shop owner decides towards the end of the summer that he would like to trade on Christmas day, he can call a staff meeting to say that he is thinking of submitting a notice seeking permission to trade, but can only do so if none of his employees is a practising Christian. It would therefore not be difficult for him to seek their views and take soundings.

Mr. Forth: Does my right hon. Friend agree that the intemperate remarks of the hon. Member for Bridgend

(Mr. Griffiths) ignore the fact that the great lacuna in the Bill is the complete lack of protection for employees? If protection in the Sunday Trading Act 1994 had been reproduced in the Bill, my right hon. Friend's new clause would not be necessary at all. He is trying to do something that I failed to do in an amendment that was not selected—he wants to go further than Labour Members and, indeed, the trade union sponsoring the Bill and provide greater protection for a minority of employees.

Mr. Knight: My hon. Friend makes a good point. The question of protection for employees is separate from the argument about whether a shop should be allowed to open. If Labour Members are concerned that a small number of unscrupulous employers would use the new clause to force employees to work so that they can open their shop on Christmas day, they should address that in other ways, as protection for workers is an entirely separate issue. One or two hon. Members have argued that employers would be crafty and deny promotion to someone who has said that they do not want to work on Sundays or Christmas day, but there are ways of dealing with that problem. We could make employers hold a promotion register, in which they would have to say whether, from day one of someone's employment, they are likely to be promoted. If someone is getting 10 out of 10 in the book but is not winning promotion, we could prove that there was discrimination.

Helen Jones (Warrington, North) (Lab): Does the right hon. Gentleman accept that he is going down a road where prying into someone's religion becomes the norm? Surely, no employer has the right to question his employees about whether they have any religious belief. If they kept the promotion register that he suggested, that would make the Bill even more intrusive, as someone's religion would be linked to their employment prospects.

Mr. Knight: If we were dealing with a matter that had nothing whatever to do with religion, the hon. Lady's point might be valid, but we are talking about Christmas day. If we were discussing a Diwali celebrations Bill seeking to impose some restrictions in that regard, religion would be an issue. The fact that we are talking about Christmas day, one of the most sacred days in the calendar for Christians, means that religion is relevant. Labour Members cannot brush religion aside when we are speaking about Christmas day. To some people Christmas day means nothing, and why should it if they are not Christian? The new clause says that a shop that is owned and staffed by people who are not Christian and to whom Christmas day does not mean anything should not be forced to close.

Most of us who have been to our inner cities where there is a large Asian community have nothing but admiration for the number of Asian businessmen who have started with nothing and built up very successful businesses. Why should the state say to someone who owns a large shop and who is an Asian, "You can't open because most people in this country are Christians and we are telling you you've got to close on Christmas day"? That is unfair. The sole purpose of new clause 1 is to prevent that.

Ms Ann Coffey (Stockport) (Lab): Does the right hon. Gentleman accept the notion of national holidays? I am not a Christian, but I see Christmas day as a national holiday. Does he accept that if a day is seen as a national holiday, everybody who works should have the benefit of it? As he is aware, Easter day is exempt. Does he propose to take the same view of Easter day as he does of Christmas day?

Mr. Knight: I would be brought to heel by the Chair if I exceeded the scope of the Bill. We are talking about Christmas day, not Easter. No, I do not accept that everybody should automatically have a right to a day off on a national holiday. That has never happened. Many people work on national holidays: news readers, paper shops and people in the media. There will always be exemptions. I ask Labour Members, what is wrong with that? Those who are seeking to bring about the change need to show why it should impinge on every culture in the United Kingdom.

Mr. Chope: Does my right hon. Friend agree that it is apparent from the interventions that he has taken, that there is a Union of Shop, Distributive and Allied Workers agenda to give shop workers more days off, and it is being proposed on the basis that it is justified on Christian—

Madam Deputy Speaker: Order. I have already said that we are no longer on Second Reading. Perhaps Members will address their comments to the new clause and the amendment under discussion.

Mr. Knight: I hope that my hon. Friend the Member for Christchurch (Mr. Chope) is not right in his assumption. I trust that anyone who speaks in the debate and who has an interest to declare and who may be sponsored by a union will declare it.

Amendment No. 11 recognises the fact that there may be a view in a local community that runs contrary to the views expressed from the Labour Benches. If that is the case, surely that view should be reflected in a provision for a local community to opt out. The amendment states that the Bill will not apply

"where there is a local public demand"

for a large shop to open on Christmas day, and a local public demand

"shall be deemed to exist for the Christmas Day following where by 1st November in any year the local authority has received a petition signed by no fewer than 1,000 persons

(a) who reside within the local authority area in which the large shop is situated".

In case Labour Members ask, "What about fraud?" in this case, paragraph (b) of amendment No. 11 provides that those who sign the petition must be persons

"whose names appear on the electoral register"

so I hope that will allay any fears that amendment No. 11 could be open to abuse.

Both new clause 1 and amendment No. 11 are reasonable and fair. They are designed to exempt from the Bill those shops where the view of the owner is that

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the shop should be exempt, but that is limited to the grounds specified in the new clause and the amendment. It would not be a case of an owner deciding of his own volition that he wanted to trade on Christmas day. If new clause 1 were accepted by the House, he would need to show that his employees are not members of the Christian faith.

I am thinking primarily of the large Asian supermarkets, of which we have very many in the United Kingdom. Most of them, in my experience, provide an excellent service. The owners do not regard themselves as bound by our traditional holidays. They do not, by and large, support the Christian religion, so why should they be covered by the Bill?

I should be interested to know why the promoter of the Bill feels that none of the provisions that he tells us are necessary should apply to Scotland, where I understand there are no rules to prevent a shop, Asian or otherwise, from opening on Christmas day. I hope that on sober reflection hon. Members will consider it appropriate to add new clause 1 and amendment No. 11 to the Bill.

Mr. Russell Brown (Dumfries) (Lab): I have some information for the right hon. Gentleman. A similar Bill is going through the Scottish Parliament to cover Scotland.

Mr. Knight: I am grateful for that information. I hope people are as tolerant in Scotland as I am seeking to make the Bill.

On amendment No. 11, if a large shop were surrounded by a God-fearing devout Christian society, it would be right and proper that it did not open on Christmas day, but if the shop were providing a valuable service in an area of mainly secular agnostic people who wanted it to open, and if the owner wanted to open and could get 1,000 people from that area to sign a petition, why should he not be allowed to do so?

Mr. Forth: Would my right hon. Friend comment on what might happen if there were a counter-petition by a similar or greater number of people of a different faith? We could get into competitive petitions, and I would be intrigued to know what might happen then.

Mr. Knight: If people were alarmed that a shop had received the requisite number of signatures on a petition, I would say to them, "Don't go shopping". Shops exist to cater for those who wish to use them. If more than 1,000 in a locality want to use a shop on Christmas day or feel that it provides a useful service on Christmas day and they have signed the petition, the shop should be allowed to open. If other people, perhaps fewer or more, do not give a hoot whether the shop is open, they are free to stay at home.

Helen Jones: Does not the right hon. Gentleman's argument fall down? The figure in his amendment bears no relation to population density, so the situation could arise where 1,000 people want a shop to open, but the vast majority of people living in that local authority area do not. Are their wishes to be overridden by the 1,000 people?

Mr. Knight: Yes, and rightly so. I make no apology for that. Shops exist to serve those who wish to use them. I am one of a minority of people in this country, I think, who have no interest whatever in football. I have not watched any of the games that are being played at present, but I would staunchly defend the right of others to do so. If I see a sign outside a public house saying, "Large-screen TV—come and watch Euro-football here", I avoid it, but I would not for a moment seek to stop those premises showing that football match to those who want to watch it. Similarly, if a shop can show that 1,000 people in the locality want the right to use its services on Christmas day, it should be allowed to open.

10 am

I wonder how many customers need to cross the threshold of a large shop to make it viable on a normal trading day—far less than 1,000, I assume. The answer is probably 100 or 150 people, assuming that they make a moderate number of purchases, so if a shop can show that 1,000 people wish it to be open and provide a service on Christmas day, it should be allowed to do so. If other people do not mind one way or the other, or would prefer the shop not to open, why should they prevent others who wish to use its services from doing so?

Mr. Kevin Hughes (Doncaster, North) (Lab): I am intrigued about the administration, red tape and bureaucracy that would be needed to administer or police the proposals. I should have thought that the right hon. Gentleman was against more red tape and bureaucracy. Can he imagine handing such a job to a local authority? It would need to appoint an officer; that is the starter for five. He or she would probably need a supervisor, and it would not be long before a whole department was needed. Will he share with the House his proposals to deal with that red tape and bureaucracy?

Mr. Knight: I know how Labour Members love red tape and bureaucracy, so if the hon. Gentleman thinks that that would be the effect, I would have thought that he would welcome these proposals—but I do not think that either proposal would take much policing. It is for each local authority to determine the surveillance that would need to be carried out. We have all heard of random checks, which are all that a local authority would need to do. Let us suppose that an authority received two petitions, each signed by 1,000 people. All that it would have to do is carry out random checks on the names on the petition to see whether they matched the electoral register. If they did not, the local authority could inform the shop owner that his petition was defective, and he was not exempt from the Act.

Similarly, if the local authority received an application from an Asian superstore, but on closer examination it turned out not to be an Asian superstore—perhaps the manager was an Asian person, but it was a normal local shop, not run by non-Christians—the local authority could determine that the provisions of new clause 1 were not met. A great

bureaucracy would not be needed to administer the proposals. That may disappoint the hon. Gentleman, but both new clause 1 and amendment No. 11 are reasonable. They would restrict the scope of the Bill, so that it would not affect communities for whom Christmas day is not a special event. I should have thought that Labour Members would therefore welcome the new clause and the amendment.

Ms Coffey: If 1,000 names were on a petition to keep a shop open, but the shop staff consisted of devout Christians, what resolution would the right hon. Gentleman propose?

Mr. Knight: I cannot think of many shops that would have 1,000 employees. That would be a very large shop indeed. Perhaps the hon. Lady can give an example of a shop with 1,000 employees.

Ms Coffey: The right hon. Gentleman misunderstands my question. He is talking about making an exemption where a local petition has 1,000 names, and I am asking how he would resolve a situation when a 1,000-name petition is received to keep a shop open, yet most of its employees are devout Christians who want that day off. How would he balance those interests?

Mr. Knight: We are returning to the point that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) made about worker protection if an employee does not wish to work on Christmas day. That is a totally separate argument in relation to whether the shop should be allowed to open. I would not tackle that by telling the shop owner that he cannot trade on Christmas day. That is the wrong way to deal with the situation.

Hon. Members may feel that these proposals might be unfair to members of a community who do not want a shop to open, but they should sit in the public gallery of a magistrates court dealing with licensing issues. Very often, when licensing justices are asked to renew a justices licence for a public house, petitions will be submitted to object to renewing that licence, perhaps because entertainment is put on there and noise is created. However, the very fact that someone in the community raises an objection does not automatically prevent that business from trading. Of course, if there is a demand for a large shop to open, people will say that they would rather it remained closed—particularly, perhaps, those who live next door—but, in a free society, if there is a demand for a shop to open and the owner wants to open, he should be allowed to do so.

Those hon. Members who were in the House when we first decided to tackle Sunday trading will be well aware of what we were told would happen if we opened up Sundays to allow trading. We were told that Sunday would be totally different. We would never again be able to enjoy Sunday as we knew it. Many of us received petitions signed by hundreds of people from the Churches. The Churches particularly—now it is the unions—told us that we should not tamper with the Shops Act 1950 and allow trading on Sunday, as it would destroy families: people would be forced to work, and Sunday would never be the same again. That has not happened. If we were now to seek to turn back the clock and reintroduce the Shops Act 1950, I would bet Labour Members that they would receive petitions by the hundred saying "Leave our Sunday alone" and "Hands off Sunday." The amendment to the Sunday trading law has generally worked well—it has satisfied public demand—and that is all I seek to do with the new clause and the amendment.

Mr. Forth: Did my right hon. Friend think it odd then, and does he still think it odd now, that in the United States, where Sunday trading is widely practised, church attendance has always been multiples of what it is in this country? More than 40 per cent. of Americans go to church on Sundays, despite shopping before and after, whereas regular church attendance is less than 10 per cent. in this country.

Mr. Knight: I hesitate to go too far down that path, Madam Deputy Speaker, but my right hon. Friend has a point, in that these days many people do more than one thing on Sundays. It is apparent from the American experience that some people go to church and then to the shops, or to the shops and then to church. They do not regard the two as incompatible. Only the trade union involved in this case feels that we should prevent people from shopping in large shops on Christmas day. I do not know why the union takes that view. If it wants to address workers' rights, it should do so totally differently. If there is a demand for large shops to open on Christmas day they should be allowed to do so, according to my proposals.

Mr. Kevan Jones: The right hon. Gentleman is correct in saying that USDAW and other trade unions support the Bill, but it has also received strong support from others. I have letters from local Church groups, and both the established Church and the Catholic Church back the Bill as well.

Mr. Knight: I am grateful to the hon. Gentleman for that intervention. Of course, the same range of people told us that we should not get rid of the Shops Act 1950. Those of us who were in government at that time—it was before the 1987 election—went against the advice of all those people. We were told that we would lose support as a party. I have no evidence that people changed their voting patterns because we sought to address the problems of the Shops Act.

Ms Coffey: For the record, I am sure that the right hon. Gentleman knows that USDAW supported the changes to Sunday trading.

Mr. Knight: Churches have been mentioned. The Catholic Church and others did not support the changes. I did not know that the union supported the changes and I am delighted to hear that, but the Churches opposed them.

Mr. Chope: Does my right hon. Friend believe that the Churches' attitude might have been slightly different if they had realised that the USDAW spokesman had said:

"This has nothing to do with religion other than our belief that workers deserve the day off"?

Mr. Knight: I shall not interfere between USDAW and the Churches. I hope that hon. Members, whatever

[Mr. Knight]

their party and whether or not they are members of a trade union, will consider the matter fairly, calmly and on its merits. There is an overwhelming case for providing that when a shop owner and the employees are not Christian, they should be exempt from the Bill. New clause 1 tries to achieve that, and I hope that hon. Members will view that as a reasonable position. The House should approve it.

Mr. Brian Jenkins (Tamworth) (Lab): I have been listening to the right hon. Gentleman with growing concern. He implies that a non-Christian shop owner—I can think of a rather large store in London that has a non-Christian owner—should ensure that all his staff are non-Christian, and could thus seek an advantage over a competitor. Is not there an incentive in the new clause for the employer to ensure that all his staff are non-Christian? Imagine the discord that that would cause in stores throughout the country. In a multicultural country, where we are trying to engage with each other, I can envisage no more divisive path than creating shops that are almost ghettoes, with non-Christians in one and Christians in another.

Mr. Knight: The idea that a shop owner will start sacking people and employing non-Christians merely to gain benefit from one trading day a year is incredible. I do not believe that that will happen, especially when some shops might not want to open on Christmas day. However, if they want to open on Christmas day, they should have the right to do that, and be exempt from the legislation.

I believe that hon. Members who feel that the measure is necessary will be prepared to accommodate the views of large shop owners who take a different view and whose staff may take a different view. I therefore hope that new clause 1 and amendment No. 11 will commend themselves to the House.

Malcolm Bruce (Gordon) (LD): I shall not detain the House long. I make it clear that, as a Scottish Member, I shall not vote on the Bill, but I have a genuinely held view on its substance. My personal position is that I support the Conservative arguments for extending Sunday trading rules to Christmas, rather than the Bill. I acknowledge that my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) is one of the measure's sponsors. I respect his views, but we do not share the same opinion on the matter.

However, I am worried about the seriousness of the new clause. Most of the interventions have shown that it is not practical, as drafted. The right hon. Member for East Yorkshire (Mr. Knight) has two objectives. The first is to extend the debate and the second is to defend not the new clause but the more substantive argument that people should have the freedom to choose what they do on Christmas day rather than having it restricted. I am sure that he acknowledges privately, if not publicly, that trying to isolate a store as non-Christian, requiring a register for a licence and identification of every employee is not a serious practical legislative proposition that any of us would regard as workable. *[Interruption.]* I do not want to be accused of delaying the Bill's passage, but Labour Members who supported the Bill intervened often. I am surprised at that, in the context of parliamentary procedure.

I understand what prompted the Bill. First, there is a fear that Christmas day is somehow being lost as a special day. However, the same argument applied to Sunday trading, and I agree with the right hon. Member for East Yorkshire about that. Secondly, there is a worry that pressure will be exerted on individuals to give up their Christmas days. If people do not wish to work on Christmas day for specifically religious reasons, they should be given a legal right not to do that, as applies on Sundays.

10.15 am

I believe that the Bill will generate some negative reactions, because it is trying to reverse a process that is already happening. People choose to shop on Christmas day, and some shops are open. Although many people do not want to work on Christmas day—I am one of them; I want to be at home with my family—I know of people who loathe and detest Christmas day. They want to be out and about with other people, and would prefer to work. The Bill would deny them that right. The extent of the freedom of choice is at the heart of the question of whether we need the Bill.

Mr. Kevan Jones: The law as it stands restricts the activities of large shops if Christmas day falls on a Sunday. If it falls on another day, they can open. The Bill is simply trying to close a loophole. Many hon. Members who spoke on Second Reading believed that the Bill would achieve that. There is not a free-for-all on Christmas day.

Malcolm Bruce: I bring the benefit of being a Scottish Member to the debate: the law on Sunday trading and Christmas trading is different in Scotland. The right hon. Member for Bromley and Chislehurst (Mr. Forth) knows that we did not have restrictive laws in Scotland, basically because people believed that the power of Calvinism would simply prevent such things from happening. As society has changed, the lack of a law has opened up opportunities. Shops are not as restricted in Scotland as they are in England. As someone who sometimes spends a Sunday in London but more often spends it in Scotland, I can say that the difference is marked. People in Scotland who like the current position would not like it if a Bill in the Scottish Parliament extended Sunday trading laws to Scotland on Christmas day.

Mr. Forth: I intervene as a non-Calvinist who was born and raised in Scotland, and who therefore appreciates the hon. Gentleman's comments. We shall all watch with interest the Liberal Democrats' actions in the Scottish Parliament when such a Bill comes before them.

However, we have to acknowledge the profound cultural difference between Scotland and England. When I was raised in Scotland, Christmas day was barely a public holiday, and that continues to inform many people's attitudes. However, the hon. Gentleman

must recognise that the attitude in England is culturally different. Drawing comparisons between England and Scotland on the subject is not helpful.

Malcolm Bruce: I made it clear at the outset that, as a Scottish Member, I would not vote on the Bill unless amendment No. 12 to extend the measure to Scotland were accepted. It is up to the Scottish Parliament to decide. The Liberal Democrats regard the matter as an entirely personal issue—a matter of religion and conscience—and there will be a free vote on it. Although I am the trade and industry spokesman for my party, I am expressing my personal opinion, which is not a party view.

I accept the chastisement of the right hon. Member for Bromley and Chislehurst and I do not wish to impose any views or judgments on England. However, I believe that I am qualified to know the difference between England and Scotland, given that I was brought up in England, represent a Scottish constituency and married a wife from London. I therefore believe that I know both communities well.

The serious point that I am making is that the climate has changed, and is changing. At the heart of this debate is the question of whether we need a law to try to protect Christmas day from a change that a significant minority of the population have actively been bringing about. My view is that we need to be careful not to impose restrictions that will be hard to sustain, because I suspect that the number of people who want the choice to make Christmas day different from what most people choose is growing, albeit slowly.

That is all that I want to say. The new clause is an unworkable proposition, and the right hon. Member for East Yorkshire would be wise to withdraw it. He has explored and identified a problem, but I do not think that he has found the solution.

Mr. Forth: It pains me to say this, but I really was not convinced by the arguments of my right hon. Friend the Member for East Yorkshire (Mr. Knight). I say that as someone who—the House has rarely heard me say this, but I shall say it on this occasion—has changed his mind on the Bill in a general sense. We shall return to that on Third Reading, when I hope to explain my position in much more depth and detail.

I make that point at this stage, however, because I began by having some sympathy for my right hon. Friend's new clause and amendment, and wanting to support them. I think that it takes us into a more general consideration of multiculturalism and monoculturalism. As I have said before and will say again, I am basically a monoculturalist. I believe that people who come to this country freely from elsewhere should be prepared to adapt to our culture and history, although not necessarily to our religion. I certainly would not want to say that, but I am uneasy when we go too far in encouraging differences in our society rather than integration. That is my starting point.

I therefore come to the new clause and amendment with some trepidation, although I can see exactly what my right hon. Friend wants to say. The libertarian in me wants to reflect what the hon. Member for Gordon (Malcolm Bruce) just said. In an ideal world, I would want everyone to be as free as possible to do what they wanted to do of their own free will. I apply that argument to all sorts of subjects, and I suspect that we shall come to that when we debate smoking and other matters. However, that argument is overlaid by the profound cultural considerations that arise in discussion of the matter before us today. The very title of the new clause, "Cultural and non-Christian exemption", goes to the very heart of that. We must all examine our conscience and ask ourselves how far we want to go to use the law—which is what we are talking about here—either to impose uniformity on society or to acknowledge as far as possible the reasonable diversity in society. The new clause forces us to confront such issues right from the start, although I find myself torn in this case, because part of me wants the maximum freedom for people to do as they wish, even on Christmas day. I shall return to that on Third Reading, for which, unusually for me, I have done some preparation. I am not a great man for preparation, but on this occasion I have a little to hand.

When I heard the argument that my right hon. Friend the Member for East Yorkshire made, the first thing that occurred to me was that, given the new clause's thrust, it is unnecessarily restrictive where it says:

"Where the owner of a large shop employs entirely non-Christian employees in that shop".

I wonder why it does not say "largely" or "substantially" instead. As the new clause stands, the presence of one Christian employee in a fairly large shop would stymie or prevent the implementation of my right hon. Friend's argument. That is somewhat anomalous, and although I can see the rationale behind his use of "entirely", it goes a long way towards undermining the whole point of what he is trying to do.

On the entirely practical question of the verification of religion, the question has rightly been raised of how we could balance reasonable privacy on a very personal matter—religion—against the reasonable verification that the new clause asks for. We get into some difficulty there. It is all very well for my right hon. Friend to say that a notice shall be made in writing and shall identify the premises—that is fairly straightforward. The issue of the owner of the shop is also probably fairly straightforward, although it might not necessarily be in some cases. For example, I wonder how the new clause would cope with cases of corporate, as opposed to personal, ownership. Where the owner of a shop that employed entirely non-Christian employees was a corporation rather than an individual, there might be a complication.

Subsection (2)(c) refers to

"the identity of all the employees".

The issue of identity might not provide a great difficulty—that should be known for all sorts of purposes, not least taxation and other matters—but the declaration of the employees' religion might bring considerable potential difficulties. How would we police and verify the religion of the employees to ensure that they were entirely non-Christian? That brings us, inevitably, to an intrusion into a private matter.

Of course, it could be argued that where we are discussing the cultural matters involved here, and their importance, we have to confront the fact that if we start asking people whether they want Christmas day to be sacrosanct, which is by definition a matter of religion,

[Mr. Forth]

we inevitably get into declarations or verifications or religion. However, on what basis that would take place is another matter. Is it simply a question of a declaration of faith, or would one require some sort of demonstration of that? I am not a churchgoer myself, except for on one day a year, Remembrance day, and I do not want to intrude unduly into Church matters, but I am aware that some faiths, Churches and religions require a certain degree of demonstration of adherence to the faith before they will go ahead with ceremonies such as baptism or marriage.

Mr. Chope: Does my right hon. Friend not recognise that even the census requires people to state whether they are Christian, or what their religion is?

Mr. Forth: I am not sure to what extent that is a requirement, and even there I am not sure what verification procedure exists. My hon. Friend almost makes, or emphasises, my point. As I recall it, the census invites people to declare their religious affiliation, but goes no further. I am not sure, therefore, that that is a terribly good example.

I foresee all sorts of real difficulties with the new clause. Although it pains me slightly, I have to say to my right hon. Friend the Member for East Yorkshire that the point that the hon. Member for Doncaster, North (Mr. Hughes) made about red tape and bureaucracy was fair. Conservative Members need always to be aware—I have taken some of my hon. Friends to task about this before, usually, but not always, on Fridays—that, preaching as we do the virtues of deregulation and the evils of red tape, we need to exercise much care before we come to the House with measures that would impose additional bureaucracy. On the face of it, new clause 1 would do just that. It would require a procedure for notices to be made in writing and, presumably, lodged with the local authority; and my right hon. Friend also said, under pressure from questioning, that there would have to be a random inspection or verification process. It follows that those processes would have to be undertaken by local authority employees. That might be an excellent job creation scheme, or could even be part of the new deal for all I know, but it is not exactly the sort of scheme to which Conservative Members normally give ready support.

10.30 am

Mr. Greg Knight: My right hon. Friend is now trying to have it both ways. Does he not accept that I would prefer not to have this legislation? However, I was trying to say that if we must have it, the legislation would be better with the new clause and amendment No. 11.

Mr. Forth: I half accept what my right hon. Friend says, as we established on Second Reading, as is explicit in the Bill, that there will have to be some sort of additional proceeding for policing the basic provisions of the Bill, to say nothing of his new clause. He may therefore be able to subsume his red tape into the red tape that would exist under the basic provisions of the Bill. I will go that far, and perhaps accept his helpful intervention.

Mr. Mark Francois (Rayleigh) (Con): On the point about red tape, there are data protection implications relating to the policing, as it were, of new clause 1, as religion is in the category of sensitive personal data as defined under the Data Protection Act 1998. It is the type of information about which those holding it must be particularly careful. Therefore, an employer who was seeking to record it for the purposes of implementing new clause 1 would need to register as a holder of sensitive personal data with the Information Commissioner. There is a cost associated with that, and the policing of it becomes more complicated. I hope that that assists my right hon. Friend in his argument.

Mr. Forth: Sad to say, it assists me in my argument but it does not assist our right hon. Friend—I am not sure whether he realised that there was this new bureaucratic horror, which has just intruded into our proceedings thanks to my hon. Friend. We can perhaps revisit in a moment the whole process that was outlined in new clause 1, as I was about to move away from it before my hon. Friend helped me. Perhaps we must now consider it again in terms of the notifications that must be made and the personal data contained in those notifications.

I am anxious to move on to amendment No. 11, which, if anything, is even more defective, if I may say so, than new clause 1. I can see what my right hon. Friend was aiming at, but I am not sure that his amendment goes anywhere near succeeding in it. Some of the questions that arose during his explanation were relevant. First, on the face of it, local public demand is an attractive phrase, to which most of us would subscribe in most circumstances, but how we identify that is a difficulty. The mechanism by which we identify it must be examined carefully.

When considering a local authority area, my right hon. Friend gave a hint that he had in mind a densely populated, relatively well-defined area such as Leicester—that is probably where his thinking started. Many local authority areas, not least in Scotland but also in England, are very large and disparate and a number of different communities will reside in them. One can therefore have a homogeneous, densely packed, highly occupied area of an urban local authority on the one hand, as opposed to a large, disparate local authority area on the other. The definition or the basis in terms of local authority areas would not therefore stand too much scrutiny.

Mr. Colin Pickthall (West Lancashire) (Lab): I agree absolutely with the right hon. Gentleman. Does he also agree that in many areas such as mine, the large stores that we are talking about—out-of-town-type stores—are right on the edge of a local authority, with almost their entire custom coming from the next-door local authority? Were this nonsense proposal to get anywhere, we would have a situation in which a local authority was dealing with an issue that affected people who did not belong to that local authority.

Mr. Forth: I am grateful to the hon. Gentleman. He anticipated what I was going to say, but he puts it well. A real problem with my right hon. Friend's amendment is that in seeking to base the demand on a local authority area, we bump up against the problem, which occurs so often, of proximity to the boundary and cross-boundary activity. That is illustrated graphically by the Greenwich

judgment in relation to local authorities and schools, on which I do not want to digress, Madam Deputy Speaker. It is an analogous case, however.

Mr. Greg Knight: Does any of this matter in relation to my right hon. Friend's argument? Surely, if a large shop is popular and people want it to open on Christmas day, some of the customers may come from far afield, but at least it will have a customer base within the local authority area, and if 1,000 people want the shop to open, why should it not?

Mr. Forth: I will come to the issue of 1,000 people in a moment. We have not got to that yet—we are still talking about local authorities. My right hon. Friend has made a brave attempt to define local public demand, but we have already arrived at a real problem in relation to what that local public demand is and how we measure it. I am simply saying that rather than taking a defined area, my preferred approach would have been to take a five or 10-mile radius around the shop in question. That might have made a lot more sense—perhaps not administratively but in terms of identifying local demand. I therefore query the use of the local authority area as a criterion on which to measure demand.

Mr. Chope: Does not my right hon. Friend's argument ignore the fact that the impact on the local community of a shop opening is likely to be in that very local authority area?

Mr. Forth: No, I am arguing the opposite. The impact will be within a prescribed area in relation to the store, regardless of the local authority. Some local authority areas—with which I am not very familiar as I have the pleasure of representing a suburban residential area in London, which is not large—are very large. Such areas, which many of my right hon. and hon. Friends represent, can be 50 to 60 miles from one end to the other. Therefore, the point about local authority demand and local authorities falls down immediately if we are talking about the potential impact on a community of a shop or store opening. I now wish that I had tabled an amendment to my right hon. Friend's amendment to change the definition from "local authority" to "prescribed area around the store". That opportunity, however, has gone.

The issue of 1,000 people signing a petition also raises some difficulty. Of course, one can pick any arbitrary number. I think that 1,000 is a low number on which to base such a proposal, and had I considered this matter, I would have picked a higher number. We could have the difficulty of competing petitions. Were 1,000 people, or even 5,000 people, to petition in the way that my right hon. Friend has suggested, it is likely that people of a legitimately different point of view might want to table an opposite petition. His amendment does not seem to provide for that. Would it not be embarrassing, to say the least, if 1,000 people petitioned in one direction and 5,000 people petitioned in the other? One wonders what the outcome would be. Perhaps it would have been better to provide for a more competitive or comparative process, whereby people could indicate their level of wish or demand one way or the other, rather than having a one-way mechanism. In some ways, it seems profoundly undemocratic that a small number of people can dictate to a community what will or will not happen in that area.

Mr. Knight: Why should anyone who does not want to use a shop have the right to stop it opening? The whole purpose of the amendment is to accommodate those who do want the shop to open. I thought that my right hon. Friend was a libertarian.

Mr. Forth: I try to be a libertarian whenever I can, but as I said at the outset—and this will be the thrust of my analysis on Third Reading, although I suspect that that is some way off—there is a competing pressure here, and a competing demand.

I would have much more sympathy with my right hon. Friend's amendment were it more appropriately drafted. First, I do not think that, in this instance, specifying the local authority area is a good idea. Secondly, I am not convinced that a petition from 1,000 people is a sufficient basis on which to make the move towards liberty that my right hon. Friend seeks. Thirdly, I see a lacuna in that there is no provision for the counter-view to be measured or assessed. For all those reasons, I think the amendment is defective.

That is not to say that, in an ideal world, we should not allow for more local discretion and decision making. Perhaps we have all missed a trick—I plead guilty to this myself—in not taking the opportunity presented by the Bill to revisit the philosophy behind the Sunday Trading Act 1994 and, indeed, what preceded it. We shall have a chance to do that when we deal with the next group of amendments.

My right hon. Friend may be on to something really important. Sadly I consider his amendment defective, but perhaps we should have allowed much more scope for that local discretion and decision making rather than imposing a blanket national provision. My right hon. Friend has, after all, put his finger on the fact that local communities vary enormously in their composition, in their ethnicity and, in some cases, in their religious affiliation. We can readily identify many local communities with particular characteristics and meriting different treatment, in terms of shops opening on Christmas day among other things. Perhaps we shall be able to discuss the issue some other day, or in the context of another private Member's Bill. We should never regard what has been done once as being set for ever. Indeed, we may have a chance to explore these matters later today.

All in all, I am not unsympathetic to the thrust of what my right hon. Friend is trying to do, but having looked in some detail at the way in which his new clause and amendment would operate, I am afraid I cannot support them at this stage, and I would need a lot more convincing before I could. I hope he may yet be able to persuade me, but thus far he has not been able to do so.

Mr. Chope: I am rather disappointed by the illiberal approach of my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), which contrasted with the classic liberal approach adopted by the hon. Member for Gordon (Malcolm Bruce).

Like most Members, I consider Christmas day to be the second most important festival in the Christian calendar, and think that we should do everything

[Mr. Chope]

possible to preserve its significance. I have to recognise, however, that an increasing number of people in the country are not Christians and do not profess to be, and that many positively adhere to other religions. In those circumstances, I think we need to preach the virtues of tolerance, understanding, freedom and choice.

That, indeed, is what the Bishop of Winchester did when he preached at evensong in Christchurch priory in my constituency on Trinity Sunday this year. He spoke of the significance in the Christian calendar of that day, which—for those less familiar with the dates in the calendar—happened this year to coincide with the 60th anniversary of D-day. He pointed out that the Winchester diocese contained two large non-Christian communities—a large Muslim community in Southampton and a significant Jewish community in Bournemouth. He might have added, although he did not, that there is also a significant community of Sikhs and Hindus in Southampton, as I know from the time when I represented Southampton, Itchen.

10.45 am

New clause 1 reflects the reality that parts of our country now contain large non-Christian settlements. If the Bill is designed to keep Christmas day special for Christians, where does it leave those who are not Christian? In Scotland, the Union of Shop, Distributive and Allied Workers has an agenda to make new year's day a special day on which shop workers would not have to work, perhaps because people in Scotland regard new year's day as almost a bigger religious festival than Christmas day. What is certain, however, is that new year's day is not a Christian festival. I do not believe that the campaign by those promoting the Bill is motivated by a concern for Christianity; I think they are concerned about shop workers working on public holidays, and if that is their agenda I think they should be open and clear about it.

My right hon. Friend the Member for East Yorkshire (Mr. Knight) acknowledges that agenda in his new clause, which I was happy to support. He says we should recognise that Christmas day is a Christian festival, and that those who are not Christians and do not want to join in should not be compelled to do so. The issue is voluntarism versus compulsion. My right hon. Friend says that all employees would have to be non-Christian before his new clause could be triggered and the shop could be opened. My right hon. Friend the Member for Bromley and Chislehurst feels that that is going slightly too far, but I think my right hon. Friend the Member for East Yorkshire should be praised for saying that we need to ensure that every Christian who might be forced to work in a large shop should be protected. If only one Christian were working in the shop the new clause would not apply, but if there were no Christians and the owner wanted to open the shop, why should he not be able to do so?

Chris Bryant (Rhondda) (Lab): As one who was only too happy to work on Christmas day, and for that matter on Boxing day and St. Stephen's day and every Sunday as well—in fact, that was the only day of the week on which I was prepared to work—may I suggest that that is not the point at all? What the right hon. Member for East Yorkshire (Mr. Knight) aims to bring about through what we all realise is a parliamentary device is one of the most illiberal, sectarian and divisive provisions that has featured on an amendment paper for many a long month.

Mr. Chope: I am amazed by what the hon. Gentleman says. I do not understand the riddles in which he speaks. I know that many preachers go into the pulpit and try to attract the congregation's attention by speaking in riddles, and the first part of his intervention came into that category. As for the second part, the new clause is the reverse of illiberal and sectarian. It recognises the reality established by the last census. We learn from the census that 26 per cent. of Leicester's population are Indian—the highest percentage in any UK local authority—and 36.1 per cent. are non-white. In Newham, 60.6 per cent. of the population are non-white: in other words, the majority of the population. In Brent, 54.7 per cent. are non-white.

Mr. Forth: Those figures might be very interesting—they might even be slightly instructive—but is not my hon. Friend illustrating my point: that what happens in a local authority may not have much relevance to the community within which the store to which the new clause refers is situated? Surely there is a material difference, even in the cases that my hon. Friend quotes, between the local authority at large and the community immediately surrounding a shop that may, under these terms, open on Christmas day.

Mr. Chope: My right hon. Friend's argument is directed more towards amendment No. 11 than new clause 1. In an area such as Newham or Leicester, it is quite likely that there would be a large shop whose owner wished to open on Christmas day, and all of whose employees were non-Christian. That is the point that I am making, particularly in relation to communities in which more than half the population are non-Christian.

Mr. Kevan Jones: Does the hon. Gentleman agree that, if the new clause were adopted, in what is a Christian country, we would be discriminating against Christians? If a devout Christian who did not want to work on Christmas day, and who recognised the Christmas holiday, applied for a job in a store employing only non-Christians, there would be an incentive for the store owner not to employ that person because, under the new clause, if they were employed, the shop would not be allowed to open on Christmas day.

Mr. Chope: The hon. Gentleman makes that point on the supposition that a responsible store owner would seek to discriminate against a potential employee on the grounds of that person's religious beliefs. I do not think that that is the way in which responsible shop owners would behave.

Mr. Jones: Yes, but the fact of the matter is that, under new clause 1, if that person were the only Christian employed by that store, it would not be

allowed to open. Is it right that, in a predominantly Christian country, we should introduce legislation that discriminates against Christians?

Mr. Chope: As of 1 November in any given year, there would be a test. If no Christians were employed at that time, the test would apply for the following Christmas day. If, in the period between then and the following November, the store recruited Christians—or, perhaps more likely, existing employees changed from another religion or from being non-believers and adopted the Christian religion—the situation would alter.

New clause 1 and amendment No. 11 are being discussed together because there are two mechanisms that would enable exemptions to be made to the rather authoritarian approach that the hon. Member for North Durham (Mr. Jones) proposes. It is surprising that the practising Christian Members of the House, who are trying to preach tolerance and understanding through the new clause, are being strongly opposed by those who make it clear that they do not have Christian beliefs.

Chris Bryant: The hon. Gentleman should be careful to judge not, lest he be judged. He said that 60 per cent. of people in Newham were non-white, but the fact that someone is non-white does not mean that he or she is non-Christian. Indeed, one of the most active Christian communities in the United Kingdom is the Afro-Caribbean community, and I think that its members would take significant exception to the nonsense that the hon. Gentleman is preaching this morning.

Mr. Chope: I agree with the hon. Gentleman absolutely. I am certainly not equating being non-white with being non-Christian. If we look around the world today, we see that some of the worst atrocities being committed against Christians are against black and other non-white Christians. I accept that wholeheartedly. Unfortunately, the Library brief does not give details of the non-Christian population by community; all that I have are the details of the non-white population.

I do, however, have the overall figures for population by religion, which show that only 71.6 per cent. of the population of the United Kingdom said in the 2001 census that they were Christians. Only 2.7 per cent. said that they were Muslim, 1 per cent. Hindu, 0.6 per cent. Sikh, 0.5 per cent. Jewish and 0.3 per cent. Buddhist. It would be erroneous to lump the Muslim, Hindu and Sikh populations together and say that they are non-white. I am not seeking to do that at all.

The hon. Gentleman will be the first to recognise, however, as did the Bishop of Winchester, that there are communities in this country with a significant non-Christian population. The new clause would give them the right to go shopping in large shops on Christmas day, should they so wish. I should like to emphasise, in relation to the argument advanced by my right hon. Friend the Member for Bromley and Chislehurst on amendment No. 11, that this would not be compulsory. If someone presented a petition in which 1,000 people said that they would like a shop to open on Christmas day, and there were a counter-petition, the shop would not have to open. It would be for the shop owner to decide whether he wished to open his shop. If 1,000 people wanted a shop to open, but 5,000 people argued against that, the shop owner would risk annoying or losing many potential customers whose views had been expressed in the counter-petition if he opened his shop.

Some of the arguments against amendment No. 11 have been based on the false understanding that it would introduce an element of compulsion. Would that it were possible that, if a community said that it wanted to keep its post office open and 1,000 people signed a petition to that effect, the post office would, ergo, be kept open. Sadly, that is not the case, and it would not be the case in relation to amendment No. 11. If 1,000 people said that they would like a shop to open on Christmas day, that would not be decisive in itself, but it would provide a trigger that would enable the owner to open—all other things being taken into account—should he or she so wish.

Mr. Forth: That is all very well, but let us suppose that 1,000 people at one end of a large local authority area petitioned that a store at the opposite end of the area should open on Christmas day. That would not inconvenience those people. They would have operated the mechanism under amendment No. 11, but only the people in the immediate vicinity of the store—who had not petitioned for it to open—would suffer. Is that not a possibility?

Mr. Chope: Obviously, anything is possible. I cannot dispute that that is a possibility, but my right hon. Friend should accept that common sense would apply. This would be an issue of local public demand. If there is local public concern about shops opening on Christmas day, that should be dealt with through the planning process. There is nothing to prevent a provision that a shop should not open on Christmas day from being included in the terms of its planning permission. That would be a better way of reflecting local opinion on such issues than rejecting amendment No. 11.

My right hon. Friend the Member for Bromley and Chislehurst raised the issue of reasonable verification of religion in his objection to the new clause and the amendment. The census figures make it clear that the 23 per cent. of people who do not adhere to any religion are a mixture of people who said that they were non-believers and people who said that they were not prepared to answer the question. My right hon. Friend is right to say that there is no compulsion in the census on a person to say whether they are Christian or not. In reality, I doubt whether that would be a difficult problem to overcome, because it should be apparent to anyone who runs or owns a shop whether his employees are keen for the shop to open. It would be quite easy, in the form of a secret ballot, to find out whether people are Christian. It would not be necessary for an individual to be identified as a Christian in a shop in which most employees are non-Christian. The situation could be dealt with by other means, and as long as it was dealt with sensitively there would be no need for the identity of the person in question to become known to either the shop owner or to other employees.

11 am

The only reason we are tabling the new clause and the amendment is the fact that this is essentially a restrictive

[Mr. Chope]

Bill that seeks to impose greater restrictions than currently exist. Inevitably, if one wants to impose restrictions and to have exemptions to them, there will be some ambiguity and need for interpretation, and for common sense to be applied. If the Bill's promoter accepts the central argument of my right hon. Friend the Member for East Yorkshire and I that the reality is that we do not live in a monocultural society—much as my right hon. Friend the Member for Bromley and Chislehurst might wish that we did—certainly so far as particular localities are concerned, that argument should be recognised and reflected in the Bill.

I hope that, on reflection, the Bill's promoter will say, "Although I do not agree with its detail, I accept the principle behind the new clause." If the Bill is granted a Third Reading, I hope an amendment will be tabled in the other place to reflect the points that have been made in this debate. Neither I nor my right hon. Friend the Member for East Yorkshire would be so arrogant as to suggest that the new clause is perfectly drafted and ideal, but the principle that we have been articulating is one that the promoter should take on board.

Mr. Kevan Jones: This has been a good debate and I do not want to impugn the motives of the hon. Member for Christchurch (Mr. Chope) and the right hon. Member for East Yorkshire (Mr. Knight), because they have raised issues that, in a multicultural society, need to be dealt with not only through this Bill but in other areas of public policy. However, there are clear problems in enforcing the provisions in new clause 1.

Several Members have discussed the issue of intrusiveness and how we clarify an individual's religious beliefs. The hon. Member for Christchurch suggested the use of a secret ballot, but that would have to be policed. Do we really want local authorities to be able to pry into people's religious beliefs, which in some cases change over time? In my view, that would not be right, although it might be welcome to the right hon. Member for Bromley and Chislehurst (Mr. Forth), given his libertarian views. The state ought not to be able to ask people what their religious beliefs are.

Moreover, the new clause would lead to discrimination against Christians. Ours is a Christian country and we should recognise that fact through Christmas day and other holidays. As I said earlier, it is clear that, under the new clause, if a Christian joined the staff of a shop the majority of whose employees were non-Christian, the shop could no longer open on Christmas day. That would put pressure on people to hire only non-Christians, and I am sorry, but I do not agree with that at all. Likewise, pressure should not be put on such an individual by non-Christians to change their religion or to leave the store's employment, simply because of their religious beliefs. It is a fundamental freedom of this country that the law and society tolerates religious beliefs irrespective of their nature; long may that continue.

Mr. Greg Knight: The hon. Gentleman is making a thoughtful response to this debate, for which we are all obliged. However, is there not a flaw in the argument that he is developing? If a store were composed largely, but not exclusively, of non-Christian employees, the store owner could rely on amendment No. 11. He need not necessarily take action through the religious exception; he could seek to test support in the local community for his store's opening on Christmas day, so the effect that the hon. Gentleman fears might not come about.

Mr. Jones: I am grateful for that intervention and I shall deal with amendment No. 11 in a moment. In fact, new clause 1 contains the following phrase:

"Where the owner of a large shop employs entirely non-Christian employees".

It is clear that there would be pressure to employ people who are not Christian, if employing Christians would prevent shop owners from opening on Christmas day.

The issue has rightly been raised of large Asian shops situated in multicultural areas. My Bill simply seeks to bring Christmas day into line with the Sunday Trading Act 1994. As things stand, a large store of more than 3,000 sq ft cannot in any case open on Christmas day if it falls on a Sunday, so my proposal can hardly be described as draconian.

There is another problem with new clause 1. How would we police its provisions and verify people's individual religious beliefs? The new clause makes reference to a cut-off date of 1 November, but it is clear that employees will join and leave a store during the course of a given year, and in that regard the provision would put an administrative burden not only on the owner, but on the local authority in question.

When the Department of Trade and Industry put out for consultation the proposal that Christmas day be brought into line with the 1994 Act, the various religious groups made no representations whatsoever. Although I understand the spirit behind the new clause, it would be difficult to enforce in practice and administratively very expensive.

Mr. Knight: If the hon. Gentleman's Bill passes through this House today—in whatever form—and if, before it completes its entire legislative passage, members of the Asian community and non-Christian shop owners indicate that they want to discuss their concerns about the Bill with him, can he assure the House that he would be willing to agree to such a meeting?

Mr. Jones: I can, and I am sure that the Minister will want to address that issue in his reply. But in terms of public consultation—

Mr. Sutcliffe: Given that my hon. Friend has worked extensively on this Bill, he will be aware of the consultation that took place in 2003, and of the fact that no other religious groups commented on the proposals in the Bill. They did not regard them as a problem.

Mr. Jones: I certainly want to reinforce that point. I have received letters from owners of smaller shops in my constituency—very hard-working non-Christian families—expressing some concern. However, this Bill will not restrict their trade on Christmas day and other such days. So although I understand the reasoning behind the new clause, because of the way in which it is framed it would be very difficult to enforce and very expensive to implement.

Various issues have been raised in the debate, and the question arises of whether we want to open up the can of worms that is the 1994 Act. Perhaps it is time to look at some of the broader issues, although I accept that such legislation had a painful passage when it was last considered in the House.

New clause 11 tries to address an issue that the hon. Member for North Shropshire (Mr. Paterson) raised on Second Reading: Stan's Shop, and the question of local demand for stores to open in rural areas. I looked into whether that could be done. This is an attempt to do so, and I accept the spirit in which it has been proposed. Again, however, the issues raised in the debate this morning have shown that, in practice, it will prove very difficult. For example, the question of why it should be 1,000 persons has been raised. It would be a problem if 1,000 people in a town or village wanted the shops to open, but another 3,000, or 4,000 did not. Who would arbitrate on whether the store should be open?

Another problem is that many large shops are based out of town. To take one example, Sainsbury's in Pitty Me—just over the border of my constituency and in that of my hon. Friend the Member for City of Durham (Mr. Steinberg)—serves a large catchment area. It straddles two local district council areas. Many people in my constituency might want the store to be open on Christmas day, but those in the neighbouring constituency might not. That is always a problem when stores straddle constituency or local authority borders.

Another problem with the proposals is that they could lead to aggressive campaigning between various stores. The whole point of my Bill is to ask whether consumer demand should dictate whether stores open on Christmas day. I do not believe that it should, because, for reasons that were advanced on Second Reading, I want Christmas day to be a special day.

Finally, the proposals are not practicable because of the possible horrendous costs that would be incurred by local authorities in attempting to police the measures. Amendment No. 11 refers to the electoral registers as providing proof that people are indeed who they claim to be. However, having to check every one of the 1,000 names would be onerous. Similarly, I know that when constituents are thanked for signing a petition, they often say, "When did I sign that?" It would again be difficult to police the names on the petition. I finish by acknowledging the reasons behind the proposals, particularly in rural constituencies such as my own.

Mr. Edward Leigh (Gainsborough) (Con): I hope that the House will forgive me for speaking briefly on this matter. I am motivated to contribute because our interesting debate has pointed to a fundamental dilemma in our society. I have one crucial point. I am not a libertarian, although I understand the libertarian point of view, whereby society should not judge anything and people should be allowed to do anything that they want, as long as they do not harm other people. That is not my view because I believe in society. I believe in the building blocks of society—family, community and nation. Christmas day is part of our culture.

I believe that there is something dangerous about the proposed amendments. New clause 1 is particularly dangerous because it identifies one part of our community and sets it apart from others. I recognise that although we are still a predominantly Christian country, many people are not Christians. We all accept that, and it does not matter. The fact remains that we are a predominantly Christian society. We recognise that there are Muslims, Hindus, Jews, non-believers, atheists, agnostics and so forth. That is fine: let them all have their beliefs, but we are a fundamentally Christian society.

What worries me about the new clause is that it identifies certain people as being different. It is, of course, completely unworkable in any event. It requires only one member of staff to be a Christian for the new clause to be inapplicable. Are there any shops in that position? I doubt it, but that is not the point. The problem is that the proposals are about creating a new society in our country, in which people are deliberately set apart because of their religion. They are placed in a sort of ghetto, which I believe is profoundly dangerous. We should never allow that.

11.15 am

Mr. Chope: But surely that has already happened and is happening. It is why questions in the census ask people about their religion. It is why forms no longer ask people for their "Christian names", but refer to "first names".

Mr. Leigh: I am happy that people's sensitivities are respected. I do not want to impose my views on anyone. If I know that it will offend someone attending my constituency surgery if I ask them for their Christian names, I will not say that, but ask for their first names. However, the new clause is effectively saying to society as a whole, "Look at that store over there; it is a Muslim store; it is the only store that will be open on Christmas day because is has only Muslims working for it". Is that the sort of society that we want to live in, or do we want a society in which people are happy with being Muslims, Jews or non-believers, but are part of society as a whole? If I lived in a Muslim, Jewish or Hindu country, I would respect the general mores of that society. If I were a store owner, I would not want to be setting my little Christian store up as open in the middle of Delhi or wherever. That is not what creating society is all about.

Mr. Greg Knight: With respect, my hon. Friend is getting carried away with his own rhetoric. The number of non-Christians in our society is 29 per cent.—almost a third—so we are not talking about a minuscule number. Furthermore, the proposed amendments—and, effectively, the Bill—relate to large shops only. My hon. Friend's scenario with the little Muslim shop on the corner being the only shop open does not apply. *[Interruption.]* Small shops will be allowed to open. We are trying to allow large supermarkets and stores to open where they are run by and serve non-Christians.

Mr. Leigh: I precisely did not say that. We all know that the Bill does not apply to small shops; we all know that small shops remain open on a Sunday. My point is that the new clause relates to large stores and sets apart a particular store precisely because it is manned by people who are not Christians. The implication may be that they are "not British". It is the wrong implication: just because people are not Christian, it does not mean that they are any less British.

[Mr. Leigh]

Let us be honest about it. Christmas day is not just a Christian festival. The real Christian festival is Easter day. Christmas day is about being British: it is a festival of giving, of not working, of being with one's family. That is what it is all about. That is why, although the debate has produced an interesting argument, I am wholly opposed to the amendments.

Mr. Julian Brazier (Canterbury) (Con): I shall be extremely brief. I am a strong supporter of the Bill and I am aware of the passage of the clock. I have the greatest respect for my right hon. Friend the Member for East Yorkshire (Mr. Knight) and for my hon. Friend the Member for Christchurch (Mr. Chope), but I believe that the new clause is profoundly mistaken. It would be intrusive, bureaucratic and it would indeed attack social cohesion, as my hon. Friend the Member for Gainsborough (Mr. Leigh) has rightly argued.

I have no difficulties or dilemmas: no one has ever mistaken me for a libertarian, or, indeed, a liberal. I believe firmly that society must look to the best of the past and seek to reform those things that need reform. Social cohesion is an overwhelming concern for Government and Parliament. Does my right hon. Friend the Member for East Yorkshire really want a situation in which the only Christian employee in, say, an Islamic business—I choose Islamic only because of the international tensions of the moment—finds himself in the odious position of preventing the store from opening on Christmas day unless he is willing publicly to leave aside his faith?

I was astonished to hear the hon. Member for Gordon (Malcolm Bruce)—the Liberal Democrat spokesman has left us, at least for the moment—say that opposing the amendment would mean opposing a trend that is already happening in society. Surely one does not have to be an old-fashioned Conservative like me to see that some trends are undesirable. I shall not waste the House's time by furnishing it with some obvious examples, but I ask my right hon. Friend the Member for East Yorkshire to withdraw his new clause.

Mr. Sutcliffe: I agree with what the hon. Member for Canterbury (Mr. Brazier) has just said. I, too, will be brief, because my hon. Friend the Member for North Durham (Mr. Jones) has taken us through all the issues raised, quite properly, by the right hon. Member for East Yorkshire (Mr. Knight), whose skill in putting his arguments I fully acknowledge. It is a sad aspect of the time scales within which we work that we did not have an opportunity to look at many of those issues during the Committee stage. Everyone in the Committee fully supported the Bill, as do most Members of the House. I hope that the right hon. Gentleman will reflect on that support: he said that he did not like the Bill or think it necessary, and he has quite properly put his arguments.

Mr. Forth: In the friendliest possible way, may I caution the Minister against using terms that we hear all too often on a Friday about the extent of support for a Bill? He would not, I hope, want us to test that support in a Division, so I ask him, and anyone else who comes along on a Friday to support a Bill of their choice, not to tell us what support it has; otherwise some of us might be tempted to test the proposition.

Mr. Sutcliffe: I acknowledge the experience and skill of the right hon. Member for Bromley and Chislehurst (Mr. Forth) and the point that he makes. The debate has been a sincere one about the issues, which is how the House should operate.

The Bill is not, as the right hon. Member for East Yorkshire suggested, just about trade unions. It enjoys support outside the House from a large number of organisations, as my hon. Friend the Member for North Durham noted. It is an important Bill that respects the special nature of Christmas day as a holiday for all sections of society, irrespective of faith.

The right hon. Member for East Yorkshire should know that there was extensive consultation on the Bill in 2003 with all groups. There were no significant objections from religious groups. The burdens that new clause 1 and amendment No. 11 would impose have been mentioned, and previously debated, on the money resolution—such as the costs of the Bill, particularly focusing on what "negligible" means. The point is that significant costs would arise from the Bill if the new clause and amendment were accepted.

The Bill is about large shops. The industry has said that it favours legislation on the basis that there would be a domino effect if one shop opened because others would follow suit, and we do not want that. Given the sincerity of the debate and the arguments made by my hon. Friend the Member for North Durham, I hope that the right hon. Member for East Yorkshire will withdraw his new clause.

Mr. Greg Knight: I thank all who have taken part in an interesting debate for their suggestions and, indeed, criticisms, of the new clause and the amendment. They have done democracy a service by expressing their views and showing their support or opposition to my proposal.

My hon. Friend the Member for Gainsborough (Mr. Leigh) said that he did not want to impose his views on anybody, but the gist of his argument was in fact that he did seek to impose his views on those who are non-Christian when it comes to opening large shops on Christmas day. In framing legislation, we must take account of the 29 per cent. or so of our society who are not Christians.

I was heartened by the comments of the hon. Member for North Durham (Mr. Jones), who said that even though there had been consultation, if, during the passage of the Bill, anyone wanted to see him to express their concerns, he would be willing to listen. That is a commendable attitude and I thank him for it. I wonder what he would say to an Asian businessman who came to his surgery and said, "Why has my large shop got to close on Christmas day when I am not a Christian, my work force is not Christian and most of my customers are not Christian?" I hope that such a person would get an answer because we have not had one yet to that question.

I am not, particularly, a practising Christian, but I do support Christian ethics—the beliefs in tolerance, in fairness and in accepting and appreciating the views of

people who hold a different opinion from oneself. If I sense the mood of the House correctly, it is against what I seek to achieve, but I hope that if any section of our society feels wronged by the Bill, the promoter will be willing to listen, even at a late hour. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 1

PROHIBITION OF OPENING OF LARGE SHOPS ON CHRISTMAS DAY

Mr. Forth: I beg to move amendment No. 6, in page 1, line 8, at end insert—

'(2A) Subsection (1) does not apply to any shop where the trade or business consists wholly or mainly of the sale of books.'.

Madam Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 7, in page 1, line 8, at end insert—

'(2A) Subsection (1) does not apply to any shop where the trade or business consists wholly or mainly of the sale of children's toys and games.'.

No. 8, in page 1, line 8, at end insert—

'(2A) Subsection (1) does not apply to any shop which meets a prescribed local need.

(2B) in this section, "prescribed" means prescribed by regulations made by the Secretary of State.

(2C) In this section, the power to make regulations is exercisable by statutory instrument, and any regulations are to be subject to annulment in pursuance of a resolution of either House of Parliament.'.

No. 10, in page 1, line 8, at end insert—

'(2A) Subsection (1) does not apply to any shop—

(a) which is a registered pharmacy, and

(b) where the trade or business carried on consists wholly or mainly of the retail sale of medicinal products and medical and surgical appliances.'.

Mr. Forth: The promoter of the Bill, the hon. Member for North Durham (Mr. Jones), said on Second Reading that

"the Bill is based on the provisions of the 1994 Act. The Bill will adopt the same exemptions from prohibition as contained in the Act".—[*Official Report*, 26 March 2004; Vol. 419, c. 1156.]

He then went on to list those exemptions. I thought at the time that an opportunity had been missed simply to carry forward the Sunday Trading Act 1994. I understand why the hon. Gentleman wanted to do that: a large part of his argument was that there was an anomaly or a loophole in the 1994 Act and that the thrust of what we are being asked to do now was to rectify it. Given, however, that we have had 10 years' experience in dealing with these matters, it might have been more appropriate to use this opportunity to revisit the exemptions in the 1994 Act to see whether they were still appropriate.

I recall that reservations were expressed in 1994 about the list of exemptions. I could, of course, have gone back through all the debates and rehearsed the speeches all over again today, which might have been amusing, and even slightly informative, but which would have been more than a little tedious. None the less, it is relevant to reconsider schedule 1 to the 1994 Act, which I seek to amend. Some of the exemptions caused puzzlement at the time, and they may still do so.

The first exemption was any shop at a farm where the trade or business carried on consists solely or mainly of the sale of produce from that farm. I suspect that, then and now, that is relatively uncontroversial. Farm shops are unusual in many ways: they are, almost by definition, remote from most community centres; they are largely—if not exclusively—family businesses; and they conduct, again almost by definition, a fairly restricted type of business. That was uncontroversial then and it is uncontroversial now.

11.30 am

The next exemption—concerning any shop whose trade or business consists wholly or mainly of the sale of intoxicating liquor—leads one into all sorts of different territory. In the debates on Sunday trading at the time, I remember people using the phrase, "Why booze, not Bibles?" It seemed odd that we were permitting the sale and purchase of intoxicating liquor on a Sunday, but not of a Bible.

The next exemptions concerned shops involved with motor supplies and accessories, and cycle supplies and accessories. Also exempt were registered pharmacies and shops selling medicinal products and medical and surgical appliances. Shops at designated airports and at railway stations were exempt, as were service areas, petrol filling stations, and, intriguingly, any stand used for the retail sale of goods during the course of an exhibition.

I thought then, and do now, that the list was interesting, puzzling and not a little anomalous. I suspect that it was rather arbitrary at the time, and it seems so now. It raises the question as to how far one seeks to make exemptions to a general provision covering trading on a Sunday, as it was then, or Christmas day trading, which we are discussing now.

The thought occurred to me that we should perhaps seek to remove some of the exemptions rather than carry them forward. I was intrigued that the hon. Member for North Durham did not seek to do so in proposing the Bill. I am not just a closet libertarian, but a full-blown practising libertarian, and I will now revert to that part of my nature.

Mr. Brazier: I am enjoying this morning enormously, but I particularly enjoyed my right hon. Friend's use of the phrase "that part of my nature." I am so pleased to discover that there is also a strongly conservative part.

Mr. Forth: I like to think that I am a conservative libertarian; perhaps that will help my hon. Friend.

We should think seriously today about the list of exemptions in the context of Christmas day; hence my amendments. The first change that I suggest returns to the question of booze and Bibles, but goes wider. Of all the stores that were to be allowed to open on Christmas day, it seemed odd that we were not allowing bookstores to open on Christmas day. That is not just because someone might feel the sudden urge to buy and read the Bible—not a completely unlikely occurrence. Also, someone given a book token as a Christmas gift might like the opportunity to use it to buy a book on Christmas

[Mr. Forth]

day itself to read to their children, for family entertainment or to fill in those hours of Christmas day during which television is unutterably awful.

Mr. Gerald Howarth (Aldershot) (Con): Parents could take their children to any church in the land, which they would find open, where they would be able to peruse the Bible free of charge. The following day, having introduced their children to the experience, they could go to an open bookshop—so there is no need for bookshops to be open on Christmas day.

Mr. Forth: That may be the case, but my hon. Friend could not guarantee that the version of the Bible that they wanted to read would necessarily be available at their local church. Despite the fact that I am not a churchgoer, or indeed a practising Christian, I know that there are many splendid versions of the Bible. The local church might be one of those ghastly, trendy, modern ones with one of those ghastly, trendy, modern Bibles. My hon. Friend's constituent might want the authorised version to read.

Mr. Howarth: As churchwarden of the Royal Garrison church in Aldershot, I can assure my right hon. Friend that I shall make it my business to ensure that the King James version is available to all those who believe in the proper rendering of the Bible. In Aldershot all will be well, and I shall try to ensure that the same is available throughout the country.

Mr. Forth: I admire my hon. Friend's assiduity and I am sure that his constituents will be as grateful to him now, and at the next election, as they were at the last. However, that does not solve the problem. We are legislating nationwide, and not allowing local discretion; I rather wish we were, and we may return to that question in future. Given the context of the list of exemptions, it strikes me as peculiar that we are allowed to buy the items I listed but not books.

Mr. Kevan Jones: The right hon. Gentleman's line of argument is interesting, but I wish to question the definition of a shop that sells mostly books. I understand that he has mentioned people buying the Bible, but would large licensed sex shops—which may sell mostly books, but sell other things as well—be allowed to open on Christmas day?

Mr. Forth: The answer would, I presume, be yes. I simply carried forward the wording from the 1994 Act—the hon. Gentleman did the same in his Bill—and that refers to shops whose business consists "wholly or mainly" of the sale of intoxicating liquor etc. The same would apply to a shop whose business consisted wholly or mainly of the sale of books. I make no distinction about the sort of books, because I believe that in a free society, adults should be able to buy any sort of printed material.

Mr. Pickthall: Has the right hon. Gentleman estimated the number of book stores large enough to fall within the ambit of the Bill?

Mr. Forth: Happily, that number is increasing. The hon. Gentleman will be aware of excellent book stores such as Waterstone's, and stores such as Borders, and Barnes and Noble—stores that I visit as a regular visitor to America—which are coming to this country and offering their excellent services to the public. They have pioneered the idea of incorporating coffee shops into book stores—something that had been available in the United States for some time. One can go to a book store and peruse books while enjoying a cup of coffee and, if one is not on the Atkins diet, a cake.

The answer to the hon. Gentleman's perfectly fair question is that in future I hope that the number will increase. In Florida, the part of the United States I visit most regularly, I have to drive 40 miles to my nearest book store—but given that gasoline is now $2 a gallon, I may have to think again.

Madam Deputy Speaker: Order. I hope that the right hon. Gentleman will think again about addressing his comments to the amendments.

Mr. Forth: Yes indeed, Madam Deputy Speaker. I was being seduced by the hon. Member for West Lancashire (Mr. Pickthall) and trying to give a comprehensive answer to his pertinent question.

Mr. Greg Knight: There is a good example in America that supports my right hon. Friend's view. In the Georgetown area of Washington, when all other shops are closed, the bars, restaurants and book stores remain open. They seem to be on to something. If the law says that it is all right for a bookshop in an airport to open on Christmas day, why should the rest of us be denied the opportunity to go to Borders and peruse the books there on that day?

Mr. Forth: That is a fair point. I cannot remember whether the area is K street or P street in Washington DC; it is one or the other. My right hon. Friend has pointed out yet another anomaly. It seems rather unfair on the public at large that those who choose to travel and use a railway station, service area or airport will be able to avail themselves of such services, because of the exemptions that the Bill already contains, while the rest of us cannot do so. I would have thought—surprisingly, this does not appear to be the case—that including books in the list would have been utterly uncontroversial. What could be more innocent, pleasurable, educational and positive than being able to buy a book, even if it is on Christmas day?

A similar argument applies to amendment No. 7, which makes the case for allowing the sale of children's toys and games on Christmas day. I would have thought that that was almost self-evidently reasonable. Let us suppose that someone had inadvertently forgotten, or failed to buy, a toy or game for a child in their family or elsewhere, or was suddenly invited to visit somebody on Christmas day without having purchased a gift for a child. Rather than disappoint the child, would it not be proper to permit the sale of children's toys and games on Christmas day, of all days? I would have thought that that was self-evidently a very strong argument. If one can buy liquor, why can one not buy a child's toy or game on the day of giving?

Ms Dari Taylor (Stockton, South) (Lab): Will the right hon. Gentleman acknowledge that for children,

Christmas day is a day of magic? Most of them think that their presents have not come from their parents or a shop, even though they may have seen them in shops. Is he not suggesting a very functional way of treating Christmas day?

Mr. Forth: I do not know what sort of magic kingdom the hon. Lady occupies, but I think that reality has intruded rather more on many people's lives, and sadly, that is the case even for young children.

Let us suppose that my hon. Friend the Member for Gainsborough (Mr. Leigh) were kind enough to invite me at the last minute to join his family celebrations on Christmas day. What would happen if I were more than happy to accept, but I thought that it would be appropriate to take gifts for his children? Given that he has six children, that might a rather expensive proposition, but it would be entirely appropriate to take gifts for his younger children. What would be wrong in my wanting to purchase something appropriate for a child when visiting another family on Christmas day?

Mr. Gerald Howarth: I have a solution for my right hon. Friend. Since motorway service stations and petrol stations are open, and as products that I know are of interest to children will available in such places, he need have no problem. I know that the children of our hon. Friend the Member for Gainsborough would appreciate any small gift from my right hon. Friend.

Mr. Forth: On the face of it, that proposition seems to answer the particular case that I made, but it does not deal with the more general case. Where the journey from the visitor to the host does not involve a motorway journey, my hon. Friend's helpful suggestion will not apply.

Mr. Knight: If our hon. Friend the Member for Gainsborough were true to his beliefs, he would not accept Christmas presents purchased on Christmas day. So far as the magic of Christmas is concerned, what about the poor family who have a burglary on Christmas eve in which all the presents are stolen? *[Laughter.]*

Mr. Forth: My right hon. Friend illustrates very well the sort of problem or dilemma that may arise, and I do not for the life of me understand why his suggestions caused such hilarity. On each Christmas day, tragic and difficult circumstances of the sort that he describes must arise throughout the country. I do not see why we should not allow the flexibility that I propose. After all, if we all wake up on Christmas day with a hangover after over-celebrating on Christmas eve and decide that we need a hair of the dog, we can go straight out and buy intoxicating liquor, because the exemptions will allow us to do so.

11.45 am

It is beyond me to understand why hon. Members should resist the thought, as I gather those present do, that we should be able to buy books or children's toys on Christmas day, when we can go out and buy booze. I simply do not understand it. Neither do I understand the apparent resistance to the idea that, having had 10 years' experience of the 1994 Act and the exemptions that it contains, we should be able to look at it again and perhaps add to it or even subtract from it. I cannot see why that is creating such difficulty.

I think that I can understand why the hon. Member for North Durham (Mr. Jones), who may be able to expand on this point, wanted to slide from the Sunday trading provisions to the Christmas day provisions as uncontroversially as possible. I suspect that he may well be proved right in his judgment some time later this morning. None the less, it would have been helpful if we had decided to look again at the list of exemptions, which my amendments seek to do.

I had thought that in turning to amendment No. 8, I would be moving from simple and uncontroversial suggestions to a proposal that would be somewhat more controversial in a number of ways. The amendment states:

"Subsection (1) does not apply to any shop which meets a prescribed local need."

In this instance, I did indeed want to introduce a much wider degree of flexibility. I confess that in speaking to the amendment, I am trying to edge towards that element of local discretion that I have mentioned once or twice already, to see whether we can pay much more respect to local communities and their needs. The irony is that I have had to approach the matter through a route that I would normally deprecate and be uneasy about. Proposed subsection (2B) states:

"in this section, "prescribed" means prescribed by regulations made by the Secretary of State."

I confess that that was the only way into this issue that I was able to find for the time being, but I hope that it helps to establish the principle, or precedent.

In a sense, what I am proposing harks back to amendment No. 11, tabled by my right hon. Friend the Member for East Yorkshire (Mr. Knight), which we discussed a short time ago. I am trying to reach out and see whether we can identify communities in which one could well make a case for allowing a particular shop to open on Christmas day for particular local community needs. Such a need could be religious or it could be rather different. In a remote or scattered community, the only store might be a large store that provides a wide range of products and services, but it could be established that it was relevant on Christmas day. Such a store might sell almost all the things that have been mentioned, whether in my amendments or in the existing list of exemptions. I wanted to see whether we could introduce some degree of flexibility, even though, in the case of amendment No. 8, it would be through the discretion of the Secretary of State, in order to help such a community.

Again, I would have thought that that would be relatively uncontroversial. After all, I think that all political parties now claim that they are signed up to elements of local discretion and local decision making. Certainly the Labour party and the Liberal Democrats are fully signed up to the concept of devolution, whatever that may mean. Very much in that spirit, I am suggesting a mechanism, in the context of the Bill—given that it is essentially restrictive—to allow for an easement, which might well be appropriate, so that more attention can be given to the needs of local communities.

Just glancing at amendment No. 10, I was slightly puzzled by its content. Perhaps my right hon. Friend the Member for East Yorkshire and my hon. Friend the

[Mr. Forth]

Member for Christchurch (Mr. Chope) can explain this, but it seems to me that it is already covered by paragraph 3(1)(d) of schedule 1 to the Sunday Trading Act 1994. I am not sure that I see the distinction between that and the amendment, but that is for them to explain.

Mr. Knight: If my right hon. Friend looks at the 1994 Act, he will see that paragraph 3(1)(d) states that a registered pharmacy is exempt only if it

"is not open for the retail sale of any goods other than medicinal products and medical and surgical appliances".

Amendment No. 10 is drafted slightly wider, and would allow a Boots type of store to open and sell any of the products within its range.

Mr. Forth: I am grateful to my right hon. Friend, and I am sure that he will want to expand on that in due course. It just shows how carelessly I read his amendment, and schedule 1.

I might mention in passing—I will return to this theme on Third Reading—that I have looked at what happens in other countries. Although we should never slavishly follow what happens in other countries, it can sometimes be quite informative. I got the Library to look at what happens in broadly relevant and parallel countries, such as Canada, Australia and the United States—*[Interruption.]* I deliberately did not mention any European countries, because I do not regard them as in any way parallel or similar to this country in any respect, either politically or culturally. I preferred to look at the real countries of Canada, Australia and the United States, as opposed to the increasingly pseudo countries absorbed into the ever more embracing European Union.

In Canada on Christmas day and new year's day, all businesses affected by the Retail Business Holidays Act must close unless they qualify for an exemption. The exemptions are interesting. I did not replicate them in my amendments, but in a way, I wish that I had. According to the Act, small stores under 2,400 sq ft—note the square feet; the good old Canadians are at least traditional in that respect—with a maximum of three employees, which is a variable that we have not introduced, that sell food, tobacco, antiques or handicrafts, may be open. That is another interesting possibility that we might want to consider at a subsequent stage. Gas stations and garden supply outlets are also exempt from closing requirements. Other exceptions affect businesses including laundromats and car rental offices, which are not defined by law as retail businesses, and therefore not bound by the Act.

I mentioned that in passing, just to illustrate the different nuances that one can get in other broadly similar cultures. They are worth looking at, and we may want to return to them. Perhaps I am just putting down a marker that should I ever come anywhere near the top of the private Members' Bill ballot, which I pray every year I will not, there may be some scope for coming back to the issue of Sunday trading and Christmas day trading and reconsidering the exemptions.

I have just described my little list of exemptions. I hope that the House is sympathetic to it, because by and large, it is pretty innocuous and, in some cases, would be genuinely valuable. I hope that the House will find relevant the fact that a similar approach is taken in other countries—I gave just one example, that of Canada. I also hope that the House accepts that this is an appropriate occasion to reconsider the list, to update it and to make it a bit more flexible to meet the reasonable needs that I am sure can exist on Christmas day.

Malcolm Bruce: The right hon. Member for Bromley and Chislehurst (Mr. Forth) has got himself into some difficulties. I am not sure which way he is coming from. Having been on the receiving end of his taunts about my party, I must say that he seems to be behaving in the way in which he usually accuses Liberal Democrats of behaving, which is to face both ways.

On the more serious matter of the Bill, the starting point is that Christmas day should be special and, in an ideal world, no one would be shopping or doing anything on it. Then we say that we should look at the parallel of the Sunday trading laws to specify what people should and should not do on Christmas day. That is worrying, because the House is making choices about what people should or should not do on Christmas day. The amendments tabled by the right hon. Gentleman demonstrate the anomaly of that position, as it would be all right to buy strong liquor but not books. People talk about the classic values of Victorian Britain, but Scrooge could buy almost everything that he needed on Christmas morning after his conversion by the three ghosts overnight. In Victorian Britain, restrictive trading was not common.

Mr. Sutcliffe: Good legislation is the result of consultation, and this Bill was subject to thorough consultation. More than 90 per cent. of respondents favoured keeping Christmas day special, which is why the Bill has proceeded as far as it has.

Malcolm Bruce: I am grateful to the Minister. As I have made clear, I favour keeping Christmas day special. My family and I, like many other people, treat it as a special day. I am not an avid churchgoer, but I sometimes take my family to church at Christmas. I celebrate Christmas as a family event, but I also acknowledge its religious significance, and I believe that the majority of people in the country want to do the same. I am not hostile to the Bill, as I understand the motivation behind it, but I have some practical reservations. We seem to be saying that big shops should not open but lots of little ones should.

Chris Bryant: We are saying that they can open.

Malcolm Bruce: I accept the hon. Gentleman's point, but there seems to be an arbitrary distinction about which shops should open. Are we saying that people should be allowed to work and shop if they choose, but only at places specified on a list? I accept that there has been consultation on the nature of those outlets, but we are nevertheless making a decision about what it is reasonable for people to do. It is one thing to say that we want to observe Christmas day and keep it special, but another to say that as a result only certain shops can open at certain times.

Consultation on the Sunday trading laws showed that while people accept restrictions on the opening hours of supermarkets and other shops in England, many believe that 10 am is a late opening time. If someone wakes early on a Sunday morning and decides that they want bacon and eggs for breakfast, 10 am may be a little late to go out and buy them. I do not know whether that is the reasoning behind their choice, but people would like the shops to open a little earlier. We are therefore in danger of passing a Bill that, in five or 10 years' time—and probably long before that—Members will wish to amend in the light of changing circumstances.

The amendments tabled by the right hon. Member for Bromley and Chislehurst therefore demonstrate that we are making an arbitrary distinction, which does not make sense in relation to individual choice. I freely concede that I have always taken a libertarian position on the matter, just as I have on Sunday trading.

Mr. Forth: I am slightly disappointed to be getting the blame as I, too, am reluctant to accept the anomalous list of exemptions in the Sunday Trading Act 1994 that the hon. Member for North Durham (Mr. Jones) has transferred to his Bill. I am simply trying to make that list less anomalous or more flexible, and I should have thought that the hon. Member for Gordon (Malcolm Bruce) would approve of that. If he does not like the restrictions in the existing list, can he not go along with my slightly less restrictive list?

Malcolm Bruce: I probably could, but I am not sure what sort of legislation the right hon. Gentleman wants. I am fairly certain what he does not want, but I am not at all sure what he does want. I have made my preferences clear, and the majority of my colleagues are enthusiastic in their support for the hon. Member for North Durham (Mr. Jones). Keeping Christmas day special commands widespread support, and many people who are not religious or whose faith is non-Christian accept that others wish to do so. However, that does not mean that we should impose a restrictive framework on which shops should open and what people can and cannot do, and the right hon. Member for Bromley and Chislehurst has highlighted that dilemma.

12 noon

Mr. Gerald Howarth: First, I apologise to the promoter of the Bill, of which I am a strong supporter, for not being present earlier.

The day my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) is successful in the ballot for private Members' Bills, in whatever position but particularly if he is in the top six, he may rest assured that on the days on which his Bill appears before the House, the House will never have been so full on a Friday of hon. Members seeking to exact the maximum revenge and subjecting his Bill to the depth of scrutiny to which he has subjected any number of Bills on a Friday. Of course, we all thoroughly support my right hon. Friend in pursuing his parliamentary duty so diligently that he has ensured that much legislation that would otherwise have gone through without the requisite scrutiny has been subjected to proper scrutiny. Nevertheless, we all look forward to the day that his Bill comes in the first six.

As I said, I am a strong supporter of the Bill. Like the hon. Member for Gordon (Malcolm Bruce), I believe that Christmas day is particularly special in this country, and that that is the view of the overwhelming majority of people in this country. It is therefore important that we ensure that the special character of Christmas day remains. That is the purpose of the Bill, as much as it is to ensure that those who wish to spend Christmas day with their family are able to do so and are not obliged to work or penalised for wishing to observe Christmas day with their family.

When moving the amendments, my right hon. Friend the Member for Bromley and Chislehurst started by saying that he was looking to repeal some of the exemptions. In fact, all he has done is to add to the list of exemptions. As I am not, like him, a libertarian, although I believe in individual freedom, I hoped he would help us repeal some of the exemptions, but he added more. There must be a question as to whether farm shops ought to be open on Christmas day and whether there is something special about them or about off-licences. The rest of the existing exemptions are there for good reason.

I suggest to my right hon. Friend that the exemptions fall into two categories. The first is emergency services. We would all agree that the availability of medical supplies at pharmacies on Christmas day would fall into that category. Unless we propose to stop trains and cars running, it is important that those facilities should also be open. I am not sure about exhibition stands. I do not see why those should be open on Christmas day.

The other exemptions fall into the second category, which I would describe as facilitating the getting together of families on Christmas day. We live in a society where families are widely dispersed throughout the land, so for many families it is, sadly, essential that they drive on Christmas day in order to be with their relatives. Unless families are fortunate enough to drive a car with good fuel consumption, which I do, even though it is a French car—I cannot help that—they will have to refuel. It is unrealistic to expect petrol stations to remain open but not the shops attached to them. Anyway, those shops fall within the small shop category. So there seems to be a lot of logic in some of those exemptions in so far as they fall into those two categories, but the Government—who, I understand, support the Bill—might usefully consider removing some of the exemptions in so far as they do not fall into those categories, particularly if they are determined to maintain the special nature of Christmas day.

Mr. Chope: What does my hon. Friend think about the rules on stations? Stations are not open on Christmas day because the people who run the railways do not think that there is sufficient demand. They do not buy into his argument that travelling by train on Christmas day is necessary to facilitate families' getting together.

Mr. Howarth: As train services do not run on Christmas day, there is no need for railway shops to open. I am glad to have my hon. Friend's support.

Mr. Forth *rose—*

Mr. Howarth: Does my right hon. Friend wish to support me as well?

Mr. Forth: I was slightly disappointed that my hon. Friend sought to criticise me for not seeking to reduce

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the list of exemptions. He had ample opportunity, did he not, to table amendments to the Bill, but he saw fit not to do so; so I find his criticism rather misplaced.

Mr. Howarth: I did not realise that my right hon. Friend was so sensitive. He is one of my very closest friends, and I have clearly hurt him. I really do apologise to him. I will buy him half a pint of beer to make amends. Of course, he is on rather stronger ground in so far as he is quite right: I should have tabled some amendments to give expression to our mutual desire to reduce regulation.

Inevitably, the list is arbitrary—the point that my right hon. Friend is making—and it is pointless to pretend otherwise. We are trying to achieve a proper modus vivendi, whereby we can facilitate people travelling to their families on Christmas day and provide emergency facilities for people. Those are the two criteria that should apply. In so far as any of the exemptions does not fall within those criteria, it could usefully be excluded. Perhaps that is, unfortunately, for another day. I hope that my right hon. Friend will see fit to withdraw the amendment in due course.

Mr. Greg Knight: I rise to speak primarily to amendment No. 10. I would welcome hearing what the Minister has to say about that amendment because, as my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) has said, it is similar to the exemption in paragraph 3(1)(d) of schedule 1 to the Sunday Trading Act 1994, but it does not mirror that exemption. The 1994 Act exempts

"any shop that . . . is a registered pharmacy, and . . . is not open for the sale of goods other than medicinal products and medical and surgical appliances."

That could cause a difficulty for large stores, such as those in the Boots Group, that are primarily chemists and pharmacies, but which over the years have started to sell other products. One can imagine, for example, a pensioner going into one of those shops on Christmas day to get some urgently needed pills and wanting to buy a shower cap while in the store. As I read the original 1994 Act, those in the shop would commit an offence if they sold a product that could not be described as a medical or surgical appliance while trading on Christmas day. In this day and age, it would be unrealistic to expect the owner of such a large pharmacy somehow to block off or cover certain stalls. Does it really matter if an item that is not strictly medical is bought as an ancillary purchase?

Ms Coffey: Does the right hon. Gentleman accept that 3,000 sq ft is a large area? Many Boots shops are smaller than that and current Sunday trading laws do not apply to them. The Bill would not apply to them, either. He gave an example of a pensioner who goes to a store. She would be more likely to go to a small store, which could open if Boots wanted it to. The area of 3,000 sq ft is large and we are therefore considering large Boots stores that are sometimes located outside town centres. We should bear that in mind.

Mr. Knight: I accept that, but the local chemist may decide that he does not want to open. Anyone who has to go out for a medicinal supply on Christmas day must shop around. As the hon. Lady knows, chemist's shops often put notices on their doors to help their customers, explaining that they are closed on Christmas day, but that store X at Y street is open. The amendment would ensure that a large pharmacy that opened would not run the risk of being prosecuted for selling goods other than the medicinal products that are mentioned in the 1994 Act.

Mr. Forth: I did not want to let the hon. Lady's intervention pass without pointing out that 3,000 sq ft is no bigger than an average-sized detached house. We are not used in this country to measuring house sizes in sq ft but I assure my right hon. Friend that a house of 3,000 sq ft is no bigger than average. Such a store would not therefore be very large.

Mr. Knight: I am grateful to my right hon. Friend and I hope that the Under-Secretary accepts that amendment No. 10 is not a wrecking amendment, but seeks a modest relaxation of the rules simply to ensure that the large pharmacy that goes to the trouble of opening on Christmas day does not have to monitor the items that it sells through the till. I therefore hope that he will react favourably to amendment No. 10.

Amendment No. 8, which my right hon. Friend the Member for Bromley and Chislehurst tabled, is interesting. First, it goes against everything for which he has argued in the past: giving Ministers the power to prescribe regulations that the House does not supervise. In other words, the amendment would give a Minister carte blanche. Secondly, if I understand the amendment correctly, it would mean that a Minister would be in order to say, "I now have the power to make the regulations. I do not think that the measure needs to be widened and I therefore decline to make them." It would appear to give a Minister the opportunity to take the power to widen the scope of the Bill without giving hon. Members a commitment that he intends to use it.

The power is useful because it would mean that we did not have to go through the process again if any further minor adjustments were deemed necessary in future. Oppositions do not normally like giving Ministers such a power. However, in the case that we are considering, the Minister might want to reflect on it and decide to accept it even if he has no intention of using it today.

The hon. Member for Gordon (Malcolm Bruce) made several attacks on my right hon. Friend the Member for Bromley and Chislehurst. For example, he said that, a moment ago, my right hon. Friend opposed new clause 1 but now advocated amendment No. 8, and that my right hon. Friend did not support giving Ministers powers to make law through regulations but now proposed that. My right hon. Friend based much of his speech in a bookshop. He reminds one of the character in literature called Janus, given that his arguments have changed since the earlier part of the debate to the view that he has now reached. However, I am delighted to support amendment No. 8.

My right hon. Friend has not persuaded me about amendments Nos. 6 and 7 because of the point that the hon. Member for Stockport (Ms Coffey) made. My point about chemists was different and I believe that if one wishes to buy a book on Christmas day, one does

not need to have recourse to a large bookshop. I am therefore sorry that my right hon. Friend has not carried me with him on amendments Nos. 6 and 7.

12.15 pm

Mr. Kevan Jones: I accept that the right hon. Member for Bromley and Chislehurst (Mr. Forth) is trying, with his amendments, to open up the debate on exemptions. The problem with framing this Bill, as with the 1994 Act, has been that whatever we add to the list of exemptions will create difficulties. The right hon. Gentleman is correct in asserting that I do not want to reopen the entire debate on the 1994 Act, because I was not a Member at that time, but I know that there was much heated debate and horse trading to get it enacted.

Turning to the points that have been made on amendment No. 6—for example, on books—the hon. Member for Aldershot (Mr. Howarth) is quite right to say that there are many outlets for access to a Bible on Christmas day. Someone can view a Bible in a church, for example. In the smaller bookshops that still exist and have not been taken over by larger retailers, Bibles can be purchased, along with a whole range of books. On the point about being able to buy gifts, convenience stores, railways stations and other outlets have a range of books available. In all honesty, I would not consider the ability to purchase a book as an essential service, unlike access to a pharmacy.

Mr. Forth: What about booze?

Mr. Jones: That might be essential for the celebration of Christmas in some people's eyes, although I would not agree.

We come back to the point that several Members made eloquently on Second Reading: are we suggesting that, with all the trading days that we have in the year, Christmas should be just another trading day because people cannot plan their Christmas shopping during the lead-up to Christmas? That period already sees not only every Sunday being used for shopping, but late-night opening and other ample opportunities for people to buy everything, including booze and Bibles, that they wish to purchase.

There is a similar position with children's toys and games. I know that the family of the hon. Member for Gainsborough (Mr. Leigh) will be waiting in trepidation for a visit on Christmas day from the right hon. Member for Bromley and Chislehurst, but I am sure that, should he arrive, he would have had ample opportunity on the way to Gainsborough to purchase small gifts for them.

Chris Bryant: The right hon. Gentleman would be a present in his own right.

Mr. Jones: Obviously, some people would agree with that. The right hon. Gentleman would certainly make an entertaining Christmas day for the family of the hon. Member for Gainsborough and, no doubt, others. There is opportunity, in smaller convenience stores and other outlets, to purchase emergency supplies or presents on the way to Gainsborough.

I understand that, under amendment No. 8, the right hon. Member for Bromley and Chislehurst seeks to recognise the fact that there are certain needs and conditions in some areas, especially rural ones, that do not exist in large cities. However, there would be problems in implementing the amendment. How would the right hon. Gentleman define "prescribed local need", and who would make the decision on what that need was?

Mr. Forth: The Secretary of State.

Mr. Jones: I am sorry, but I should not like to give the Secretary of State such wide-ranging powers. I foresee great legal challenges if he allowed a store to be exempt in one area but not in another. The amendment would be expensive and bureaucratic to implement, and it might go against what the Bill is trying to achieve—to keep the special nature of Christmas day—and turn that day into just another shopping day if we had the extensive use of "prescribed local need." No doubt, many large shop owners and companies would describe the service that they offer the local community as meeting a clear need. Furthermore, in most communities, there are extensive local convenience stores, which are mainly family-run, that are not covered by the Bill and will be allowed to open on Christmas day. As for the person on their way to Gainsborough who finds that they have forgotten a packet of stuffing or cranberry sauce, they will find that in most communities there are well-run convenience stores providing that type of service. I reiterate that the Bill will not restrict that.

The issue of pharmacies is interesting, because there are many small local pharmacies. My village, Sacriston, in Country Durham, has a local pharmacy, and local pharmacies come to an arrangement on Christmas day opening that is published in the local newspaper. They cater for a specific local need on Christmas day, as people wish to get prescriptions or other medical supplies. I accept the point made by the right hon. Member for East Yorkshire (Mr. Knight) about larger stores such as Boots, but they tend to be located mainly in out-of-town retail outlets or large shopping centres. I accept that under amendment No. 10 the trade or business carried out would be

"wholly or mainly of the retail sale of medicinal products",

but there would also be a call for pharmacies located in large supermarkets to be able to trade. They would ask, "Why are we treated differently just because someone who uses the pharmacy picks up a packet of crisps on the way?" In my local community, however, local pharmacies open and provide that essential service.

Mr. Forth: I am puzzled about why the hon. Gentleman seems to be so resistant to any changes to his Bill. It is normal for the House to seek at one stage or another to amend Bills, for this or that reason, and it is perfectly normal for promoters to accept this or that amendment. He seems rigidly unwilling to accept amendments, however. He is not being leant on by the Government by any chance, is he? He is his own man, is he not?

Mr. Jones: The right hon. Gentleman does not know me very well if he makes that assertion. The point is that this is a simple Bill to close the loophole in the 1994 Act. I am trying to ensure that we do not make that difficult by opening up the Act, and creating problems. Some of

[Mr. Jones]

the issues that have been raised require discussion, and we might need to revisit the 1994 Act on certain issues. That would require a wider Bill, however, than this small but well-crafted and concentrated one. We are in danger of straying on to a wider agenda.

As for whether points that have been made today need to be addressed more broadly, I think that the answer is yes. Society has changed since the 1994 Act. Clearly, people's shopping habits and lifestyles are changing. I am not sure whether any Government or private Member's Bill would address that. Last time, a lot of controversy and heated debate was created. Clearly, there are many issues in relation to Sunday trading. I supported the Sunday Trading Bill when I was chairman of licensing on Newcastle city council, and, overall, it has worked. It took away the anomalies and expense with which local councils were left by the Shops Act 1950. I hope that this Bill, if it receives the House's support today, will close one small loophole that most Members who spoke on Second Reading, and who were Members of the House in 1994, thought that it covered anyway.

I sympathise with the views of the right hon. Members for Bromley and Chislehurst and for East Yorkshire, and my attitude to the amendments is not one of resistance. We have had a good discussion on a range of issues, which may lead to their being discussed again at a later stage. That does credit to Members and the House. If something further comes out of today's debate, we shall have done a service not just to the House but to the quality of Sunday trading legislation generally.

As I have said, I have some sympathy with the amendments, but because of practical difficulties that would arise from them I hope they will not be pressed.

Mr. Leigh: I thought that one of the most interesting speeches was that of the hon. Member for Gordon (Malcolm Bruce), who drew attention to the logical inconsistencies in both the 1994 Act and the Bill. He is right: there are only two entirely logical, neat solutions. Either we adopt a wholly restrictive point of view and prevent any shops from trading, or we adopt a wholly liberal point of view and say that in a free society people should be allowed to do what they want.

Unfortunately, when we deal with legislation we must deal with the art of the possible and with compromise—shoddy compromise. As the hon. Gentleman knows, it is impossible to construct a Bill that is perfect in terms of its logical application. As a supporter of devolution and the devolution Acts, he knows that that legislation is not entirely logical. He is well acquainted with the West Lothian question—the fact that the Scots are allowed to vote on our legislation but we cannot vote on theirs. He supports that, because he believes in the general principle that Scottish people should be able to govern their own affairs.

The 1994 Act is a similar shoddy compromise. It proclaims the principle that we should keep Sunday special. This Bill says that we should keep Christmas day special, but we are realistic. We cannot take an absolutist view, and therefore we must allow some exceptions. We must allow people to call into their local filling stations to fill their cars with petrol; in the days when trains ran—in most cases, they no longer do so—we had to allow people to go to railway shops.

We were very weak in 1994 in the case of the exemption for off-licences, but that too was a shoddy compromise. For some people an off-licence is as essential a local commodity as the local filling station. I remind my right hon. Friend the Member for East Yorkshire (Mr. Knight) that we allowed pharmacies to remain open because we recognised that people have medical needs, but we did not want to accept the principle that pharmacies could sell non-medical commodities.

All this is just a compromise. I oppose the amendments because I think the aim is to move away from essential relaxations of the law allowing people to get around the country and buy essential medical supplies—to move the goal posts. Why toys, why books?

To be fair to my right hon. Friend the Member for East Yorkshire, I should say that he made one good point. Everyone laughed at him when he asked what would happen if the presents were stolen on Christmas eve, but friends of mine were burgled on Christmas eve and the burglar took all the presents that were under the tree. However, it is possible to devise any number of scenarios in favour of being able to shop on Christmas day. If we accept these amendments—starting with books, then exempting toys and who knows what else—we shall have no legislation left at all. We might as well scrap the 1994 Act and the Bill, and have a free-for-all.

Mr. Forth: That may well have been the hidden wish of some of us, but if my hon. Friend shares my view that the intoxicating liquor exemption was somewhat odd and anomalous in 1994 and remains so, was he never even slightly tempted to try to amend the Bill to eliminate that exemption for the purposes of Christmas day?

12.30 pm

Mr. Leigh: No, because I hope that I am a politician who recognises political realities. It simply would not be politically realistic to try to get an amendment through the House that would remove that exemption. In any event, the hon. Member for North Durham (Mr. Jones) has made the point perfectly well that if he is to have any chance of getting his Bill through, he has to make it as simple as possible. It has to be introduced on the back of the 1994 legislation, and if he were to try to create a separate structure that was in any way different from that legislation, he would never get it through the House. One thing that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) has achieved is to ensure that hon. Members who introduce legislation nowadays come to the House with very modest and restricted Bills because they realise that, if they try to make them wider and to create new principles—

Madam Deputy Speaker: Order. The hon. Gentleman should address his remarks to the amendments.

Mr. Leigh: Of course I accept that injunction. I was simply trying to answer the question that my right hon.

Friend had put to me. Incidentally, I would welcome a visit from him bearing gifts on Christmas day, especially if he were dressed as Santa Claus.

If the amendments were to be passed, starting with toys and books, it would create a new structure for the Bill that would be totally different from the 1994 legislation. That would drive a cart and horse—or perhaps a sleigh and reindeer—through the Bill and create something totally different from what the hon. Member for North Durham wants to achieve. I therefore oppose the amendments.

Mr. Chope: I am sure that my hon. Friend the Member for Gainsborough (Mr. Leigh) is right in recognising that this is an illogical Bill and that it comprises lots of shoddy compromises. The amendments try to make it less illogical and less shoddy. I particularly ask the promoter of the Bill to consider amendment No. 10, which relates to registered pharmacies

"where the trade or business carried on consists wholly or mainly of the retail sale of medicinal products and medicinal and surgical appliances."

The argument against that is that there is no point in having a large shop of more than 3,000 sq ft to provide those services. If that argument is correct, the existing exemption, which covers only registered pharmacies, would be meaningless. That would mean that the promoter of the Bill recognised that it would be impossible to have a registered pharmacy of some 3,000 sq ft, and if he recognised that, why should that exemption be transposed anyway? Surely it would make more sense, if we recognise the importance of access to pharmacies on Christmas day and other days, that those pharmacies that can be included can be of any size, provided that the trade or business that they carry on

"consists wholly or mainly of the retail sale of medicinal products and medicinal and surgical appliances."

Amendment No. 6, tabled by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), is one that I find attractive. It relates to the sale of books, and as he said, there is now an increasing number of specialist bookshops, and that can have the effect of exciting readers, young and old, and giving them the idea of picking up a book and reading it. Let us couple that with the fact that many people give book tokens as Christmas presents. When can those book tokens be converted into real books? What could be better than for a father or mother to say to their child on Christmas day, after their auntie or granny has given them a book token, "Let's go off to the bookshop together, as a family, and choose some books." I am sure that even my hon. Friend the Member for Gainsborough would not find that suggestion unreasonable, anti-family or anti-Christian. Surely this is a sensible way of recognising the reality that, since the 1994 Act, much larger and more attractive specialist bookshops have opened. There is also an increasing national crisis in that a whole generation of people apparently do not want to read books for pleasure.

Ms Coffey: I agree with the hon. Gentleman that such large bookshops, which serve excellent coffee, are exciting, but people can visit them 364 days a year. He paints a very nice picture of a family going together to the bookshop on Christmas day to spend the book token that they bought for their children, but what about the family of the employee who has to work in the bookshop on Christmas day?

Mr. Chope: The hon. Lady seems to be concerned only about the families of employees who work in large bookshops; she seems not to be concerned about the families of those who work in small ones. I am afraid that the more I listen to this debate, the more I realise that it is totally illogical to try to separate small bookshops from large ones, small pharmacies from large ones, and so on. However, that is what we are discussing today, and I hope that the hon. Lady accepts that, for the reasons that I have set out, it is sensible to treat large bookshops in the same way as small ones.

Mr. Forth: My hon. Friend will be aware that I had tabled an amendment that, sadly, could not be selected because it was not covered by the Bill's long title. The Bill cares so little about the protection of employees that its long title does not even allow for an amendment that sought to provide such protection.

Mr. Chope: My right hon. Friend is rightly critical of the Bill's promoter and sponsors, who were doubtless aided and abetted by Government Front Benchers who wanted to restrict the Bill's terms as much as possible. In effect, they wanted to do so to prevent us from dealing with matters of much greater concern—a lot of time has been available today to do so—and to address the point that my hon. Friend the Member for Gainsborough made about all the legislation on this issue being an illogical and shoddy compromise.

If we are concerned about reading habits, why can we not allow the big bookshops to open on Christmas day? We are not saying that they must open; we are simply trying to give them the option to do so. At the moment, the opportunity to browse in a large bookshop on Christmas day arises only if one is travelling by air. Frankly, where is the logic in allowing people to fly on Christmas day? Why can they not complete their journeys on an earlier or subsequent day? Why should they use our airports on such a day, given that many of our airports employ far more people than are employed in large shops? Why should such employees have to work on Christmas day?

One can advance all sorts of arguments as to why Christmas day should be kept so special that nobody works at all, apart from priests and the emergency services, but that is not the position of the Bill's promoter and sponsors. They are saying that many other people should be able to work on Christmas day for various reasons, but for some reason that cannot include anybody working in a large bookshop. That ignores the importance of being able to excite those who have received book tokens as Christmas presents from members of their family into the habit of reading.

It is surely in the national interest to allow large bookshops to open on Christmas day, and I hope that the Minister addresses that issue in his response. Perhaps it would also be in the national interest to close down all the television services, apart from those that produce the Queen's Message. Most families would accept that the presence of a television in the living room is more intrusive and destructive of a family gathering than anything else. So let us promote the family and

[Mr. Chope]

promote education. Let us keep the bookshops open on Christmas day, and perhaps close down the television services.

Mr. Sutcliffe: I am slightly worried about some of the responsibilities that would be placed on my shoulders were I to accept the amendments tabled by various Members. That said, we have had a good debate on some of the issues that needed to be examined.

I shall deal with the various amendments quickly, as my hon. Friend the Member for North Durham (Mr. Jones) has already dealt with them. On amendment No. 6, the list in question is an arbitrary one and we do not want to revisit it. We are being asked to add books to that list, and although we all want to raise standards and ensure that people become more literate, there are perhaps other ways of doing so than by opening bookshops on Christmas day. So for that reason, we do not want to add to the list.

On amendment No. 7, people say that Christmas day is already over-commercialised and toys are not an essential item. We do not want to deprive children of their mums and dads who work in shops on Christmas day, if we can help it, so we are not inclined to support the amendment.

In respect of amendment No. 8, we talked about bureaucracy earlier and I was chided on Second Reading and when we debated the money resolution for being over-bureaucratic in attempting to apply the Bill. However, there are no criteria for local need in the Bill and we want to avoid going down this route, which would create more problems.

I am more concerned about amendment No. 10. I acknowledge the principle behind what the right hon. Member for East Yorkshire (Mr. Knight) suggested. I do not accept the exact wording of the amendment, but I acknowledge the spirit of what the right hon. Gentleman said and want to reflect further on whether the Bill meets the criteria that he outlined.

Mr. Greg Knight: May I say that, thus far, the Minister has behaved in an exemplary manner? His attitude and approach should be a model for all Ministers. On the basis of his undertaking that he wants to achieve what amendment No. 10 is designed to achieve and will reflect further on the wording, I will not press my amendment.

Mr. Sutcliffe: I am grateful for that. We want to get the Bill right. I hope that, with that assurance, the right hon. Member for Bromley and Chislehurst (Mr. Forth) will withdraw the amendment.

Mr. Forth: It is always disappointing, when one tables amendments in good faith in order to seek to improve a Bill, to find that they do not gain support from any quarter of the House. In that case, far from seeking to test the will of the House—I do not propose to do so on this occasion—I will say merely that an opportunity has been missed here.

It is all very well for everyone—the promoter, my hon. Friends, the Minister—to oppose the amendment, but what we have before us is very unsatisfactory. The provisions are full of anomalies and difficult to justify, yet we are supposed to give up the opportunity to put the Bill right. That is the gist of what has been said. I fully understand the rationale—I, of all people, could hardly disagree—that in order to keep the Bill tight and acceptable to the widest number of people, we should not put it at risk through amendments. In normal circumstances, I find that argument attractive and not a little tempting. On this occasion, having listened to the debate and gained an understanding of the House's intent—very much in the spirit of what my right hon. and hon. Friends have said—I shall withdraw the amendment in the hope that we may be able to return to some of the issues on a different occasion. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Forth: I beg to move amendment No. 5, in page 1, line 15, at end insert—

'(5) In its application for the purposes of subsection (2), Schedule 3 to the 1994 Act (loading and unloading at large shops on Sunday morning) has effect as if the reference to Sunday were a reference to Christmas Day.'.

This is another occasion on which I find it puzzling that a provision in the Sunday Trading Act 1994 has not been carried forward into the Bill. Given the intimate connection between the 1994 Act and the Bill, I would have hoped that the promoter would examine the positive and good features of the earlier Act to ensure that they were carried forward to the Bill in the spirit of bringing Christmas day into line with Sundays. I was very disappointed—I shall return to the point on Third Reading—that the opportunity was not taken to carry forward an element of proper protection for employees who do not wish to work on Christmas day, and to reflect it in both the short and the long title of the Bill. I mention that only in passing now, but I will raise the matter again on Third Reading.

My amendment deals with a very precise measure in the 1994 Act, which could and should be carried forward into the Bill. It refers simply to loading and unloading at large shops on a Sunday morning, and I now wish to apply the same provision to Christmas day. Surely, to the extent that the acts of loading and unloading are viewed as undesirable on Sundays, they must be viewed as equally or even more undesirable on Christmas day. For the life of me, I cannot see why that provision is not incorporated in the Bill.

12.45 pm

Mr. Greg Knight: Is it not the case that greater nuisance, annoyance, menace and disturbance are often caused to residents from loading, particularly from container lorries that service big shops, than from the act of trading from those shops?

Mr. Forth: My right hon. Friend makes the point better than I had hitherto been able to, for which I am grateful. He is right, and that must be why the loading provision with reference to Sundays was included in the 1994 Act. From the varying experiences of our different constituencies, we all know that loading and unloading can be a source of great unhappiness and distress. It is an essential part of our modern life, and our retail trade is probably one of the most efficient in the world in its

arrangements for supplying stores. How rare it is to see—if, indeed, one ever sees them these days—empty shelves in our stores large or small, and that is a great tribute to our systems of distribution. I pay tribute to all involved in the distribution business, but—it is a big but—there are considerable social considerations governing the hours and days of the year when that may be done.

My challenge to the House is simple: it seemed sensible and desirable to include the loading provision in schedule 3 to the Sunday Trading Act 1994, and my amendment seeks simply to carry that provision forward into the Bill. If it is deemed undesirable that loading or unloading should take place on a Sunday, that must equally, or even more so, be the case on Christmas day.

Mr. Chope: Will my right hon. Friend address the point that if vehicles need to be loaded or unloaded outside large shops, employees in those shops must attend to deal with that event?

Mr. Forth: Yes; my hon. Friend beats me to the point, for which I am grateful. That is self-evidently the case. We must not forget—I do not wish to be misunderstood here—that loading and unloading involves not only the driver of the vehicle and his or her assistants, but the employees of the receiving store, whatever size it may be, who must open the premises, who may have to assist with loading and unloading, and who must certainly receive the goods being delivered. If the point is not covered in the Bill, as my amendment seeks to ensure, there will be, at the very least, a risk—I put it no higher—that the employees of the distributing company, or of the distribution element of the retailing company, will be involved, and others, perforce, must also be.

I do not want to belabour the point; it almost makes itself. I hope, therefore, that the Bill's promoter will see fit to recommend to the House that a measure included in the 1994 Act can and should be carried forward, through my amendment, to the Bill.

Mr. Brazier: I should have made it clear earlier that I speak today in a personal capacity on a matter that has long been entirely a question of conscience in my party.

I hope that the Bill's promoter, the hon. Member for North Durham (Mr. Jones), will be able to agree to the amendment. My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) spoke with considerable eloquence, and I am glad to support him. The amendment should come as no surprise to those on the Government Front Bench following Second Reading, when the argument was raised by several people, including me. Sympathetic noises were made at that time, and it seems an extraordinary anomaly that a little piece of the original legislation has been left out of the Bill.

My right hon. Friend referred to the large numbers of employees involved in loading. I confess that although I am concerned about them, as the representative of a major regional shopping centre I am more concerned about people living immediately round those premises. I suspect that any large store would be able to find without any difficulty a small number of employees who would be happy to work on a Sunday.

In my constituency—we sometimes have 15,000 people on the high street, which shows the scale of our shopping centre—there are substantial numbers of people, many elderly, who live close to our largest stores. I will mention one of them: my parish priest, who has completed 40 years in the priesthood and lives next to the largest store in Canterbury. He has not raised the issue with me but, in 1994 his curate pointed out the problems caused by unloading.

As has been pointed out, loading can be a bigger problem for people living next to a store than shopping, with the sound of those wretched heavy lorries with their bleepers going off when they reverse, the sound of enormous doors being slid to and fro, and the banging and so on, sometimes very early in the morning. I do not see why on two days of the year—the other, of course, being Easter—people should not be exempted from that. Let me be clear: none of the department stores in Canterbury is a problem in that regard, but they all make the point that if one or two stores broke the line, it would put the others at a competitive disadvantage. There was sympathy for that view on Second Reading.

The promoter of the Bill has steered it through the House extremely skilfully, and his interchanges with my right hon. Friend the Member for Bromley and Chislehurst have become more and more touching at every stage, revealing sides that one hardly knew were there. This is an excellent amendment. Everyone understands why it is needed and I hope that both the hon. Gentleman and the Government will support it.

Mr. Knight: My right hon. Friend the Member for Bromley and Chislehurst and I have had some differences this morning, but we have now reached agreement. I accept the force of his arguments. The original restriction in the Sunday trading legislation applies to any large shop, and prohibits loading or unloading before 9 am on a Sunday unless consent has been sought from the local authority. I would have gone further than my right hon. Friend. I think there should be no loading, full stop—not just early loading—on Christmas day.

Luckily, I do not live near a large store, but a few years back I was taking part in a classic car rally and made the mistake of booking into a hotel adjoining the car park and loading bay of a large store. I was rudely woken up at 7 am by two delivery employees who bore more than a passing resemblance—certainly in how they behaved—to the screen comics Laurel and Hardy, in that they seemed to take great delight in throwing around metal pallets and anything that would make a noise to create disturbance. *[Interruption.]* I hear someone saying, sotto voce, that they must have known I was there.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I wish the right hon. Gentleman had not heard that comment. I wish it had not been uttered.

Mr. Knight: I do not think that those involved knew that I was staying at the hotel. What happened brought home to me the unnecessary intrusion that many people who live near to such supermarkets must suffer in what is supposed to be their private home life. Although they must often bite their lip and live with such activities during the week, I think that they could do without such a nuisance on Sundays and on Christmas day.

[Mr. Knight]

If the Minister is unable or unwilling to accept the amendment today, I hope that he will do what he did in respect of amendment No. 10, which I tabled—recognise that an issue needs to be addressed and undertake to look at the matter and amend the Bill during the remainder of its passage.

Mr. Forth: Does my right hon. Friend accept that the rather unusual schedule for private Members' legislation this year—the final day for considering it in the Commons is 15 October—presents us with an opportunity? If the promoter or the Minister is unwilling to accept the amendment, there would be an opportunity for them to seek to amend the Bill in the Lords, after which it could comfortably return to this House by 15 October for us to deal with the matter then. Unusually, that opportunity exists; indeed, I understand that that is one of the reasons why the Government schedule private Members' Bills to run so late in the year.

Mr. Knight: I am grateful to my right hon. Friend for pointing out to the House the opportunities that exist for making such an amendment. I do not mind how the Minister does it, but I hope that he will do something to alleviate the problems and nuisance that this loophole will undoubtedly cause.

Mr. Kevan Jones: The hon. Member for Canterbury (Mr. Brazier) summed up the effects of unloading and deliveries on those who live close to large out-of-town retail outlets. The disturbance will often occur at very unsocial hours. Such problems are bad enough for people who live in city centres, but many people who live in what used to be semi-rural areas are now suffering the effects of early morning deliveries, and I sympathise with them. I also sympathise with the amendment, because the main thrust of my Bill is to keep that one day of the year, Christmas day, special not only for shop workers, but for people's enjoyment. Peace and quiet on a Christmas day should be a right.

I am told that the drafting of the amendment means that is it not technically possible for it to achieve what it seeks to do, so I ask the right hon. Member for Bromley and Chislehurst (Mr. Forth) to seek leave to withdraw it. The only fear that I have—although I accept the remarks of the right hon. Member for East Yorkshire (Mr. Knight), who has more experience of such matters—is that if the Bill goes to the other place in that way, it will run out of legislative time. If we have full co-operation in all parts of the House, it should not be beyond our wit to come up with something that could meet aspirations that I would sympathise with, as would all Labour Members.

Mr. Chope: Does the hon. Gentleman accept that if an amendment were carried in the other place, it would be the first business when the Bill returned to this House on 15 October, because Lords amendments will take priority over everything else?

Mr. Jones: As the hon. Gentleman knows, my main interest is to get the Bill through. With active co-operation from Opposition Members, I think that such a process would be a way forward. I know from the comments that have been made by Opposition Members that the Bill has their support and sympathy, as well as that of Labour Members. If we can come up with a proposal, I would hope to see a way forward. However, it would be sad if the Bill were to fall on one technicality. The active support and co-operation of all hon. Members would be needed.

Mr. Knight: On a point of order, Mr. Deputy Speaker. The promoter of the Bill has made a number of fair comments about his concern that if the Bill is amended in the way in which I think all hon. Members wish it to be amended, it may fall. The Minister has a team with him, although I know that we are not supposed to see them. Would you be prepared to accept a manuscript amendment on this matter, so that it can be dealt with today?

Mr. Deputy Speaker: I would want to hear from the Minister before I adjudicated on such a question.

1 pm

Mr. Sutcliffe: We do have a difficulty, which has been identified. I want to meet the spirit of the amendment, but it is technically deficient and would not achieve what the right hon. Member for Bromley and Chislehurst (Mr. Forth) wants it to achieve. I am also aware of what my hon. Friend the Member for North Durham (Mr. Jones) said about the procedural situation. Amendment No. 10 is different because it can be covered in guidance. Amendment No. 5, however, is about prohibition and would need to be on the face on the Bill. I am sympathetic to the amendment and look to you, Mr. Deputy Speaker, for guidance on how we can get round the problem. I am prepared to consider the amendment, but I do not want to commit to a course of action that would cause us to lose the Bill.

Mr. Deputy Speaker: If it is the general will of the House to overcome what might otherwise be seen as a technical difficulty, the Chair is prepared to accept a manuscript amendment, but it will have to be presented very quickly indeed if it is to be dealt with in an orderly manner before the House moves to Third Reading.

Mr. Knight: On a point of order, Mr. Deputy Speaker. Further to your ruling, would the answer be for the House to adjourn for 15 minutes so that those involved with the Bill can draft the manuscript amendment?

Mr. Deputy Speaker: No, I do not think that I can afford to prejudice the laid down business of the House by an adjournment of that kind. Some swift action has to be taken. I am sure that it is not beyond the ingenuity of right hon. and hon. Members to allow a few moments for further consideration of the matter while appropriate wording is formulated.

Mr. Forth: Further to that point of order, Mr. Deputy Speaker. It would be very helpful if the Minister gave us an idea of the extent of the variation in the wording that would be required to bring it into order in a way that he would find acceptable. If my wording needs to be altered only very slightly, rather than more radically, that could be done quickly in the form of a manuscript

amendment. We look to the Minister for guidance on whether my amendment can be manually tweaked and laid before the House.

Mr. Sutcliffe: Further to that point of order, Mr. Deputy Speaker. The right hon. Members for East Yorkshire (Mr. Knight) and for Bromley and Chislehurst (Mr. Forth) held ministerial positions under the previous Government and know that officials become jittery when Ministers try to accommodate the will of the House on the hoof at the Dispatch Box. Officials want to ensure that we meet the requirements of parliamentary counsel. The difficulty is that tweaking the words may seem appropriate to us, but may not be helpful for parliamentary counsel. I understand that information is being checked with parliamentary counsel. Although I accept the spirit of what we are all trying to achieve, it would be wrong of me to undertake to alter words without the support of legal and parliamentary counsel.

Mr. Chope: Further to that point of order, Mr. Deputy Speaker. If the Minister sat down now, would it be possible for him to get leave to speak again if, in the intervening period, other people who wish to speak in the debate were to do so?

Mr. Deputy Speaker: That would be a matter for the House. I think that I should refine my earlier ruling. In making it, I was not aware of exactly how procedurally easy and technically correct it would be to identify the correct wording. There will be a further opportunity, if a formulation can be found, for an amendment to be introduced in another place if there is a clear indication that the Minister intends to respond to the wishes of the House in that respect. It would not be appropriate for me to hold up the business of the House to facilitate something that cannot be done very quickly and in a way that satisfies all the tests that legislation should pass. This is not the absolute last-ditch time that we can put right a matter that the House wants to see effected in the Bill.

Mr. Knight: Further to that point of order, Mr. Deputy Speaker. No doubt the whole House is grateful for your ruling. If my hon. Friend the Member for Christchurch (Mr. Chope) catches your eye and speaks for a few minutes when the Minister finishes his remarks—he may have already finished; I am not certain—perhaps the Minister could take that opportunity to find out whether the manuscript amendment is in order. In that way, we may still be able to dispose of the matter today.

Mr. Deputy Speaker: Order. The Minister has said that he would like to be satisfied that he has the clearance of parliamentary counsel and his advisers before he commends a particular wording to the House, even though there is a general intent to get it right. It is important that it is technically correct, so that the legislation is not in any way defective. As I have told the right hon. Gentleman and the House, if there is the will, there is another way that would be effective in achieving that without detriment to the legislation.

Mr. Knight: Further to that point of order, Mr. Deputy Speaker. Without wishing in any way to challenge what you have said, it would be helpful to know whether the Minister is seeking to contact parliamentary counsel now, or whether that is impossible. If that is happening at the moment, some hon. Members would wish to continue our debate for a short period while inquiries are taking place. If they cannot take place now, it would be helpful to know that.

Mr. Deputy Speaker: Order. So that we may be clear, I did not accept that the Minister had finally concluded his speech. He still has the floor, and if he wishes to resume his speech to clarify any further points, I call upon him to do so.

Mr. Sutcliffe: I apologise but, in the spirit of what we are all trying to achieve, it will not be possible to get the clearance and cover that I seek in the available time scale. I prefer the route via the other place that you suggested, Mr. Deputy Speaker, with the caveat about not losing the Bill. I certainly want to reflect the spirit of hon. Members' suggestions in any subsequent amendment, and urge the right hon. Member for Bromley and Chislehurst (Mr. Forth) to withdraw his amendment on that basis.

Mr. Forth: I am grateful both to the hon. Member for North Durham and to the Minister for their extremely positive approach, which is a good example of the proper use of procedures for the scrutiny and consideration of Bills. It has emerged that my modest amendment has support on both sides of the House, and the general will is that it should be pursued. I do not wish in any way to jeopardise the Bill at this stage, and in that spirit, I join the Minister in hoping that he and the hon. Member for North Durham will find a way of accepting in the House of Lords an amendment of the nature that we have discussed and broadly agreed, on the understanding, if my procedures are correct—that is not always the case—that such an amendment could come back to the House of Commons, either on 16 July or on 15 October. Unusually, we have more time then than we have had in previous years.

Mr. Sutcliffe: I am grateful to the right hon. Gentleman for giving way, as I want to be absolutely clear about what we are doing. If he is right about the procedure, and that can be done, there is no problem as far as I am concerned. However, if it cannot be done, we need to deal with the matter appropriately.

Mr. Forth: The Minister is a man of integrity, and I very much accept the spirit and letter of what he has said. I therefore beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Order for Third Reading read.

1.8 pm

Mr. Kevan Jones: I beg to move, That the Bill be now read the Third time.

I pay tribute to everyone who took part in the debate on Report, which was very good and well natured. As the right hon. Member for Bromley and Chislehurst (Mr. Forth) said, we have tried to improve the Bill, and with Members' good will it will, I hope, complete Third

[Mr. Kevan Jones]

Reading and become law in another place. I am pleased that it has reached this stage, and I pay tribute to hon. Members who contributed to Second Reading and served on the Standing Committee. I thank the Bill's sponsors, including the right hon. Member for Berwick-upon-Tweed (Mr. Beith), my hon. Friend the Member for Stockport (Ms Coffey), the hon. Member for South Staffordshire (Sir Patrick Cormack) and my hon. Friend the Member for Bolton, North-East (Mr. Crausby). I am particularly grateful to my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), who piloted a similar Bill in the last Parliament. However, that Bill ran out of parliamentary time, and she put a lot of time and effort into achieving the aims in my Bill.

I thank my friend, the hon. Member for Aldershot (Mr. Howarth) for his support, and also my hon. Friend the Members for Warrington, North (Helen Jones), and my hon. Friend the Member for West Lancashire (Mr. Pickthall), who worked hard on the Bill and has worked closely over a number of years for the rights and interests of shop workers. I thank my hon. Friends the Members for Alyn and Deeside (Mark Tami) and for West Bromwich, East (Mr. Watson) and the hon. Member for Macclesfield (Sir Nicholas Winterton) for their sponsorship of the Bill.

On Second Reading and on Report, we heard that the Bill was about protecting shop workers. That is correct. It will help 2.6 million shop workers in Britain to keep one day of the year special for themselves and their families. The Bill has also been supported by Church groups and others and by the general public. The number of letters that I have received from members of the public saying that the Bill seems a sensible way forward shows that it has universal support across the country.

I pay tribute to USDAW, the shop workers' union, for its campaign, and particularly to Sir Bill Connor, the retiring general secretary, who has worked tirelessly to promote the Bill and the interests of shop workers over many years. Through his active participation in his union and the trade union movement generally, he has ensured that working conditions for shop workers are better than when he joined the union as a young official.

David Cairns (Greenock and Inverclyde) (Lab): My hon. Friend is entirely accurate when he describes the good work done by USDAW. When I introduced my private Member's Bill this time last year to afford protection to shop workers in Scotland, I found USDAW to be an extremely effective campaigner on behalf of its members, which is not true of all trade unions.

Mr. Jones: I concur with the first part of those remarks, but as a former full-time official of the GMB, I cannot concur with my hon. Friend's remarks about other trade unions.

I pay tribute to the Keep Sunday Special campaign, which has worked to promote the Bill. Its work has widespread support. The Bill also received wide support in the House. Early-day motion 327, which I tabled in December last year, had support across the House. Both on Second Reading and in the debate today we saw that although hon. Members may support the Bill for different reasons, it has cross-party support, irrespective of political differences—for example, it has the support of our libertarian friend the right hon. Member for Bromley and Chislehurst (Mr. Forth). I know that he is often criticised for being destructive and he was vociferously attacked by a fellow Opposition Member on Second Reading, but he has been extremely constructive as regards the Bill and the amendments that he moved today will improve it.

The Bill will stop the domino effect that would have occurred among large shops. Once one large shop opened on Christmas day, market pressures would have forced others to follow. It is interesting that in the consultation that took place, the Bill was supported not only by trade unions, religious groups and the public, but by major retailers, which do not want to be forced into making Christmas day just another trading day. Although the debate today on ethnic minorities was important, it is also important to remember that during the consultation there were no major objections to the Bill as framed.

As I said on Second Reading, the Bill is supported by Mr. David Rae, the chief executive of the Association of Convenience Stores. If it becomes law, it will assist some of the small corner shops and convenience stores that are so vital to many communities. I always describe my constituency as rural with urban problems, and many of the convenience stores in the small villages in North Durham are the life and soul of those communities, so it is important to support them. They meet a social need that will not be affected by the Bill, which will help them in trading on Christmas day.

The wider debate, which has been touched on but is perhaps for another day, is about whether the Sunday Trading Act 1994 needs to be reconsidered. Given that we are nearly 10 years on, perhaps that needs to be done, but it would have been ambitious, to say the least, to take my private Member's Bill into the minefield that surrounded that Bill in 1994. However, the Government need to consider ensuring that we have a structure and laws that people want and that cater for local needs.

In conclusion, I thank again all hon. Members who support the Bill and have taken part in today's debates and Second Reading. The Bill has cross-party support and widespread support in the country. I also pay tribute to the Minister for playing a vital role in ensuring the Bill's passage through the House. He has not taken the rigid view that Ministers or officials sometimes take. He has tried to reach the necessary compromises. I apologise to his officials if I have been a bit abrupt with them on occasion. I hope that, with the amendments and good will that have been apparent today, we can ensure that the Bill becomes law when it returns from the other place.

1.17 pm

Mr. Gerald Howarth: I pay tribute to the hon. Member for North Durham (Mr. Jones), with whom I have had the pleasure of serving for two years on the Defence Committee, for introducing the Bill with cross-party support. I am delighted to support the Bill; I believe it to be important. I recognise that there is an element of the handout in the nature of the Bill—it enjoys the support of the Government—but there is no

harm in that; it ensures that something that most hon. Members agree is an important measure will be placed on the statute book. I congratulate the hon. Gentleman and others on the work that they have done in bringing it to this point.

As the hon. Gentleman rightly said a few moments ago, the Bill has been introduced not just for the benefit of shop workers, although that is an important consideration in itself. There is no doubt that shop workers, even if they have the protection of the law, nevertheless feel that if they say that they will not work on Christmas day, just as perhaps some say that they will not work on Sundays, they will be discriminated against in an imperceptible fashion. That would be most unfortunate. The Bill will serve to give them that protection.

As the hon. Gentleman also said, however, the Bill will proceed to the statute book with the support of the major retailers. One might argue that it is a shame that they feel the necessity to have the force of law to protect them from themselves or, indeed, from the venal nature of their customers. Nevertheless, the support of major retailers and, indeed, widespread public support for the Bill is another reason for accepting it.

The Bill also benefits the country because it reinforces the special nature of Christmas day in this country. Easter and Christmas are our two great Christian festivals. Anything that detracts from their observance detracts from the integrity of our country. Freedom of religion in this country separates us from many other countries. My brother-in-law and sister-in-law worked in the middle east and the same ability to follow one's religion as Muslims find here does not exist in Muslim countries. That is because Christianity is an especially tolerant religion.

However, it is important to send a clear message that this is a Christian country not only because Christianity is a tolerant religion but because it is the basis on which the country has been moulded. It is the basis for all the laws that we pass. The Christian code of conduct—the ten commandments—is probably the best summary of how to live one's life. All our legislation should be based on the Christian code, which has forged the nation over the years. There is no doubt that it is under threat.

I do not go to church every Sunday but when I drive there I see the new religion expressing itself in a variety of forms, not least the car boot sale. Thousands of people go to car boot sales every Sunday. If they do not do that, they are often on the football pitch. I believe that people should be entitled to do what they want in this country—I am a high Tory, not a libertarian. However, I believe that it is important to ensure that the Christian nature of this country is reinforced, not diminished. The Bill conveys that clear message and also protects shop workers.

For what purpose does the Bill protect shop workers? It protects them for the purpose that we, as Christians, believe to be necessary: to enable them to be with their families. We accept that not all members of the emergency services can be with their families but we must ensure that we make it easier for people to spend Christmas day with their families. The Bill will secure that.

I pay tribute to my hon. Friend the Member for Canterbury (Mr. Brazier). I know that he shares my convictions and I congratulate him on the part that he has played in supporting the measure not only from the Opposition Front Bench but in multifarious ways, to ensure that we do all that we can to preserve the nuclear family as the building block of our society. I commend the Bill to the House.

1.23 pm

Mr. Pickthall: I begin by declaring an interest in that I have been a member of USDAW for a long time. I shall make a couple of brief points. The Bill deals with working people in businesses that do not need to be open on Christmas day. We fully understand that some workers, such as members of the emergency services, have to work on Christmas day. We also understand that some people choose to work on Christmas day, especially those in small retail outlets that serve immediate neighbourhoods—garages and so on.

However, not only do the large stores not need to be open on Christmas day but they do not wish to do so. The only large retailer that would make some extra profit would be the first one to open on Christmas day. The following Christmas day, all the other stores would be open as well, so each would then take only a proportionate share of its usual customer spend on that particular day—spend that would otherwise have been taken on Christmas eve or Boxing day.

Mr. Kevin Hughes: Does my hon. Friend agree that when the consultation was done, it was the fear of the domino effect that concerned most retailers? Most did not want to open on Christmas day but thought that if their opposition were opening on Christmas day, they would have to. I do not know whether my hon. Friend will agree, but this literally comes down to the suggestion, "For Christ's sake, have a day off!"

Mr. Pickthall: I should not have put it quite like that, but my hon. Friend is absolutely right to say that there is a relentless process of follow my leader in the supermarket business, in which all the supermarkets are inescapably locked. None of them dares to step an inch out of line for fear of losing an inch of market share, and the workers are simply dragged along in the slipstream unless we are careful to protect them. On Second Reading, the hon. Member for South Staffordshire (Sir Patrick Cormack) summed up the point extremely well when he said that the retailers seemed to be saying to us, "We do not want to open, so please legislate to prevent us from opening."

Of course, this debate is essentially about protecting retail workers for one day a year—just one day, the day when, as has been said over and over again, most families want to be together to celebrate, relax and have a good time. That seems to be a modest thing for us to ask and to legislate on. Just to illustrate that point, I came across a comment by Sylvia Bew, an USDAW member in London who works for Sainsbury's, in an USDAW document on the subject. She pointed out that last Christmas Sainsbury's decided to open some of its London stores but did not announce that decision to its workers until Christmas eve. It is hard to imagine anything more disruptive to a worker's life, or more callous, but it is the inevitable result of a firm's trying to

[Mr. Pickthall]

steal a march on the follow-my-leader structure that I described a moment ago—something, however, that they can do only once. It is the inexorability of that process that the Bill is trying to end.

I finish by heartily congratulating my hon. Friend the Member for North Durham (Mr. Jones) on the immense amount of clever work that he has done on the Bill over many months. That has been a fine example of how to pursue a private Member's Bill, and not only my union but his will be very proud of him.

1.27 pm

Malcolm Bruce: It is interesting that employees and major traders support the thrust of the Bill. Of course, the very fact that major traders want the Bill shows that there are people who would like larger shops to be open on Christmas day, so I wonder whether, in the end, it will slow, rather than stop, the process. As I have said in interventions, there are anomalies about the things that we think that people can and cannot do on Christmas day. We cannot protect catering workers on Christmas day, for example, because many people want to go out to hotels or restaurants for their Christmas dinner or lunch, and no one is suggesting that those workers should have their right to be at home with their family protected. We are taking an arbitrary view that shopping is something that should not happen on Christmas day, while many other activities may go on.

I am not against that, and I understand the reasoning behind it. I have already said that I share the view that Christmas day is, and should be, special. I simply make the observation that I suspect that in a few years' time there will be pressure on the House to introduce more liberal trading laws for Christmas day. I am not sure that the House can stop that process indefinitely, although clearly, after consultation, there is a mood at this time to preserve the current status of Christmas day and the existing role of large traders. Were traders to take a different view, and begin to want to open on Sundays, considerable pressure would be brought to bear on Members to change the law.

At the moment, traders seem to make the simple analysis that because there is only so much trade to be had, opening on Christmas day and having to pay extra rates would not increase the total amount of trade, so if they all agree, or if legislation requires them all to agree, they can protect the status quo. I give as an example the independent line that John Lewis took on Mondays. To give its partners a two-day weekend, albeit not at the weekend, John Lewis maintained Sunday and Monday closing for many years. In recent years, the forces of competition have increasingly put pressure on it to open on a Monday, and I am not sure whether any John Lewis store still closes on a Monday. I know for a fact that only in the past year or two has the store in Aberdeen yielded, which demonstrates the pressures.

This is an English Bill and, as a Scottish Member, it is not my job to oppose or resist it; I simply make a contribution to the debate. The Scottish Parliament is considering a similar Bill, and this debate will help to inform it. If the Bill proceeds in Scotland, I hope that the debate on the previous amendment on loading, and the difficulties in that regard, will assist the legislative process. Clearly, the issue is not different north and south of the border.

I accept that it is an ironic unintended consequence that the recent divergence that has developed between the position in England and Scotland is as a result of an anomalous situation—Scotland, having a much tighter observance in the past, did not have the legislation. As the right hon. Member for Bromley and Chislehurst (Mr. Forth) rightly pointed out, however, Christmas was not celebrated vigorously in the Presbyterian tradition, although I can testify that Christmas day is now celebrated in Scotland every bit as enthusiastically as in the rest of the United Kingdom.

There are real issues of debate. I am not trying to rain on anyone's parade, but when we pass legislation we should recognise that it is a compromise—not a very tidy one—and that many of the issues behind it will not go away. It is right to keep the issue simple and in line with Sunday trading. Clearly, as the Bill operates on that basis, it has widespread acceptance, and deserves to get the support of both Houses. Therefore, in spite of my reservations I congratulate the hon. Member for North Durham (Mr. Jones) on his Bill, and wish him well. I know that he has the enthusiastic support of many of my colleagues.

1.32 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Having been present for the Second Reading debate but unable to make a contribution, I want to make a brief one now. I thank my hon. Friend the Member for North Durham (Mr. Jones) for all the work that he has done to bring the Bill to this stage, and for keeping those of us who have been keen to support it briefed throughout.

There are probably several thousand shop workers in most of our constituencies. In city centres such as Plymouth, there are probably more than the average. It is not surprising, therefore, that I and others have had hundreds of letters in support of the Bill from shop workers, who are particularly affected, but not solely from them—as others have said, a much broader range of people have also written. In particular, I want to pay tribute to USDAW, which is an active and lively union, not just on this issue but, particularly at the moment, on the "Freedom from Fear" campaign, which most Members support. The district officer, John Crick, has enabled me to have good-quality contact with his shop workers in relation both to that and to this Bill and what has led up to it.

There are also those who want to keep Christmas special, either for a religious or other motive. I was reminded just now, when the hon. Member for Gordon (Malcolm Bruce) spoke, of when I moved down to England from Scotland. It is true that Christmas day celebrations in Scotland were much more low key. Having responsibility for a small office in Plymouth back in 1979, I had not been used to the big build-up to Christmas. I was sitting there at 3 or 4 o'clock on Christmas eve, and my small staff of about five were beginning to get restive. It was my first Christmas there, but I learned very quickly that the staff were used to being allowed to leave early. Around us, all the

celebrations in the city centre were beginning. In the many subsequent years during which I had the pleasure of working there, I was wise to the fact that Christmas had a special place for people, irrespective of whether their backgrounds were religious.

My hon. Friend the Member for North Durham mentioned the domino effect and the follow-my-leader effect. We should also bear in mind the commercial pressures that can arise from just one or two people breaking ranks, and the fear that that could drive a coach and horses through the wishes of the many.

I am glad to have been present for much of the debate, and I hope the spirit that has pervaded it will continue in the other place. I hope that the Bill will have a smooth passage, and that those of us who have played a small part in it—and my hon. Friend, who has played a significant part—will be able to feel when we enjoy Christmas in the future that those Christmas days are still special because of what we have been able to do today and on other occasions.

1.36 pm

Mr. Chope: I share the pessimism of the hon. Member for Gordon (Malcolm Bruce). I do not think that this is a great event for those of us who are Christians and want to keep Christmas day special. Ten years ago people thought that it would be kept special by convention, without the need for legislative intervention—just as we expected Good Friday to be kept special as a Christian festival. As the Department of Trade and Industry's consultation paper made clear, what was envisaged 10 years ago has not come about. A dam is being placed in the stream to prevent Christmas day from being completely wrecked by the opening of large shops, but I do not share the enthusiasm of those—perhaps including my hon. Friend the Member for Aldershot (Mr. Howarth)—who think that this is a red-letter day for those of us who want to keep Christmas festivals in this country special.

An early-day motion tabled by the hon. Member for Torbay (Mr. Sanders) calls for legislation to

"protect Christians from being compelled to engage in commercial activities on Good Friday and Christmas Day."

Relatively few Members have signed it. What could be described as an irreligious early-day motion tabled by the Bill's promoter, the hon. Member for North Durham (Mr. Jones), which refers not to Christianity but to the convenience of shop workers, has received much more support.

I do not think that those of us who want to maintain the traditions of a Christian country have anything to celebrate. We should reflect on the fact that it has been estimated that more than 800,000 people regularly work on Christmas day. More small shops are opening on Christmas day, fewer aspects of the day are treated as being special, and an increasing amount of commercial activity is taking place. Although I shall support Third Reading, I do not believe that the Bill will succeed in fighting the tide and preventing the undermining of our Christian society. I feel sad about that prospect, but it is hardly surprising, given that the census shows a rising proportion of people who do not profess to be Christians or who adhere to another religion.

Those of us who want to keep Christmas day special and maintain Christianity at the core of our cultural heritage will have to do a lot more in our everyday actions and encourage others to do the same, rather than trying to defend the current position with late legislation. The Bill has major limitations, although I suppose that in the overall context it is better than nothing.

1.40 pm

Ms Dari Taylor: I rise to support the Bill with considerable gusto. I want to say to my hon. Friend the Member for North Durham (Mr. Jones) that, in my constituency, he gets wholehearted support. I have not received one letter that in any way objects to his Bill, but I have had a bucketful that say, "Get in there, Dari, and support him." So I am more than pleased to be here today and to have this opportunity to speak.

I am much more of an optimistic Christian than the hon. Member for Christchurch (Mr. Chope). I believe that the Bill is a sign of the times, and I do not say that with ease. Profit, rather than people, has become far too great a focus in our lives, and the Bill registers clearly how important it is for those of us who are Christians that Christmas day should be a special day. There should be many special days on which we are allowed to enjoy our religion and share our religious practices with others.

I have two reasons for supporting the Bill, apart from the views expressed by my constituents, whose serious support I have witnessed in a great deal of correspondence. The first, which I have already mentioned, is that I am a Christian. I always want to maintain special days in the year on which my family and I have an opportunity to celebrate together, and I want such opportunities to be available to all people. We are attempting to achieve that today. The celebrations are about giving, and often about picking up a phone, and having the time to do that. On Christmas day, I phone many people and I have virtually a 100 per cent. success rate. They are nearly all at home, and I am pleased to speak to them. I have time to do that, and so do they. That is an important moment for me and my family, and I hope that it is for others. I also hope that that will be the case for more and more people who do not at present share my Christian beliefs. I should like to say to my hon. Friend the Member for North Durham that the letters that I have received have not all come from Christians. In fact, many have come from people who are not Christians, but who have said that they enjoy British Christian traditions and being part of the festivities.

My second reason for supporting the Bill is that I am a very principled trade unionist. I have been one all my working life and I shall always maintain that position. It is crucial that we understand that many people are coerced into working in these circumstances. Heavy-handed persuasion is often used, and veiled threats are invariably made to people who are not prepared to comply with their employer's requests. Employers have a job to do; I do not deny that. I know, however, having worked with trade unions for many years, that people feel that their non-compliance will impact on their working lives. So it is also as a principled trade unionist that I stand here today. To USDAW, I say loud and clear: "Well done! You have run a very good campaign." I also want to thank my own trade union, the GMB, for the tremendous support it has given me.

[Ms Dari Taylor]

We in this House enjoy the right to choose what we do on Christmas day, and to choose how we behave at that time. That is an inviolable right, and it should exist for others too. The Bill—in a small way, no doubt—extends that right to them. The right hon. Member for Bromley and Chislehurst (Mr. Forth) and the hon. Member for Gainsborough (Mr. Leigh) described with some passion our British society as a Christian community. I totally applaud those sentiments. I was brought up in a Baptist home, and I have always lived in a Christian home. I live in a Christian society and I am incredibly proud of our Christian heritage.

Sometimes I despair of some of the things that we do in the name of Christianity, but I believe that our country should always be prized as a Christian society, and that we should be prepared to defend it and to share it with others. I, of course, welcome the fact that people from around the world come to this country to live with us. I enjoy multi-ethnicity and multiculturalism, but for me the straight statement is that we are a predominantly Christian society. That should never be undermined, and we should never keep our lips sealed when we feel that we have something proud to say about our existing religious institutions.

The hon. Member for Christchurch—if it was not you, it was the right hon. Member for East Yorkshire (Mr. Knight)—made great statements to the House today. I am very sorry; I feel ashamed that I cannot remember whether it definitely was you. You said that 29 per cent. of people in Great Britain claim that they are not Christian, or are of a different faith. I have to tell you that the other side of the coin—

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Lady's peroration but she must remember to speak in the third person; otherwise, she is referring to me.

Ms Taylor: I accept your correction, Mr. Deputy Speaker. I was simply pointing out that the other side of the coin is that more than 70 per cent. of people clearly want to be regarded as Christian and identified as such. We should never underestimate that fact.

I wish the Bill of my hon. Friend the Member for North Durham a swift and successful passage in the other place, and I believe that that will be achieved.

1.46 pm

Helen Jones: I do not wish to detain the House for long. We have had a very interesting and good-natured debate, and I want to commend the work of my hon. Friend the Member for North Durham (Mr. Jones) in piloting this Bill through the House. It constitutes excellent use of private Members' legislation and enjoys widespread cross-party support in the House.

This is probably the third occasion on which we have debated Christmas day trading, following the Bill introduced by my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), who should also be commended for her work on this issue. My view has not changed throughout those debates, and I support this Bill for a number of reasons. First, it is right to extend to others the privilege that we ourselves enjoy of being at home with our families on Christmas day. I do not accept the view of the hon. Member for Gordon (Malcolm Bruce) that because we cannot extend that privilege to everyone, we should not seek to extend it to anyone. That is not an argument in respect of such legislation.

I commend the excellent work that the Union of Shop, Distributive and Allied Workers has done on this Bill, but we should also remember that many shop workers are not members of trade unions. They are often poorly paid women workers who, if this Bill is not enacted, will be put under tremendous pressure to work on Christmas day once stores start opening. The same situation arose with Sunday trading. The premiums started to disappear and the right to opt out was gradually eroded, and for that reason people get less and less time to spend with their families.

My hon. Friend the Member for Stockton, South (Ms Taylor) referred to profit and people, and it is true that there has been too much emphasis in our society on commercial activities and too little on other worthwhile things, such as spending time with one's family. As I said when my hon. Friend the Member for Crewe and Nantwich introduced her Bill, a society that defines itself only by how it shops is a very poor society indeed. Some things are far more important, and preserving Christmas day is one of them—and not simply because it is a Christian festival, although that is the prime reason for doing so.

To emphasise our own Christian heritage in no way denigrates that of other religions; indeed, to value other religions one must first value one's own. We should also preserve Christmas day because it is a day on which those who are not Christian can spend time at home with their families. It is a day on which to value those things that are more important than buying and selling. No one ever starved to death because large stores were closed on Christmas day, but families can very easily fall apart without the necessary time to spend with one another.

This is an excellent Bill and I commend it to the House.

1.49 pm

Shona McIsaac (Cleethorpes) (Lab): I shall be very brief. I congratulate, as will the shop workers of Cleethorpes, my hon. Friend the Member for North Durham (Mr. Jones) on steering the Bill through the House. There has been much detailed discussion today, but for me, the Bill is simple. When the Sunday Trading Bill became law, people believed that it covered Christmas day. However, there proved to be a loophole, because Christmas day was covered only if it fell on a Sunday. What we are trying to achieve today is simple—to close the loophole, deal with the anomaly and give people the right to spend Christmas with their families. Many hon. Members have eloquently articulated the argument today. I wish the Bill success in the other place and I hope that it becomes law as soon as possible.

1.50 pm

Mr. Brazier: The Bill is excellent and I congratulate its promoter, the hon. Member for North Durham (Mr. Jones), once again. We often hear platitudes about

the House operating at its best on Fridays, but I genuinely believe that we have seen that happening today. Two useful and worthwhile concessions have been made to my right hon. Friends the Members for East Yorkshire (Mr. Knight) and for Bromley and Chislehurst (Mr. Forth).

The Bill does not protect retail workers alone; more importantly, it protects their families. Whatever one's religious inclination, Christmas day is a day for families—and family cohesion matters. Christmas day has a special place in the life of the nation. Remove it, as could easily happen if the opening of large stores became a widespread practice, and community cohesion would suffer. I make no apologies for supporting those hon. Members who pointed out that this is a predominantly Christian country—that is nothing to be ashamed of.

I hope that you will indulge me, Mr. Deputy Speaker, while I cite a small story from history. When the Duke of Wellington arrived in Portugal with his army—one that was almost entirely Protestant-officered—he sent out a message to the officer corps, reminding them that they were in a Catholic country. He expected every officer to be punctilious in saluting religious processions as they passed in the streets. There is no reason why a Christian in a Muslim country cannot show respect for Muslim customs, and no reason has ever been put to me by any members of any minority faith in my constituency—I have some in my Conservative association—why they cannot support a measure such as this.

Almost 10 per cent. of the work force—and almost 13 per cent. of women—work in the retail sector. I believe that that is one of the reasons why we have one of the highest proportions of people anywhere in the developed world who answer surveys saying that they work more hours than they would like. I am also convinced that that is one of the causes of family breakdown in this country. Our divorce rate is much higher—almost 50 per cent. higher—than the European average. Of course, this one small measure will not roll that back on its own. Nevertheless, as an old-fashioned Conservative, I believe that symbolism is important. By showing that we regard the two most important religious days of the year—Easter, which was covered in the 1994 Act, and Christmas, which we are dealing with today—as special, we are doing a real service to family life and the wider nation.

I do not want to detain the House any longer, but I want to emphasise again how grateful I am for the concession that was made to my right hon. Friend the Member for Bromley and Chislehurst. In major retailing shopping centres in Canterbury, the issue of loading and unloading—with all the noise that it brings with it, early in the morning—is a significant one for many of my constituents, particularly the elderly.

It is a good Bill and we have had a good debate. Speaking in a personal capacity—this is a conscience issue for my party—I am delighted to support it from the Dispatch Box.

1.54 pm

Mr. Andrew Dismore (Hendon) (Lab): I very much support the Bill, which may explain why I have taken a Trappist vow as it has passed through its various stages, rather than behaving as I usually do on Fridays in welcoming or opposing Bills at somewhat greater length than I shall now. I shall also speak briefly because of the other important business timetabled today, for which I have been waiting for some time. I have made good use of that time, as the hon. Member for Canterbury (Mr. Brazier) will shortly discover.

Retail is one of the most important employers in my constituency. Brent Cross employs thousands of people, full time and part time. In addition, people from my constituency work in retail throughout London. They will be greatly pleased by the Bill's passage, and I do not mean only those who are Christians, because the Bill is a measure for every person of every faith who works in retail. It is important to respect Christmas day as the one day that is special to the whole country, no matter which faith people profess. The Bill is therefore important and I wish it all the best in its future passage through the other place.

1.55 pm

Mr. Sutcliffe: As the Minister with responsibility for consumers, competition and employment, I welcome the Bill in every aspect. *[Interruption.]* As the hon. Member for West Derbyshire (Mr. McLoughlin) suggests, it sometimes seems like I am the Minister for everything!

This has been an excellent debate. I am beginning to be worried by the fact that I am coming to like Fridays, although I am sure that it will pass fairly quickly. Fridays give the House an opportunity, through the private Members' Bill process, to consider issues in detail, sometimes properly and sometimes, perhaps, with a bit of filibustering, though that was not so today.

It was important to get the Bill right and to get it through the House. This was not the first attempt to put the Bill's provision on the statute book: my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) tried to do so, as did my hon. Friend the Member for Doncaster, North (Mr. Hughes), who, I am pleased to see, is in his place and who will be pleased to see the Bill achieving support on Third Reading.

We must pay tribute to my hon. Friend the Member for North Durham (Mr. Jones) for his work on the Bill. He has steered it excellently through negotiations with officials at my Department, and I am pleased that they have helped him to move it in the direction that he required. I have taken great pleasure in working with him on Second Reading and in Committee as we have tried to get it right.

I acknowledge that the amendments debated this morning raised some areas for consideration, and hon. Members will note my assurance that we shall try to achieve what they asked for in the way that I set out earlier.

Mr. Greg Knight: The Minister should never say that he likes Fridays when he is in the presence of a Whip.

Will the Minister do two things? He has handled the Bill very well, and he kindly indicated that the concession that he intends to make in respect of amendment No. 10 will be covered, he hopes, in guidance. Will he send me a copy of that guidance when it is finalised? Secondly, will he write to my right hon.

[Mr. Greg Knight]

Friend the Member for Bromley and Chislehurst (Mr. Forth) and to me to let us know when he has made a decision on the loading problem?

Mr. Sutcliffe: Those are perfectly fair requests, and I undertake to do all that at the appropriate time.

The Union of Shop, Distributive and Allied Workers has been referred to. I have been pushing for a long time for unions to be modern and relevant to their workplaces. USDAW has achieved that in the way in which it has run its campaign on Christmas day trading. The Bill is not all about USDAW, however: it is about the nature of Christmas day and how we preserve it for the family by making it a special day of the year. The Bill goes a long way to doing that.

The Bill applies to England and Wales but not to Scotland, where the Scottish Executive are considering the matter. Enforcement of prohibitions and other matters in the Act will be the same as for the 1994 Act and will be operated by local trading standards authorities.

The Bill is necessary. We are often accused of regulation for regulation's sake, but that is not the case here. The domino effect was a real consideration; the retailers told us that if a competitor opened up, they would have to do the same, and they thought that regulation was appropriate.

Further important Bills will follow this one, so I shall not detain the House much longer. I thank my hon. Friend the Member for North Durham for his work. I accept that the Bill is not yet the perfect piece of legislation, but it is an attempt to try to put right a mistake that was made when Christmas day was included in the previous legislation only if it fell on a Sunday. I hope it passes through the other House with due speed, and I commend it to this House.

2 pm

Mr. Forth: I have said throughout the day that I would want to speak on Third Reading, and this is my big moment.

Mr. Deputy Speaker: Order. I apologise to the right hon. Gentleman if I did not immediately call his name, but as he had not given a previous indication in my hearing, I was slightly surprised. I would never seek to deny the right hon. Gentleman.

Mr. Forth: I am grateful, Mr. Deputy Speaker. I like to spring the occasional surprise, even on you.

On Second Reading I said that I was not happy with the Bill. There was a rather half-hearted attempt by USDAW to get people to write to me. In the end about 30 did, and there were a couple of phone calls, one rather abusive. That made no difference to my views, and it did not say much for USDAW and its organising ability.

I changed my mind for two reasons. First, I had a look at what happened in other countries that I regard as culturally comparable with ourselves—Canada and Australia, mainly. But the thing that incensed me and made me change my mind was an article in *The Sunday Telegraph* on 9 May that referred to a 99-page document published by the Commission for Racial Equality setting out draft guidance on how companies should prevent discrimination against religious and racial minorities. The most controversial proposal was that employers should have to provide prayer rooms and to give time off to non-Christians to mark their own religious holidays.

That is what changed my mind about the Bill. Other speakers have mentioned this matter, but I will put my own very different interpretation on it. I am normally incensed by anything the CRE says, and the sooner we abolish it the better. However, the fact that it had the impertinence to say something like that convinced me that the Bill would be a small but significant symbol of the need to reassert the fact that this country is, and remains, essentially a Christian country. We have an established Church. Her Majesty is the head of that Church, as well as being our head of state. For the race relations industry to have the cheek to come forward with such a statement was an insult, and something that should be dealt with firmly. The Bill has provided us with the occasion to do something about it.

Instead of seeking to oppose the Bill I shall support it with alacrity, for that reason. It is time we in this country put down a marker in defence of our culture and what is still our religion. That is not to say that we should not be perfectly tolerant of people with other views, or no views. Reference has been made to the census, which revealed that a significant proportion of people in this country now feel that they have no religious affiliation, or decline to say what their affiliation might be. We must respect them as well.

None the less, it is important that in our institutions and, where necessary, in our legal framework, we assert, and reassert where necessary, where we believe this country should place itself in terms of its religious affiliations. That was the main reason that brought me, unusually—it is not something that I do often—to change my mind. I am happy to say that the Commission for Racial Equality has had that effect on me, and will be able to claim at least some of the credit for the fact that the Bill will make progress today. Good for the CRE; that is the only time you will ever hear me saying that.

I have here a letter from the Minister for Industry and the Regions and Deputy Minister for Women and Equality—she is in her place now, and I welcome her to the debate. The letter, which she kindly wrote on 4 May, said:

> "There is no automatic entitlement for employees not to work on Christian holy days or on holy days of any other religion. This is a contractual matter between employees and their employers. However, the Employment Equality (Religion or Belief) Regulations 2003, which came into force in December last year, make it unlawful for employers to treat staff from a particular religious group less favourably than those from other religions when considering requests for leave, or requests to refrain from work on particular days."

That is a very fair statement of the Government's position, but it sits slightly at odds with the tenor of this debate and of the Bill. Perhaps the Minister for Industry and the Regions and her colleague should have a quiet chat to see whose view will prevail. We have heard the Minister who has just spoken welcome the Bill, USDAW and all its works, and so on, while the Minister for Industry and the Regions took a slightly more

neutral position. It seems that the Government are of two minds. *[Interruption.]* The right hon. Lady is getting excited; she is welcome to intervene if she wants to elucidate—but, obviously, she does not want to emphasise her remarks in any way. I understand that.

As I said, the other reason why I changed my mind on the Bill is what happens in other countries, but before I deal with that point I want to express again my disappointment that the hon. Member for North Durham (Mr. Jones) did not seek to include in the Bill any sort of explicit protection for workers to ensure that they were not forced to work on Christmas day. I sought to secure such protection in an amendment that I was advised could not be selected, simply because the long title of the Bill would not allow it. That is not an excuse. The long title of the Sunday Trading Act 1994 allowed schedule 4 to that Act to provide protection for workers who did not want to work on a Sunday. I am appalled that a Bill that is supported by a trade union—USDAW, no less—has such a restrictive long title that it cannot be amended to provide proper protection for workers on Christmas day.

Frankly, that undercuts all the words of praise that have been said today about that union and all its works, and about the wonderful role that it has played in such matters. I think that it has been in gross dereliction of its duty not only to its members, but to workers at large. I was the one who sought to table an amendment to protect workers, but my amendment was denied because of the shoddy way in which the long title of the Bill had been drawn up. My praise for the hon. Gentleman is therefore somewhat tempered by the fact that he and the union have been in dereliction of what the latter normally regards as its duty to its members and workers at large.

I make those remarks because I hope that somebody may want to return to the matter some day. If we are serious about all the words that have been said in the Chamber today about how special Christmas day is, the need to protect the workers and so on, why cannot we include in legislation a provision that seeks to give proper protection, as we did in the Sunday Trading Act 1994? That remains a mystery to me. I hope that it will be corrected one of these days.

I have in my hands some information about the great province of Ontario in Canada. In Ontario, employees of most retail businesses generally have the right to refuse to work on a public holiday, and they do not have to give reasons for declining to work on a public holiday. Furthermore, employers in Ontario cannot punish such people for not working on those days. Such provision exists in other civilised parts of the world, and I would have thought that it should exist here. I regret that this opportunity to introduce such provision has passed us by.

Although I support the Bill and wish it well, for the reasons that I have given, I, like my right hon. Friend the Member for East Yorkshire (Mr. Knight), hope that the Minister will be able to tell us in due course that he has been able to incorporate the amendments that the House has generally supported, particularly with regard to loading and unloading. I hope that he will ensure that that issue is dealt with in one way or another.

All in all, I believe that the hon. Member for North Durham has done a service to our society and to its workers in introducing the Bill. Defective though it may be, I believe that it is good enough to have the support of the House today.

2.9 pm

Mr. Kevan Jones: With the leave of the House, I thank hon. Members for their kind words. The debate has been good hearted, as it was on Second Reading. It will ensure that we make a small move towards protecting Christmas day for workers and making it the special family day that it is for people, irrespective of their religious beliefs.

I note with interest the point made by the right hon. Member for Bromley and Chislehurst (Mr. Forth); he is obviously a loss to the trade union movement. It seems that in selecting the subject for a private Member's Bill and in achieving the consensus to get it to this stage, the more limited the scope, the more chance it has of succeeding. For that reason, I concur with some of his points.

Today's amendments were sensible and passionately argued. I am glad that we can improve the Bill, which is important. I thank all hon. Members who supported it and I thank you, Mr. Deputy Speaker, for your indulgence in allowing me to make my small contribution to the legislative programme.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

CROWN EMPLOYMENT (NATIONALITY) BILL

Order for consideration read.

To be considered on Friday 15 October.

Sex Discrimination (Clubs and Other Private Associations) Bill

Not amended in the Standing Committee, considered.

Clause 1

DISCRIMINATION: PRIVATE CLUBS

2.12 pm

Mr. Eric Forth (Bromley and Chislehurst) (Con): I beg to move amendment No. 3, in page 3, line 35, at end insert—

'29E Unreasonable works and alterations

Nothing in the provisions of sections 29Ato 29D requires unreasonable works or alterations to be carried out on existing buildings.'.

The Bill is well meaning but controversial. Following Second Reading, which was some time ago, I took the opportunity—indeed, the Bill's promoter, the hon. Member for Telford (David Wright), almost invited me to do so—to contact some of the primary organisations representing private clubs to find out their views. Those contributions were very helpful. He mentioned the Royal and Ancient golf club of St. Andrews. In fairness to him, he was honest with the House in saying that it was unhappy with the Bill. I contacted the club, which had much to say.

I am sure that we will have the chance to return another day to many of the other issues that the Bill raises, because my modest amendment covers only a very small part of the Bill. Sadly, we have only 17 minutes or so to go, and I suspect that we will not get much past this amendment—or, indeed, past it at all. Happily, that will enable us to consider the Bill further and in more detail another time, when we can try to address other aspects of it.

The Royal and Ancient had something to say about the one part of the Bill that my amendment attempts to highlight. Indeed, it picked up on something that we had spotted on Second Reading. That is covered by proposed new sections 29B, 29C and 29D of the Sex Discrimination Act 1975. The Royal and Ancient says:

"The layout of clubhouse buildings at many golf clubs is a further, significant difficulty. Considerable capital expenditure will be required in many cases to convert clubhouses to dual-sex use throughout. Again, given the poor financial condition of many clubs, the R and A believes that this also makes it desirable for provisions enabling gradual transition to be incorporated into your bill."

2.15 pm

We can return to the issue of transition on a future occasion, but we need to zero in on the difficult question of capital expenditure and the Bill's effect on clubs. So that we can orientate ourselves, proposed new section 29B is entitled, "Guests: discrimination by mixed-sex clubs" and says:

"It is unlawful for an association to which section 29A applies to discriminate against a woman on an occasion when she is its guest—

(a) in the way in which it affords her access to any of the benefits, facilities or services to which other guests are afforded access by it on that or a comparable occasion,

(b) by refusing or deliberately omitting to afford her access to any of those benefits, facilities or services, or

(c) by subjecting her to any other detriment."

That has confused some people, including some of the club organisers to whom I wrote. I am advised that when the Bill refers to a woman it also means a man. As we discovered on Second Reading, when I tabled a number of amendments to clarify the issue, provisions in the Sex Discrimination Act stipulate that when legislation refers to a woman it also means a man and vice versa. That is the even-handed and non-discriminatory approach one would expect of such legislation, and it clarifies the position in the Bill.

The Deputy Minister for Women and Equality (Jacqui Smith): Does the right hon. Gentleman accept that references to "he" and "man" in every other piece of legislation are also references to "she" and "woman"?

Mr. Forth: In the modern world of gender neutrality, equality and all the rest one would expect to take that for granted. However, the club organisers whom I contacted suggested that the Bill appears to be obsessed with women. An obsession with women is rather healthy in us heterosexuals, but the suggestion was that the Bill was concerned only with the rights of women, not those of men. I am trying to be helpful by clarifying the Bill's provisions and the legislation underpinning them. When I refer to a woman, I also mean a man. I hope that that does not upset you, Mr. Deputy Speaker—you appear to be more than usually perturbed.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. All that might be upsetting me is whether the right hon. Gentleman is straying from the exact terms of the amendment into something that is more akin to Second Reading, but I am sure that he has no intention of doing so any longer.

Mr. Forth: Certainly not, Mr. Deputy Speaker. However, we are talking about the Sex Discrimination Act, and I should have thought that a bit of chat about sex was entirely in order.

Mr. Greg Knight (East Yorkshire) (Con): So that I am not accused of anything, I draw the attention of the House to my entry in the Register of Members' Interests. Will my right hon. Friend address a point that gives me cause for concern? As I understand it, the reference in proposed new section 29B(c) to actions that subject women "to any other detriment" could cover a case where a ladies lavatory is on the first floor and the gents is on the ground floor. The club would then be obliged to construct a new set of lavatories on the ground floor. Would that be considered unreasonable under my right hon. Friend's amendment? He does not make clear in his amendment precisely the scope of the word "unreasonable". I hope that he will deal with that important issue. What does he mean by "unreasonable" in the amendment? Does he envisage certain capital works being necessary or none at all?

Mr. Forth: My right hon. Friend has me at a disadvantage. He is a distinguished and experienced lawyer, which I am not. I worry quite a lot when a lawyer of his distinction taxes me on the interpretation of the

word "reasonable", but I have been in the House long enough to know, or think I know, that the word "reasonable" is a term of art in the British legal system—is it not? I am even more worried when I cast my eyes back and see that my hon. Friend the Member for Christchurch (Mr. Chope), who is as eminent a lawyer, is sitting beside my right hon. Friend, so I have two eminent legal brains sitting behind me. I should have thought that if my right hon. Friend cannot answer his own question, there is little chance of my being able to answer it.

Mr. Knight: I can see a difficulty in interpretation. Clearly, if a club has several thousand members, carrying out small capital works may not be unreasonable when one looks at the club's accounts, but if a club is very small and because of the passage of the Bill into law it has to carry out capital works, in the light of that club's turnover the very same works may be deemed to be unreasonable. I want to flush out from my right hon. Friend where he sees his amendment playing in all that, if it is accepted by the House.

Mr. Forth: I assume that when my right hon. Friend uses the term "flush out", he is referring to the particular alterations to the building to which he previously referred.

I thought that the wording of my amendment was somewhat clearer than my right hon. Friend suggests. When I refer to

"unreasonable works or alterations to be carried out on existing buildings",

I am not speaking about scheduled works or works that would otherwise be done. I am referring explicitly, in the context of the Bill, to the kind of works that would be forced on the organisations or associations by the terms of the Bill, unless it is amended by my amendment.

David Wright (Telford) (Lab): The Bill relates to private members clubs that currently offer membership to both sexes but discriminate against women in their practices. That would mean that all those clubs would already have facilities for women to use, such as changing facilities or toilet facilities. If any changes were required to deal with women or men who had disabilities, those would be covered by the disability discrimination legislation. The clubs would have to make the necessary changes anyway, following action by the House. Does the right hon. Gentleman accept that?

Mr. Forth: The hon. Gentleman obviously knows what his own Bill means. I can only go by what is stated on the face of it. I am seeking to amend it and the fact that the amendment has been selected suggests that it has relevance. We have not even come on to guests yet, and I have not got on to my thoughts on whether his Bill might force a lot of clubs to go back from being open to both sexes to being single-sex clubs..

Mr. Knight: I think the intervention that my right hon. Friend has just made is legally incorrect. The hon. Member for Telford (David Wright) is legally incorrect in his remarks. My understanding is that a private club does not have to comply with the Disability Discrimination Act 1995 unless it admits members of the public, so a private members club open only for the benefit of its members is exempt from the Disability Discrimination Act, but, for example, if that club hires out a room for a wedding on a Saturday, it would have to comply for that particular day with that particular Act. The premise of the intervention was wrong.

I was seeking to draw to my right hon. Friend's attention—I hope he will address the issue—not the lack of provision for, let us say, ladies lavatories, but the fact that under proposed section 29B there is a reference to

"subjecting to any other detriment",

so if the lavatories for one sex were up a flight of stairs, the club might be forced to put both sexes' lavatories on the same floor, which seems to me way over the top.

Mr. Deputy Speaker: May I seek to bring a sense of proportionality to the debate? Interventions appear to be longer than the speech that is being made.

Mr. Forth: I will seek to lengthen my speech to get back the proportions, Mr. Deputy Speaker, if that is your wish. It is not often that I have been encouraged from the Chair to do that, but I am more than happy to do so on this occasion. Let us get back to the text to find out whether that helps us to keep our bearings.

We are talking about a woman—or a man—when she or he is a guest and about the facilities or services afforded to guests. Of course that is where we get into the likelihood that is referred to in my amendment of the need to carry out works and alterations to buildings. Given the breadth of the definition, it is surely self-evident that benefits, facilities or services can cover a huge variety of different circumstances in the context of clubs. That must be the case at a large number of premises. I suppose that the facilities can range all the way from the obvious—toilets—which my right hon. Friend the Member for East Yorkshire (Mr. Knight) has mentioned already, to changing rooms and, no doubt, all sorts of other facilities as well. As was highlighted by the Royal and Ancient golf club, although the same thing is in the minds of many people, the problem is the likelihood that, if the Bill were ever to reach the statute book, bite and start to affect clubs in the way in which it is presumably intended, expenditure would be inevitably forced on those clubs.

Mr. Gerald Howarth (Aldershot) (Con): My right hon. Friend refers in his amendment to unreasonable costs that might be attributable to a club in undertaking material alterations to the structure. I put it to him that the use of the word "unreasonable" could subject those clubs to an endless barrage of litigation to determine that which is reasonable and that which is not reasonable. In the circumstances, instead of using the word "unreasonable" and bearing in mind what my right hon. Friend the Member for East Yorkshire (Mr. Knight) said about some of those clubs having small numbers of people, might it be preferable to put a monetary figure on such things, rather than leaving them open to the lawyers to decide?

Mr. Forth: I am grateful to my hon. Friend because that could well be a very useful further amendment to seek to make to the Bill. I think that I am right in saying that, procedurally, as we are sadly about to run out of

[Mr. Forth]

time, there happily will be plenty of time to table further amendments to the Bill for consideration on the subsequent occasion on which it is debated in the House. My hon. Friend has just come up with a very helpful suggestion to which we could return if my amendment, after due deliberation and perhaps even a Division, proves not to be to the satisfaction of the House.

Mr. Christopher Chope (Christchurch) (Con): My right hon. Friend's amendment refers not to unreasonable costs, but to unreasonable works. The cost of the work may be only one of the grounds on which the work is unreasonable.

Mr. Forth: Ah! Again I am grateful to my hon. Friend for that intervention, which gives me another thought: a planning dimension could come into play and a conflict could therefore arise. If the Bill became a statute and it were thought that it required alterations of a kind for which planning permission could not be obtained, there would appear to be a conflict between the Bill's requirements and planning law.

Peter Bottomley (Worthing, West) (Con): Has it struck my right hon. Friend as odd that restaurants, village halls and other places do not face such problems?

Mr. Forth: I find many things odd in both the law and life in general, but I can only deal with the Bill as it is before us. Again, if my hon. Friend thinks that further amendments would be helpful, he will happily have the opportunity to table them for debate when the Bill is further considered.

David Wright: The right hon. Gentleman mentioned that the R and A had contacted him about the Bill. Has he had any contact from the CIU, which is offering wholehearted support for the Bill? I think that the CIU would find the amendment rather strange.

Mr. Forth: Yes, I have indeed. The hon. Gentleman is correct: the CIU has indicated that it is content with the Bill.

Mr. Howarth: For the elucidation of the House, will my right hon. Friend tell me what CIU means?

Mr. Forth: The CIU is the Club and Institute Union, which is a very august and eminent body that represents what, in the good old days, used to be known as working men's clubs. They are probably now known as lifestyle clubs—I should not be surprised—or work persons' clubs, more probably, given their current attitudes—

It being half-past Two o'clock, MR. DEPUTY SPEAKER *adjourned the debate without Question put, pursuant to Standing Order.*

Debate to be resumed on Friday 15 October.

Remaining Private Members' Bills

CONSTITUTION FOR THE EUROPEAN UNION (REFERENDUM) BILL

Order read for resuming adjourned debate on Question [23 April], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 16 July.

LOCAL LAND CHARGES (FEES) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 15 October.

HUMAN RIGHTS ACT 1998 (MAKING OF REMEDIAL ORDERS) AMENDMENT BILL [LORDS]

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 16 July.

GENETICALLY MODIFIED ORGANISMS BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 15 October.

TELECOMMUNICATIONS MASTS (NEED AND SAFETY TESTS) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 16 July.

CRIMINAL JUSTICE (JUSTIFIABLE CONDUCT) BILL

Order read for resuming adjourned debate on Second Reading [14 May], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 16 July.

TOWN AND COUNTRY PLANNING (TELECOMMUNICATIONS MASTS) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 16 July.

Clinical Services Review (South West London Health Authority)

Motion made, and Question proposed, That this House do now adjourn.—*[Margaret Moran.]*

2.32 pm

Tom Brake (Carshalton and Wallington) (LD): I am pleased to have secured the debate in the pre-consultation period of the "Better Healthcare Closer to Home" project, which is otherwise known as the clinical services review or strategy. My hon. Friend the Member for Sutton and Cheam (Mr. Burstow) hopes to catch your eye, Mr. Deputy Speaker, and I shall leave him some of my time to raise other points with the Minister.

I had friendly discussions with the Minister's spy at yesterday's seminar and I understand that the spy has been in touch with him and that he has been fully briefed. I therefore hope that he can respond to the points that I shall make.

First, I support the concept of the strategy, which is that there should be a critical care hospital and several local care hospitals. Yesterday's meeting was well attended by representatives from many health organisations, patient groups and so on. There was support for the initiative at the meeting. People asked for more information but they also wanted to make progress. A problem with such projects is that the time scales are inevitably long because of the need for consultation, reforms, the building process and so on. If steps are not taken, there is a risk that the project will die an unceremonious death when some new initiative supplants or replaces the current one. People want progress to be made.

St. Helier hospital and Sutton hospital clearly need to be rebuilt. Anyone who has visited those hospitals will know from the state of the structures that they require urgent attention. I understand that parts of St. Helier hospital are off-limits to patients because of health and safety concerns. Measures such as the working time directive make the need for the development of such concepts even stronger, and the proposed changes would probably happen in any case.

Whatever configuration is arrived at for the local care hospitals and critical care hospital, the highest priority must be to ensure the best quality of patient care. It is also important that the critical care hospital should be as close to the centre of the area that the trust serves as possible, with that centre adjusted to take into account the health profile of the catchment area. St. Helier is an area of my constituency, and of the London boroughs of Sutton and Merton, that has significant health needs to be addressed.

Accessibility and employment considerations will also be factors in determining where the critical care and local care hospitals will be located. St. Helier, which crosses the London boroughs of Sutton and Merton, is one of the areas with the highest level of deprivation in those two boroughs, so the employment impacts will be significant. Accessibility for a population many of whom do not have access to their own transport will also be important. One measure that could significantly improve the accessibility of St. Helier hospital, which is already good, would be the extension of the Croydon tram to Sutton. If the Minister is a good friend of Ken Livingstone, perhaps he will have a word with him about bringing that tram to Sutton. We would certainly welcome that. The location of the hospital will of course be dependent on other factors such as the availability of land and planning considerations, but taking all those criteria into account, the St. Helier site is likely to be the most appropriate for the development of a critical care hospital.

I should point out that although I think that the development of such a hospital would be welcome in the area, some residents who live on the proposed new hospital site would be affected quite significantly by it and might have some objections. I intend during the next few days to write to the residents who would be most closely affected to ask them for their views and to bring to their attention the fact that although there is nothing concrete about the plans yet, there are proposals of which they should be aware.

If the St. Helier site is developed, because the proposed land is metropolitan open land the Office of the Deputy Prime Minister will have to approve the change, although I understand that there is likely to be compensation in terms of metropolitan open land being provided at another location close by, which might address that issue.

Another site, the Sutton site, is also being considered, as is the Epsom site. There is an issue specifically in respect of the Sutton site on which I hope the Minister will respond. The site is close to the Royal Marsden hospital, which has, as the Minister will know, recently secured foundation status. If the Sutton site were to be developed, I have no reason to believe that the Royal Marsden, were it approached and asked to contribute some of its land, would refuse such an approach. In fact, I understand that some positive discussions are under way. However, I pose a hypothetical question to the Minister. If such a trust or foundation hospital anywhere in the country were approached and asked to participate in a project that the community felt was in the best interests of the local health community, and that foundation hospital decided that it did not want to take part, would the Minister have the power to direct that foundation hospital, and would he use that power if he had it? I hope that he will be able to respond on that point.

Another point on which I hope the Minister will respond is the proposal that some have mooted that if the St. Helier site, for example, were developed, the Epsom site would declare UDI and go its own way. Has the Minister had a chance to consider that suggestion? What does he think of its viability?

I have a couple of points on the consultation process. The formal consultation will run from 1 September to 30 November, and my hon. Friend the Member for Sutton and Cheam and I intend to hold a large public meeting in September to hear people's views on the proposals. For the consultation process to be meaningful, options setting out the probable or likeliest location of both the local and critical care hospitals will have to be provided. It must be seen as

[Tom Brake]

a package. Given that the range of possible locations for the critical care hospital is limited, it should be possible to identify the probable locations of local care hospitals at the same time. We will need to know what the range of services provided by those hospitals will be, too.

Consultation with patients and future patients will have to be extensive, because the existing forums, which were put in place after the abolition of community health councils, are in their infancy. Consultation will have to encompass not just the people who were present at yesterday's meeting but those who have traditionally been excluded such as black and ethnic minorities, the unemployed, single parents and so on—it must go beyond the usual suspects. Does the Minister believe that the effectiveness of the forums would be enhanced by allowing them to sit as observers on the programme board for the clinical services strategy? I understand that they currently do not have observer status.

The battle over community health councils was lost, but their replacement is in many ways much more complex and underfunded. Does the Minister agree that the original indication was that patient forums would have about 15 volunteer representatives, but that the number has been reduced to 10? Will he explain why? I have been told that that is to save on their expenses, which, incidentally, are lower than those of staff, which I do not quite understand. Will he assure us that the Secretary of State's recently announced cull of quangos will boost the funds that will go to local forums?

Is the Minister aware of a letter that was sent from the collective forums of the south-west London strategic health authority to the chief executive of the Commission for Patient and Public Involvement in Health, in which Barbara Price expresses concern that owing to a lack of information that the forums and forum support organisations receive from the commission, they are struggling with some of the essential administrative and financial aspects of this role? They are concerned that no timetable has been set in which their concerns will be addressed. I hope that he will pick up on that point.

To return to the specifics of the "Better Healthcare Closer to Home" initiative, and to conclude to allow my hon. Friend the Member for Sutton and Cheam an opportunity to speak, it is important that residents who remember the breach of trust that occurred when a previous NHS trust failed to provide a separate children's hospital on the St. Helier site are reassured that the total package will be delivered. They will also need assurances that the reorganisation will not affect existing services and will not exacerbate problems that still exist between the Epsom and St. Helier hospitals, which have not been addressed since their merger a number of years ago.

Mental health issues must be brought to centre stage because they are currently on the periphery, and I welcome the fact that the programme board has agreed that it will present a paper covering the subject. The impact on other trusts needs to be properly quantified and assumptions about how many patients will choose to travel to an alternative hospital will need to be verified against actual changes experienced elsewhere in the country. Nothing will progress without funding, and I hope that the Minister can provide some reassurances on that.

"Better Healthcare Closer to Home" should be good news for patients. It should improve outcomes and make health care more accessible. I hope that the Minister's response will make it clear that the Government will give their backing to these plans. Without the Government's financial support, "Better Healthcare Closer to Home" will be nothing more than a pipedream.

2.44 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I thank my hon. Friend for the opportunity to take part in this debate and for his initiative in securing it. It is timely to have the opportunity to discuss this matter, not least because the organisation of health services in the London borough of Sutton and beyond has been an issue of long standing. Over almost the past 10 years, there has been a series of attempts by the Epsom and St. Helier NHS trust to come forward with a set of plans that held together and would be viable. Yet we are still waiting, with out-of-date building stock. We are still waiting, in particular, for St. Helier hospital—which is almost ancient—to be replaced. One conclusion that I drew from yesterday's event in Addington is that it is almost universally accepted that, whatever happens, St. Helier needs to be rebuilt to be fit for the 21st century, whether it is a critical care or a local care hospital.

I want to emphasise several points made by my hon. Friend. One thing that emerged from yesterday's debate in Addington was concern about the lack of clarity so far in the process of deciding what local care hospitals are to be. If the new model of care proposed in the local clinical services strategy is to be realised, and people are to buy into it through the area covered by Epsom and St. Helier trust, it is important for us to know how many sites there will be, where they will be, and precisely what services will be provided by the local care hospitals.

The Minister will probably empathise with one point raised yesterday. So far, the opportunity to include social care in the services provided by local care hospitals has been missed. There is an immense need to co-locate and integrate social care, and I hope the Minister will ensure that the opportunity is not lost in Sutton and Cheam or in Carshalton and Wallington.

As a result of the lack of clarity over local care hospitals, the focus has tended to be on the critical care hospital and where it will be. It is not surprising that Members of Parliament and others have fierce loyalties to their existing hospitals, as do our communities. My hon. Friend has already outlined some of the concerns that he and I share with the London borough of Sutton. The local authority feels that the new critical care hospital must be at least as accessible as St. Helier. I

would go further, and say that the St. Helier site seems to offer the best fit strategically for a new critical care hospital.

I want to raise two or three issues about consultation. As has been pointed out yesterday and today, we should ask whether a two-site solution is viable. People will want to know, and will want to see demonstrated in the formal consultation, that the two-site option has been properly evaluated. If it is not viable, it should be shown why. If that does not happen, it will inevitably fuel the view of those who think that this is an exercise to get rid of the hospital and have just one acute hospital in the area.

Another question that needs to be addressed in the formal consultation is my hon. Friend's point about UDI. I do not think that it is as much a question of UDI as a question of whether there is merit in exploring the case for an amicable divorce between Epsom and St. Helier hospitals and the recreation of the pre-existing trusts. That is certainly a live issue in Epsom.

One of the things that puzzled me most about the criteria so far for evaluating the various site options was the low weighting given to health equality and equity of access. I hope that the Minister can reassure us that the Government take health inequality seriously when it comes to the reconfiguration of services.

At this point in the life of the project, the capital costs have been estimated at anything between £215 million and £228 million. Other Members with an interest in the project have rightly asked whether that will be deemed affordable. It would be helpful to know whether people are wasting their time with this enterprise, or whether the Government feel that the public purse can afford it. I hope that the Minister will also be able to consider my hon. Friend's points about foundation trusts.

The consultation must not be just for the vocal and articulate few. It must strive to reach the hard-to-reach groups, the vulnerable and those who do not have a voice; otherwise, it will risk letting the community down and not providing health care closer to home that will meet the needs of my constituents and those of my hon. Friend. My hon. Friend mentioned that we plan to hold consultation events of our own during the formal consultation stage. Given our desire to ensure that the hard-to-reach groups are reached, we shall want to hold more than one meeting, and we hope that the NHS will co-operate with us to ensure that factual information is provided to our constituents during the process.

2.50 pm

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): This is an important subject and I suspect that, as the consultation proceeds, we shall not have heard the last of it in the House. I congratulate the hon. Member for Carshalton and Wallington (Tom Brake) on securing this debate, and I thank the hon. Member for Sutton and Cheam (Mr. Burstow) for his contribution. They both made important points about the way in which the consultation should proceed and the need to focus on evening out health inequalities. The hon. Member for Sutton and Cheam made the particularly important point that the consultation should involve not just the loud mouthed and the pushy—it also needs to reach those whose voices are not normally heard.

I would like to begin by paying a brief tribute to all the NHS and social care staff in the South West London strategic health authority area. They are hardworking, dedicated and committed to the improvement of the local NHS and local services. Let me start my response to the hon. Member for Carshalton and Wallington by acknowledging the pressures on the NHS, not only in his constituency but throughout the country. A consequence of that is that we must increase capacity, which is why the Government are investing so heavily in doctors, nurses, technicians and new equipment. We must also work to raise clinical standards generally. In other words, it will not be good enough for us to keep doing more of the same; we have to take a radical review of how services are provided.

The NHS plan sets out a challenging 10-year programme for that reform. Far-reaching changes are often necessary to try to provide the best possible services for patients, and we must ensure that those services are accessible, flexible and designed around the needs of patients. However, we cannot do that from Whitehall. It is no good pretending that I know best what is right for the hon. Gentleman's constituency when I neither live there nor access health services there.

It is our policy to shift decision making to local areas. That is why we started the "Shifting the balance of power" initiative and why we now devolve funding decisions to the front line. It is now for the primary care trusts, in partnership with strategic health authorities and other local stakeholders, to determine how best to use their funds to meet national and local priorities for improving health, tackling health inequalities and modernising services. They are in the best position to do that because of their specialist knowledge of the local community.

As part of the modernisation programme, many NHS economies and organisations are using this freedom and responsibility to consider, with their local stakeholders, changes to the way in which they organise their services. They recognise that services cannot be static, and that they must change to reflect changing circumstances and to respond to local needs. In carrying out such reviews, they must take account of a number of different pressures on the local service, including changing medical practice, training-related issues, the working time directive, population distribution and travel times. The hon. Gentleman mentioned all those issues. They have an additional responsibility to live within their means. These issues and many others have to be taken into consideration. Of course, biggest is not always best. Local decision makers need to recognise that patients want more, not fewer, local services. However, that pressure has to be balanced with the need to ensure clinical safety and to develop excellence.

That brings me to the situation in south-west London. In terms of health care in the Sutton, Merton and mid-Surrey area, local stakeholders have looked at the local

[Dr. Stephen Ladyman]

position and a general consensus has developed locally that the status quo cannot remain. The fabric of the estate at St. Helier hospital is poor, with problems of a lack of privacy and dignity on the wards, and of few toilets and bathrooms. The Epsom hospital is small and some of its building fabric is also poor.

There are challenges associated with recruiting clinical specialists to deliver services over split sites, and with supervising and training doctors. Sub-specialisation is difficult in the present circumstances and it is also proving difficult to create and sustain viable clinical rotas. There is also a duplication of services across the sites and the problems at each site are likely to worsen with time.

There is local recognition that things must change and that there needs to be a locally developed proposal with which to move forward. That proposal—I stress again that it is a local proposal, not one imposed from Whitehall—is to create several community hospitals, referred to in the proposals as local care hospitals, supported by one acute hospital, which is referred to in the proposals as the critical care hospital. This concept has received widespread local support from both consultants and GPs, and there is agreement on the model. There is also general consensus on the way forward that the model represents. It aims to separate the planned and emergency care processes and to redesign services around the patient.

The proposed strategy challenges the notion of what an emergency hospital should really be doing, while seeking to devolve the planned aspects of traditional hospital activity, so that they can be delivered closer to the patient's home. Those services will then be brought together with primary care services to challenge the traditional configurations within GP and health centres. The point that the hon. Member for Sutton and Cheam made about the need to involve social care in those activities is an important one, and he is right to press it.

The function of a local care hospital will be to offer more clinical services than can traditionally be offered in a GP surgery. They will include health surveillance and screening; elective work, such as day-surgery; the majority of high-volume, low-complexity out-patient appointments; some in-patient beds and intermediate care; minor injury and illness units; and diagnostic services such as X-ray.

The critical care hospital will deal with all emergency work, complex elective work and low-volume, high-complexity and multi-speciality out-patient work, supported by relevant diagnostics services. The advantages of placing these acute services in one critical care hospital include meeting national standards for clinical services; meeting national employment and training standards; providing capacity for planned growth in the number of patients needing services; providing flexibility for future needs; integrating clinical specialties in order to provide better care and to use scarce resources to best effect; and providing a better environment to help patients' recovery and staff recruitment and retention rates.

This new model of care will realise the ambitions of "Keeping the NHS local". It will also mean that the constituents of the hon. Member for Carshalton and Wallington will benefit from better, more modern health care services, delivered in a better and more appropriate environment that is closer to their homes. The proposals will also give the local health service the opportunity to improve the standard of the environment in which hospital services are delivered—for example, by providing more single rooms. They will also create an opportunity to rationalise NHS land holdings locally and, potentially, to release land for key worker housing.

It is important that I point out, however, that while consensus has been developed over the model of service, no decisions have been taken on the site of the critical care hospital or of the local care hospitals. As the hon. Members for Carshalton and Wallington and for Sutton and Cheam have rightly pointed out, the decisions on the siting of the local care hospitals and of the critical care hospital are of equal importance.

Mr. Burstow: The vision is widely supported, but both parts—the local care hospitals and the critical care hospital—have to be delivered to achieve it. If one part is not delivered, the whole thing will fall apart. Can we afford this package, and will it actually be delivered?

Dr. Ladyman: The hon. Gentleman will not expect me to give a blanket promise of funding for the new project in the middle of an Adjournment debate. What I can say is that we will work very closely with the local decision makers to ensure that they have appropriate guidance on what may or may not be feasible.

The siting decisions to which I referred must be made locally and not by Ministers. Formal public local consultation on the siting of the hospitals will take place during this September, October and November.

I understand that, so far, formulation of the proposals has been a very inclusive process. GPs, hospital doctors, nurses and other health professionals from the trust and from the two local PCTs—Sutton and Merton, and East Elmbridge and Mid Surrey—have been working together intensively throughout 2003–04, together with patient and public representatives and groups, to develop this new model for local health care. I will ensure that careful note is taken of the comments that were made concerning those groups that may not have been properly involved in the process. Informal discussions have been held with tenants and resident groups, with local authority overview and scrutiny committees and with the media and NHS staff. I understand that the process throughout has been carried out in an open and transparent manner. For example, detailed working papers have been made public—in March 2004 and again last week. Comments from stakeholders on the papers published last week have been invited by 7 July 2004.

I am also aware of yesterday's full-day meeting in which stakeholders received presentations and were able to ask questions. I was pleased to learn that it was a well attended event and that a number of hon. Members were present and able to participate with others in

understanding the issues, debating the key points and identifying where further analysis is required. I am told that the day highlighted a high level of commitment to the model of care and that the key stakeholders debated the importance of delivering the elements of the reconfiguration in an integrated way. I hope that the event will have made a significant contribution to defining the further work to be completed before the formal consultation period.

It is always important that the local NHS strives to engage in a meaningful way with its local community as well as with all interested stakeholders. It is encouraging, then, to see that the NHS in south-west London is seeking to work in a different and more open way in the development of ideas and options—

Tom Brake: In the time available, will the Minister touch on the issue of foundation hospitals and clarify whether he will direct?

Dr. Ladyman: The position with foundation hospitals is that they have a duty of partnership. The Secretary of State is not in a position to give directions in quite the way that the hon. Gentleman has requested, but I can assure him that the duty is there for foundation hospitals to be involved in a partnership. An independent regulator will take a view on whether that duty is being fulfilled or not. Perhaps the solution to the problem will not be brought about in the way that the hon. Gentleman has requested, but I can assure him that I am satisfied that steps can be taken to ensure an appropriate resolution of the problem—

The motion having been made after half-past Two o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at two minutes past Three o'clock.

House of Commons

Monday 21 June 2004

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Iraq

1. **Mr. Tam Dalyell** (Linlithgow) (Lab): Pursuant to the statement of the Foreign Secretary, 7 June 2004, *Official Report*, column 31, on Iraq, what reports he has had from the US Administration on their investigation of the attack on 18 to 19 May on the village of Makr-al-Deel. [179359]

The Secretary of State for Defence (Mr. Geoffrey Hoon): United Kingdom operational commanders received an oral briefing from their US counterparts as part of their daily theatre operational situation updates. That briefing was passed by telephone to my office as soon as it was received. The US investigation into the incident is continuing.

Mr. Dalyell: Is there a serious intent to establish the truth?

Mr. Hoon: As I understand it, the United States has set up a thorough investigation into those events. We know some of the facts; we have seen some of them in various media reports that suggested that a wedding was taking place. Equally, I have seen briefing from the United States Government indicating that not only were they attacking a base for the transit of people across the Syrian-Iraqi border but that in the aftermath of the incident they found, for example, not only rifles but rocket-propelled grenades and other items of quite a heavy military kind. Obviously, it is important that we allow their investigation to proceed.

Mr. Paul Keetch (Hereford) (LD): The allegations about the incident at Makr-al-Deel, as well as US actions over the weekend, and even the fresh allegations in *The Guardian* today will be seen by Iraqi civilians as the actions of the coalition as a whole. Unless there is a full and impartial investigation, the coalition authority and the case for democracy in Iraq will suffer. British troops are covered by the International Criminal Court but Iraqi and US troops are not. Is it not the best way to reassure Iraqi civilians that all coalition forces, including Iraqi and US forces, should be covered by the ICC?

Mr. Hoon: The latter point is obviously a matter for the US Government, but I agree with the hon. Gentleman to this extent: it is important that each country conduct thorough and rigorous investigations into such allegations. The hon. Gentleman referred to the story in *The Guardian* this morning; it covered two pages and I read it in some detail. I hope that he will accept that the headline on the story could just as easily have been, "More False Allegations Against British Troops", because the detail in the story did not particularly bear out the rather lurid headline that *The Guardian's* editor had chosen. Such issues arise regularly, but I give the hon. Gentleman and the House my assurance that each of them that involves British troops will be thoroughly investigated.

African Troop Training

2. **Mr. David Kidney** (Stafford) (Lab): What contribution his Department will make to the training of 17,000 African troops by 2010. [179360]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The Ministry of Defence is committed to playing its part in meeting the G8 goal to train 75,000 peacekeepers world wide by 2010. Our aim is to train about 17,000 African troops, either directly or through our support to centres of excellence such as the Kofi Annan international peacekeeping training centre in Ghana.

Mr. Kidney: I thank my right hon. Friend for that answer. As he knows, the most recent G8 summit made a number of commitments to the continent of Africa, which was itself a tribute to our Prime Minister, including the training of 75,000 African troops in peacekeeping skills by 2010. In the Prime Minister's statement to the House last week, he said that our contribution would be those 17,000 troops. Does my right hon. Friend the Minister agree that British troops are among the best in the world not only at fighting but at peacekeeping and that it is thus entirely appropriate—

Mr. Speaker: Order. That question is far too long.

Mr. Ingram: I cannot disagree with a word that my hon. Friend said. He made a strong point about the role played by our troops when they are called on to fight wars, wherever that may be; they have been thus engaged in Africa, the Balkans, Afghanistan, Iraq and elsewhere in recent years. However, one of their key attributes is that they play a peacekeeping role, too, and that is what we want to impart in nations where we have a presence. The Prime Minister has made clear his commitment to Africa and it is salutary for us to see how deep the problem is in that continent, where 20 countries and 20 per cent. of the population are affected by conflict; about 10 million African people have been uprooted from their homes owing to conflict. Everything that we do in trying to build that peacekeeping role will help immeasurably in finding solutions to those difficult problems.

Mr. Julian Brazier (Canterbury) (Con): For obvious reasons, that sort of activity is welcomed on both sides of the House, but can the Minister of State tell us how it will be affected by the situation at the cornerstone of infantry training, Warminster, which has been stripped of its demonstration battalion because of overstretch?

Mr. Ingram: The hon. Gentleman is treading into a completely different area. I do not agree with his assertion that we shall not be able to deliver the objectives we have set out. My response to my hon. Friend the Member for Stafford (Mr. Kidney), whose question highlighted our expertise in that area, showed that we have not lost that expertise. We still have that capability and we shall continue using it to best effect in Africa and wherever we have peacekeeping missions.

Lawrie Quinn (Scarborough and Whitby) (Lab): Given the British armed forces' globally recognised expertise in engineering and logistics units, is my right hon. Friend able to say whether those key skills, which would be of great benefit, particularly on the African continent, will be shared with the 17,000 African troops undergoing training?

Mr. Ingram: I cannot give a specific answer, because we would primarily seek to get volume capabilities to deal with some of the very big issues that we must face in Africa—I recounted the depth and extent of the problem there—but clearly one of the areas where we must grow capability is in that type of sustainability and very positive reconstruction role. A lot will depend on what the African countries want to put into that training approach as well. So we stand ready to deal with anything in a progressive and constructive way to assist in that reconstruction. My hon. Friend is right: that is an important area. It is another area where we excel, and we must always consider how we can impart that knowledge to those nations that we are training.

Army Medal Office

3. **Mr. Peter Luff** (Mid-Worcestershire) (Con): If he will make it his policy to delay the closure of the Droitwich Spa Army Medal Office until the end of December 2007. [179361]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): As I have said previously, I do not intend to hold up the formation of the new Ministry of Defence medal office by delaying the closure of the Army Medal Office at Droitwich Spa. Although I commend the hon. Member for his concern for his constituents, I am convinced that the investment of effort now to modernise medal delivery will be to the ultimate benefit of veterans and today's serving personnel.

Mr. Luff: In the current edition of *Soldier* magazine, the staff of the Chief of the General Staff, General Jackson, say:

"There is a widespread and strongly held view that ... the administration of pay and allowances is still failing our people."

General Jackson himself says:

"It is well known that our pay and administration hardware is creaking at the seams".

However, that is precisely the organisation into which the Minister proposes to merge the Army Medal Office at Droitwich Spa, at a site the future of which is itself uncertain—RAF Innsworth. Does he not understand that, whatever the long-term benefits may or may not be—I think they are illusory—the inevitable short-term consequences will be that Suez veterans die before they receive their Suez medals and that Iraqi veterans will experience unacceptable delays in receiving their medals?

Mr. Caplin: The Suez medal is one from this Government to those veterans. I was in Wolverhampton on Saturday, where I joined members of the Suez veterans' club in presenting three of the latest Suez veterans' medals. We in this Government have righted an injustice to ensure that those Suez veterans have a medal.

As for the hon. Gentleman's comments about the medal office, we have been through the issue already at some length. I have answered 21 questions from him in the past six weeks, all on that specific issue. That is why I commend him for his work on behalf of his constituents, but none of his questions suggest to me that the decision should be changed and that we should not have a single Ministry of Defence medal office, based at Innsworth, because we have the space, the capability and, eventually, the efficiency to improve medal delivery.

Dr. Julian Lewis (New Forest, East) (Con): It is a bit rich for the Government to claim credit for the issuing of the Suez canal medal and clasp, when they did so under pressure from hon. Members on both sides of the House, as they know. Given the difficulty faced in the issuing of those medals and clasps, which is likely to take at least two years to complete, what effect will the closure of the Army Medal Office have on the issuing of the Artic Convoy medal, when the Government are eventually forced into issuing that medal, too—a commitment given by the Leader of the Opposition, but not yet endorsed by the Government? However, we can be as sure as anything that, when they do endorse it, they will claim credit for having done so all along.

Mr. Caplin: I am sure that the right hon. and learned Gentleman, the Leader of the Opposition, will never miss an opportunistic moment to make an opportunistic point—that is exactly what he does—but let me inform the House that, so far, as of last Friday, we have had 39,666 applications, of which 9,709 have been dispatched. I very much regret that there continue to be problems with the dispatch of the Suez medal, but I am taking action to put that right. That is an important thing that we should do. We are taking action, whereas the Conservative Government never did, and it will improve medal delivery in the longer term.

European Security and Defence

4. **Mr. David Amess** (Southend, West) (Con): When he last discussed progress on the European security and defence policy with the French Defence Minister. [179362]

The Secretary of State for Defence (Mr. Geoffrey Hoon): I last met Madame Alliot-Marie on 9 June on board the French aircraft carrier Charles de Gaulle, anchored off Portsmouth. The visit formed part of the entente cordiale centenary celebrations. Our discussions covered a range of issues, including European security and defence policy.

Mr. Amess: Does the Secretary of State agree that the European defence agency, if fully implemented, would have a significant impact on Britain's ability in the next Parliament independently to choose a replacement for Trident?

Mr. Hoon: It would not have that impact, no.

Ms Dari Taylor (Stockton, South) (Lab): Does my right hon. Friend agree that the most crucial issue in European defence at present is encouraging our European partners to improve their defence capabilities? What is he doing as Secretary of State to encourage that? Does he also agree that the best way to do so is to work in co-operation with our European allies, and not to carp from the sidelines, which gets us nowhere?

Mr. Hoon: I entirely agree with my hon. Friend. What is important is that we engage our European partners in improving their military capabilities. If we can do that through NATO, all to the good. If we can also do that through the European Union, that would be an extra benefit. Indeed, that was the Conservative party's policy at the time of the Maastricht treaty. Somewhere along the line the views of the hon. Member for Southend, West (Mr. Amess), which in those days were considered somewhat extreme by most members of the Conservative party, have become mainstream. That says something about the current opportunism of the leadership of the Conservative party.

Mr. Quentin Davies (Grantham and Stamford) (Con): How does the Secretary of State react to the extraordinary statement last week by the three largest aerospace businesses in the EU—BAE Systems, Thales and EADS—which was reported in the *Financial Times* on 15 June, to the effect that the European defence agency is merely a fig leaf to cover the nakedness of any progress towards European defence? Is that not an extraordinary indictment from that very authoritative source?

Mr. Hoon: I do not accept that criticism. Indeed, last weekend, in the course of the discussions on the framing of a draft European constitution, there was agreement on the need to develop European defence policy and specifically to establish a European defence agency, which will have the opportunity of co-ordinating industrial and military efforts to improve European military capabilities, which I would have thought should be approved of by the Conservative party—indeed, a few years ago would have been approved of by the Conservative party. As I said in my last answer, the Conservative party today is so determined to court any cheap popularity that it is opposing things that only a few years ago it strongly supported.

Manufacturing

5. **Jim Knight** (South Dorset) (Lab): What efforts his Department is making to support the British manufacturing sector. [179363]

The Secretary of State for Defence (Mr. Geoffrey Hoon): In October 2002 we published our defence industrial policy, which seeks to provide the armed forces with the equipment that they require at best value for money for the taxpayer, while sustaining a healthy and globally competitive defence industry. When acquisition decisions are made, the Government take into account the benefit to the United Kingdom economy arising from defence expenditure, including detailed consideration of the extent to which UK companies will be involved in supplying and supporting equipment and services.

Jim Knight: I thank my right hon. Friend for his reply. I am sure that he will agree that UK defence manufacturers and workers value our special relationship with the United States of America and are keen to see that translate into improved access to US contracts. What progress is being made across Whitehall Departments on negotiating the waiver on the international traffic in arms regulations?

Mr. Hoon: I am grateful to my hon. Friend for raising that important issue. I am certainly disappointed that some in Congress want to damage our efforts to bring down the barriers to improve Anglo-American defence industrial co-operation. We would like the closeness of the wider relationship more properly reflected industrially. The ITAR waiver would certainly be a positive step in that direction. We have made our opposition to the damaging provisions of this year's Defense Authorizations Bill clear both to the Administration and to Congress. We are grateful to the Administration for their robust support in expressing their solidarity with our position.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Secretary of State agree that it would be of immense encouragement to British manufacturing industry and give a positive indication that the Government support manufacturing in the United Kingdom if the Ministry of Defence gave the go-ahead to BAE Systems' Nimrod MRA4—maritime reconnaissance and attack mark 4—project, which would be built at Woodford, which lies partly on the periphery of my constituency and partly in the constituency of the hon. Member for Cheadle (Mrs. Calton)?

Mr. Hoon: The Government do support manufacturing industry in the United Kingdom. As set out in the principles of our industrial policy, we do so through the use of the defence budget where that is appropriate. It is important that we secure best value for money for the British taxpayer, but in our calculations we consciously and as part of our overall policy take account of the research, investment and benefit that that will provide to British industry.

Mr. Bill Olner (Nuneaton) (Lab): Does my right hon. Friend agree that one of the most positive ways to show

support for British manufacturing industry is to keep teams such as the Red Arrows flying? Will he give an assurance that what we have been seeing in the press is just media talk and there is no option to shut down the Red Arrows and the Hawk aircraft that they fly?

Mr. Hoon: I recently had an extremely good visit to the Red Arrows, and I was as impressed as my hon. Friend by the brilliance of the pilots and their stunning showmanship. I am delighted to endorse their strong commitment to promoting British exports around the world, the excellence of British manufacturing, and the skill of our pilots.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Is the Secretary of State satisfied that his Department does enough to encourage small manufacturing industry in this country to compete for MOD contracts? Is he aware that such businesses often find getting a foothold in defence contracts extremely burdensome?

Mr. Hoon: The hon. Gentleman makes a good point. Small businesses finding it difficult to secure access to larger contracts is a problem throughout UK industry, whether the contracts are directly with the MOD, which is relatively unlikely for the sort of small business that I believe he has in mind, or for the supply of parts under larger contracts, which are won by larger companies. However, I agree with his basic point: it is important that we encourage smaller manufacturing companies to participate in the defence industrial policy.

Ms Ann Coffey (Stockport) (Lab): My right hon. Friend will be aware of the importance to the north-west economy of BAE Systems' site at Woodford. When I visited the site recently, I was shown around one of the newly refurbished Nimrods and was impressed by the state-of-the-art surveillance equipment and technology on the aircraft. Will my right hon. Friend say when a decision will be made on orders for the Nimrod? He will appreciate that the orders are crucial to secure jobs and investment in the north-west.

Mr. Hoon: In February last year we reached an important agreement with BAE Systems on Nimrod—a contract amendment that put Nimrod MRA4 on a much sounder footing for the future. Under the restructured contract, design and development and production have been separated as far as possible to ensure that technology is adequately de-risked before making any further commitment to production, price and schedule. The MOD has been approving low-risk production activities when it makes sense to do so and when such activities help to maintain essential skills and product knowledge, as well as preserve the schedule. There is still work to be done before I can satisfy my hon. Friend, but I assure her that we are committed to the Nimrod project, which is important for industry in the United Kingdom and crucial in terms of the capabilities that it will offer our armed forces.

Mrs. Patsy Calton (Cheadle) (LD): I am happy to hear the Secretary of State give his commitment to the Nimrod project and to hear him say that he is seeking value for money, as are we all. However, does he recognise the tremendous improvement that has taken place both in the operation of the work force and the management at BAE Systems in Woodford?

Mr. Hoon: There has certainly been improvement, but as I suggested in my answer a moment ago, that has come at some cost to the Government. I hope that the improvement will continue to be commensurate with the further efforts that the Government are making to get the project right.

Mr. Kevan Jones (North Durham) (Lab): Further to the question asked by the hon. Member for West Derbyshire (Mr. McLoughlin), will my right hon. Friend join me in congratulating Northern Defence Industries, which is working with small and medium-sized businesses in the north-east and Yorkshire to gain access to defence contracts? What encouragement can the MOD give NDI and other organisations to ensure that small companies get access to some large contracts?

Mr. Hoon: As I said a few minutes ago, the problem is often that the larger companies that win those contracts have bureaucratic procedures that they have to go through before they accept bids from suppliers, particularly from smaller companies. However, I agree that it is important that we work with excellent organisations such as NDI to ensure access for those smaller companies, which will one day develop into the larger companies that will secure the manufacturing future of the United Kingdom.

Mr. Gerald Howarth (Aldershot) (Con): With much of Britain's defence industrial base either already in foreign ownership or about to become foreign-owned, is it not the case that the Government are presiding indifferently over a massive summer clearance sale of major British defence companies, with many attendant risks to our security of supply? Is the Secretary of State's own much vaunted defence industrial policy not a complete shambles?

Mr. Hoon: Opportunism again from the Conservative Front Bench. Our policy was established 18 months ago, and we did not hear a single word of objection from the Conservatives at the time, but now they are taking the opportunity to criticise us in a quite unprincipled way. Their party is supposed to be committed to market forces. Is the hon. Gentleman recommending nationalisation of major defence industries? Is he suggesting that the Government should interfere in the decisions made by private sector companies? Is he suggesting that where the shares are held is more significant than where the jobs, investment, and technology are? That is the Government's policy—he did not object to it when it was published, so to do so now is simply opportunism.

Afghanistan

6. **David Cairns** (Greenock and Inverclyde) (Lab): What assessment he has made of the effectiveness of NATO's command of international security assistance force operations in Afghanistan. [179364]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Since NATO assumed responsibility for the international security assistance force in August 2003, the alliance has continued successfully to assist the Afghan transitional authority in maintaining security in Afghanistan. NATO has also led the expansion of ISAF beyond Kabul and is working on expanding the force across Afghanistan.

David Cairns: I thank my right hon. Friend for that answer. If NATO is to assume a more global peacekeeping role in future, it is essential that its command of ISAF is a success, and is seen to be a success. Does he share my disappointment that other member countries of NATO are reluctant to give ISAF the number of troops that it needs to extend its mandate beyond Kabul? Some countries may have legitimate differences of opinion with us over Iraq, but they all supported the Afghan war. Now is the time not to walk away from that country, but to help to rebuild it.

Mr. Ingram: I know that my hon. Friend takes a close interest in matters relating to Afghanistan. All of us want things to happen more quickly, but in the real world it takes time to plan a complicated military operation, especially in such a challenging environment as Afghanistan. It takes time to organise and deploy military forces, and for that deployment to have a full effect. My hon. Friend should look at what NATO has already achieved. It is moving fast—just two months after the UN authorised ISAF expansion, it established the first ISAF provincial reconstruction team. We are clearly moving into another phase of possible expansion, in which the United Kingdom is to the fore. I suggest that my hon. Friend wait for the outcome of the Istanbul summit, as some of the issues that he has raised will be raised there as well.

Mr. Nicholas Soames (Mid-Sussex) (Con): Does the right hon. Gentleman accept that there is no anxiety about NATO's command of ISAF, but its real difficulty is the timely generation of adequate forces to undertake the jobs required? Will he confirm that at the summit on 17 June in Brussels it was agreed that the EU would establish its own military operational planning centre independent of NATO? Would it not be better if, instead of discussing headquarters, some of those countries increased their defence spending on deployable capabilities to undertake those difficult missions?

Mr. Ingram: May I suggest that if the hon. Gentleman had been here for question 4 he could have asked his question then? However, I hope he heard me when I said that NATO is making progress, and more will be made as a result of the important summit at which NATO Ministers will deal with any possible expansion in Afghanistan. That is when the issue will be discussed, and that is when a structure will be put in place to develop our mission in that country.

Mr. Tom Harris (Glasgow, Cathcart) (Lab): With elections in Afghanistan due by the end of the year, it is obviously important to make sure that there is a stable political environment in the country in the run-up to those elections. What role are NATO troops, particularly British troops within the NATO forces, playing to make sure that that environment is sustained between now and election day?

Mr. Ingram: My hon. Friend raises an important issue about the emerging democracy and the forthcoming elections in Afghanistan. It falls to all coalition countries to do our best to ensure that registration takes place under the UN lead, and that there is a stable environment to encourage people to vote—all sections of the community, men and women alike, who are eligible to vote. It is encouraging that significant numbers of women have already registered to vote in the election. We and other coalition forces are playing a dual role—in ISAF in Kabul and in the provincial reconstruction teams, whose role and function there are proposals to expand. It is important to allow the Afghan forces and the transitional Government progressively to take on the ownership and control of their own country. Giving them the confidence to move forward and the security in which to do it is an important role that we are playing, through both ISAF and the PRTs.

Mr. Edward Garnier (Harborough) (Con): The right hon. Gentleman's answer to the hon. Member for Greenock and Inverclyde (David Cairns) was, when boiled down to its essentials, wait and see. How long must we wait and what will we see?

Mr. Ingram: I gave a time scale to that. If the hon. and learned Gentleman had been listening, he would have heard me say that the summit in Istanbul next week would no doubt discuss the matter, and we may return to it in future questions if progress is not made.

D-Day Commemorations

7. **Shona McIsaac** (Cleethorpes) (Lab): What assessment he has made of the D-Day commemorations. [179365]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): I made an initial assessment of the D-day commemorations to the House on 9 June during the veterans affairs debate. I am pleased to report further that the Ministry of Defence has received a number of letters from hon. Members, veterans and their organisations who attended the events in France, expressing their thanks for the effort provided by the Department and our armed forces. I would again like to add my thanks to all for their hard work. I have also written to the French Veterans Minister thanking the people of France for their support during that most memorable weekend of 5 and 6 June.

Shona McIsaac: I am sure everybody in the House would agree that the commemorations were a success. They were both moving and a fitting remembrance of the bravery and sacrifice of veterans. It is important that their work and their bravery, not just in world war two but in other conflicts, be kept in the public mind in future. What will the Government do in the future to keep these affairs in the forefront of the public's mind? Has he ever given consideration to something for which I have campaigned for some years: a veterans day public holiday?

Mr. Caplin: We have already announced to the House that we propose to have a veterans awareness week in July 2005. That will be an opportunity for people in all parts of the United Kingdom to take part in discussions with veterans and, we hope, in educative opportunities for young people in order for them to understand what happened in 1945 and to be more aware of how those great and momentous events in our history took place. I will give some consideration to my hon. Friend's other suggestion, but I am sure she is aware that that is not directly the responsibility of the Ministry of Defence.

Mr. Nicholas Soames (Mid-Sussex) (Con): May I, on behalf of many of those who were there, thank the Government and congratulate them on the arrangements that they made for those never-to-be-forgotten celebrations? Will the Minister extend to the armed services our thanks for all they did in a very short time to bring together such a tremendous display, and will he particularly pass to the Normandy veterans our admiration and respect for their bearing and dignity on a parade that no one who saw it will ever forget?

Mr. Caplin: I agree with the hon. Gentleman's comments about that weekend's events in Normandy, and Her Majesty's Government were delighted by the excellent turnout from both sides of the House. Events occurred in Portsmouth, which has a direct and important connection with the Normandy landings, in Lichfield, at the national memorial arboretum, and in many other towns and cities across the UK, such as Plymouth and Blackpool, and I hope that the people who attended those events also had a memorable and enjoyable weekend.

Andrew Mackinlay (Thurrock) (Lab): The Minister mentioned next year, when we shall commemorate victory in Europe and victory over Japan. Will he and the Foreign and Commonwealth Office consider righting a wrong perpetrated half a century ago, when the Polish air force was denied the opportunity to march down Whitehall with the other representative contingents because it might offend Uncle Joe Stalin? I hope that he will find some way to commemorate the Polish air force, which was part of "the few".

Mr. Caplin: I sympathise with my hon. Friend's point, and I shall look into the matter and report back to him. On 10 July 2005, the country will come together to commemorate VE-day and VJ-day, and I hope that all those who want to participate can do so, whether that occurs in London or other cities and towns around the UK.

Balkans

8. **Eric Joyce** (Falkirk West) (Lab): What discussions he has had with counterparts from the Balkan states on their contribution to NATO. [179366]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): My right hon. Friend the Secretary of State for Defence and I have regular discussions with our Balkan counterparts. Those discussions have focused on the transition from a NATO-led force, SFOR, to an EU-led force, EUFOR, in Bosnia and Herzegovina, and on the Balkan states' aspirations to join NATO or partnership for peace. I am due to visit the region shortly.

Mr. Joyce: I thank my right hon. Friend for that answer. Will he say how the decision to transfer from a NATO-led mission to an EU-led mission in Bosnia and Herzegovina was made?

Mr. Ingram: The range of demands must match the particular Balkan country involved. Bosnia and Herzegovina has made significant progress on defence reform, including the creation of a Ministry of Defence and the appointment of a Defence Minister, but full co-operation with the International Criminal Tribunal for the Former Yugoslavia, particularly with regard to Karadzic, is a prerequisite for partnership for peace membership. We urge Bosnia and Herzegovina to meet that and all other international obligations, and to build close and friendly ties with its neighbours. We place a range of demands on all countries within the region, some of which are already members of the action plan and are hopefully moving towards full NATO membership, and others of which still have some way to go.

Mr. John Randall (Uxbridge) (Con): Will the Government support Macedonia's application at the forthcoming Istanbul talks?

Mr. Ingram: No.

RAF Homes (Carterton)

9. **Mr. David Cameron** (Witney) (Con): If he will make a statement on progress towards establishing a private finance initiative scheme for the building of RAF homes in Carterton. [179367]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): This private finance initiative project to provide service families' accommodation for RAF Brize Norton was launched in May 2003. Since then, the project has gone through pre-qualification and short-listing phases. Once final approval is given, the next stage will be to issue the formal invitation to negotiate.

Mr. Cameron: Is the Minister aware that his predecessor, the hon. Member for Kirkcaldy (Dr. Moonie), said that the RAF homes in Carterton are among the worst in the RAF? Given that the hon. Member for Kirkcaldy wrote to me in June last year saying that the PFI to rebuild the homes was the Defence Housing Executive's "highest priority", will the Minister knock heads together to make sure that that scheme, which should be good for the RAF, good for Carterton and good for west Oxfordshire, goes ahead soon? Will he come to Carterton to see how urgently the rebuilding work needs to be done?

Mr. Caplin: I welcome the hon. Gentleman's support and that of West Oxfordshire district council for replacing Ministry of Defence housing at Carterton. I agree with the comments of my predecessor and I am aware that local people consider the houses an eyesore.

There are concerns that some aspects of antisocial behaviour, especially vandalism, are connected to the empty properties. As the Minister responsible for the estate, I understand the wish to replace the houses as quickly as possible. I greatly hope that the project that we have in mind will ensure that replacement housing will be available in mid-2006. Although I cannot undertake to come to Carterton shortly, I undertake to keep the hon. Gentleman informed of progress.

Mr. James Gray (North Wiltshire) (Con): How many more houses will be needed at Carterton to accommodate the aircraft people from RAF Lyneham in my constituency when the Hercules fleet is moved? Is the shoddy, decrepit condition of the housing in Carterton a good reason for reconsidering that move?

Mr. Caplin: We have been through this at some length with the hon. Gentleman. The decision about RAF Lyneham has been made. We had an Adjournment debate in the House on the subject, to which I replied, and there has been much correspondence. I repeat that the decision has been made and I am confident that we will get our housing stock up to the standard that we would all expect.

Regimental Recruitment

10. **Bob Russell** (Colchester) (LD): What importance he attaches to a regiment's historic association with geographical areas when seeking recruits. [179368]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): Great importance is attached to the historic links that the infantry, the Royal Artillery, the Household Cavalry and Royal Armoured Corps have with the areas from which they traditionally recruit. Although the location of potential soldiers is not an overriding consideration in recruitment, the practice of maintaining links with geographical areas has served the Army well for many years, not least in helping to uphold a sense of unit identity.

Bob Russell: I am sure that the Minister can justify the number of regiments in Scotland, which has a population of 5 million. Will he explain why the nine counties—the traditional recruitment area of the Royal Anglian Regiment—with a population of 7 million, have only one regiment and two battalions? Whereas the Scottish regiments find difficulty in recruiting, the Royal Anglian Regiment does not, and the reinstatement of the Third Battalion—the former Essex Regiment—would go a long way towards filling the Army's vacancies.

Mr. Caplin: I am well aware of the hon. Gentleman's points, which he makes consistently. Recruitment is generally buoyant and that includes recruitment to the Royal Anglians. It is also worth saying that the Army, like any organisation, needs to adapt to change in the existing environment. It does that, as has been proved around the world.

Mr. Brian Jenkins (Tamworth) (Lab): Does my hon. Friend appreciate that we are all proud of our historic links with our county regiments? Did he take the opportunity during the commemorations of D-day to see one of the films, which showed a small American town where almost every other household featured in the casualty rates after the Omaha beach landings? Such scenes had not been known in Britain since the days of the pals regiments. Will my hon. Friend reassure me that, in our recruitment base, the current strategy and tactics in the British Army are correct and should be adhered to on recruitment and allocation?

Mr. Caplin: I am sorry to tell my hon. Friend that I did not see the film to which he referred. I had one or two other things to do in the run-up to that weekend. Omaha beach is covered in the Minister of Defence booklet that we published to commemorate D-day. I know that my hon. Friend has a copy, because I made sure that every hon. Member had one.

Mr. Mark Francois (Rayleigh) (Con): The Minister knows from his experience that, especially when considering infantry battalions, not only their recruitment record but their ability to retain soldiers after they have been trained is important. Will he take that into account in any analysis of future infantry battalions? The Royal Anglian Regiment has an especially good record on retaining trained soldiers as well as on its ability to recruit them.

Mr. Caplin: I am pleased to tell the hon. Gentleman not only that recruitment is buoyant but that, in the past two years, the Army's trained strength has increased by more than 3,300 personnel. That is down not only to good recruitment practices but to good retention levels. I share the hon. Gentleman's view that it is important to retain people in the British Army once they have been recruited. We intend to do that.

Mr. Simon Burns (West Chelmsford) (Con): Does the Minister accept that there is considerable affection for and pride in the Royal Anglian Regiment in Essex? Will he please tell me what specific support has been given to regiments such as the Royal Anglian for their local recruitment drives? Is there any truth in the recent press reports that there has been a six-month freeze on recruitment?

Mr. Caplin: No. There has been no recruitment freeze. I met many members of the recruitment team in the hon. Gentleman's area last Friday when I was at Chelmsford fire station to celebrate the sixth-form college's national diplomas. That included talking to one or two people from a battalion.

Mr. Keith Simpson (Mid-Norfolk) (Con): This looks like an East Anglian love-in. As a Member of Parliament representing Norfolk, I of course endorse all the comments made by hon. Members about the Royal Anglian Regiment. I am sure that the whole House agrees that the links between a regiment and its historical recruiting areas are very important in maintaining the strength of the Army.

The Minister touched on a point mentioned by my hon. Friend the Member for West Chelmsford (Mr. Burns). The House is aware that the defence budget faces a £1.5 billion shortfall, and although the Minister denies the fact that there is a freeze on recruitment and

training, in the other place last Thursday Lord Bach referred to it as a "pause" in training recruits. What is the difference between a freeze and a pause?

Mr. Caplin: I have made clear the position on recruitment, which I am responsible for. There is no recruitment freeze in the British Army. I have to tell the hon. Gentleman that that is the situation we have today. Of course, it is not the situation that members of the Government he supported in the early '90s dealt with. Their recruitment freeze in the early '90s has a direct impact on the ability of our armed forces to deliver today, and he needs to understand that. It is obvious and consistent that we ensure that our armed forces are relevant, flexible and usable. That is what they are today.

Eurofighter

13. **Mr. Michael Jack** (Fylde) (Con): If he will make a statement on when he expects to conclude his negotiations with BAE Systems on the tranche 2 contract for the Eurofighter. [179371]

The Secretary of State for Defence (Mr. Geoffrey Hoon): Negotiations with BAE Systems regarding the order for tranche 2 Typhoons are continuing. We and our partner nations need to acquire aircraft with the right capabilities to meet our requirements, at an affordable price.

Mr. Jack: While I thank the Secretary of State for those words, may I point out to him that they do not answer the question I posed? He has been in discussion with BAE Systems on tranche 2 for at least the last nine months, and he will be aware of the uncertainties that the absence of an announcement is causing among the work force at BAE at Warton in my constituency. Will he outline the problems that are preventing a decision from being made on that vital procurement programme? When will he be able to announce that decision—at Farnborough or when the comprehensive spending review is complete?

Mr. Hoon: I am sorry that the right hon. Gentleman's idea of a negotiation appears to be to find out what the other side want and give it to them. He was a Treasury Minister in the last Conservative Government, so perhaps that explains why their economic policies were such a disaster. However, I can tell him that there is a question about the price. We are engaged in a negotiation and I will go on negotiating on the Government's behalf until I get the right price.

Mr. Lindsay Hoyle (Chorley) (Lab): Is my right hon. Friend aware that a lot of workers throughout Lancashire are very worried about tranche 2? What message does he have for the work force there and what message does he have for the management of BAE Systems?

Mr. Hoon: I shall not repeat what I have just said on the question of the price, but on behalf of the Government I say to the work force, and indeed to the management, that the six aircraft that have been received in service are performing superbly. This is a magnificent aircraft and it is exceeding our expectations. The next production aircraft is due to be accepted in service this week, and two aircraft are shortly due to lead the export campaign in Singapore, where the aircraft has already been shortlisted. This is a superb aircraft, but obviously it is important that we get the right price for it.

Miss Anne McIntosh (Vale of York) (Con): Will the Secretary of State explain the implications for RAF Leeming should he decide not to proceed with the second tranche?

Mr. Hoon: The second tranche aircraft, as the hon. Lady knows, is of a different kind from tranche 1. It will have different capabilities and will provide an air-to-ground capability not originally envisaged when Typhoon was designed many, many years ago. It is vital to the future not only of RAF Leeming, but of the strike capabilities of the RAF that we secure tranche 2 aircraft. I emphasise, however, that that must be at an affordable price.

Afghanistan

14. **Mrs. Joan Humble** (Blackpool, North and Fleetwood) (Lab): What progress has been made on reconstruction efforts in Afghanistan. [179372]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Through our contribution to the international security assistance force in Kabul, and to the joint departmental provincial reconstruction teams in north-west Afghanistan, our armed forces help to facilitate the reconstruction programmes of the Afghan Transitional Authority and international development agencies. An essential part of that is supporting the development of Afghanistan's own security forces. We are helping to train the Afghan national army and, through the provincial reconstruction teams, have provided assistance to the Afghan national police.

Mrs. Humble: I thank the Minister for that reply. When British forces help in the reconstruction of Afghanistan by training police, will they also consider training civilians, ensuring that both men and women are involved in the process, so that we reconstruct not just buildings but civil society in Afghanistan?

Mr. Ingram: Absolutely. That is one of the main thrusts of the provincial reconstruction team, which is a multi-departmental initiative, with the Foreign and Commonwealth Office and the Department for International Development. In Mazar-e-Sharif, the DFID representative has in the region of £1 million to allocate to a range of projects, some of them linked directly to security sector reform, but also to the whole reconstruction effort of rebuilding roads and bridges, reopening schools, reopening courthouses, or opening courthouses where perhaps none have been, and creating that normal society. My hon. Friend raises an important point. That is what our mission is in Afghanistan, and we are beginning to make progress.

Mr. Andrew Mackay (Bracknell) (Con): Would the Minister accept that the people of Afghanistan have been badly let down by NATO in its first out-of-area operation? The troops have failed to arrive, time is running out and the elections are due in September. What will happen at the NATO meeting in Istanbul next month to ensure that troops really are there, that it is not all words, and that there is some action from NATO members?

Mr. Ingram: I would not agree with the view expressed by the right hon. Gentleman that we have let down the people of Afghanistan. I have recounted in response to two separate and subsequent questions the range of activities in which we are engaged, and I have also said that we must live in the real world. Trying to put forward a major new initiative requires a lot of hard discussions and negotiations, and all the various coalition nations must decide what their best input into that is. We have made very good progress, and much more progress will be made. The situation is not ideal in Afghanistan; more remains to be done, and that is what will be addressed in Istanbul next week.

Iraq

15. **Mr. Ian Liddell-Grainger** (Bridgwater) (Con): If he will make a statement on the role of the Fusiliers in Iraq. [179373]

The Secretary of State for Defence (Mr. Geoffrey Hoon): Our armed forces have done and continue to do an outstanding job in southern Iraq. The role of the 1st Battalion the Royal Regiment of Fusiliers last year, and the 1st Battalion the Royal Highland Fusiliers and the 1st Battalion the Royal Welch Fusiliers this year, has been to work for the creation of a safe, secure and stable environment for the Iraqi people.

Mr. Liddell-Grainger: Given that four fusiliers are at the moment being charged with various offences, and that other fusiliers were under investigation in relation to certain things that happened last year, will the Secretary of State please tell the House what will be the situation in relation to the other fusiliers under investigation? Will they be able to continue their military career with no blemish on their good character?

Mr. Hoon: As I have made clear to the House on previous occasions, it is important that those negotiations are able to proceed free of any kind of ministerial or political interference. I give the hon. Gentleman that assurance. It is therefore a matter for the appropriate prosecution authorities to determine whether any charges arise out of these investigations. I assure him, as I do the House, that the Ministry of Defence is well aware of the remarkable service by the Fusiliers and by all members of Britain's armed forces. I would not want anyone to go away with the idea that simply because certain individuals might be subject to prosecution, that in any way affects the high regard in which the Fusiliers and members of Britain's armed forces are held in respect of their excellent work in Iraq.

Mr. Crispin Blunt (Reigate) (Con): The allegations against the Fusiliers and other battalions involved in Iraq in 2003 do not appear in any way to be replicated with regard to the divisional detention facility that the Secretary of State allowed the Defence Committee to visit. We were left with the impression of a facility being run in absolute convergence with the fourth Geneva convention, as every Member of the House would expect. What will happen after 1 July to those detainees, as far as the United Kingdom is concerned? Does he think that the Americans have the proper legal authority to continue with their operations in Abu Ghraib, as they appeared to be suggesting this morning?

Mr. Hoon: I am grateful to the hon. Gentleman and other members of the Defence Committee for taking the trouble to visit the facility just outside Basra. I was there last Monday and saw the high standards that are maintained by British military personnel, something that has been reflected upon by the International Committee of the Red Cross.

As for the position on 1 July, negotiations with the interim Government are still to be concluded but I am confident that, whatever decision is reached, it will be in accordance with international law. Indeed, the new Security Council resolution contains provision for multinational forces to retain physical control of prisoners, subject to the overriding sovereignty of the Iraqi Government. That seems to be a sensible short-term solution, but I recognise that, ultimately, it is important that the Iraqi Government have both legal and physical control of detainees.

17. **Mr. James Clappison** (Hertsmere) (Con): How many reservists are deployed in Iraq. [179375]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): All our reserve forces have performed extremely well when asked to do so in Iraq and elsewhere in the world. I place on record again the House's utmost appreciation for all their efforts and for the continuing support of their employers. As at 16 June, 1,483 reservists were serving in Iraq.

Mr. Clappison: The Minister is absolutely right to pay tribute to reservists in the terms in which he has just done so—*[Interruption.]*

Mr. Speaker: Order. Hon. Members will have to keep the conversations down. It is unfair to the hon. Gentleman.

Mr. Clappison: Is the Minister satisfied that individual members of the reserve who are part of the tranche of reservists due to go to Iraq in October will receive at least 21 days' notice that they are part of that mobilisation, and can they expect to serve six months, but no more?

Mr. Caplin: The hon. Gentleman will be aware from the lessons-learned process following Operation Telic 1 that we made it clear that the 21-day notice period would be appropriate for reservists and their employers. I anticipate that all those going to Iraq in due course will receive 21 days' notice, and I expect their tour of duty to be six months.

Richard Younger-Ross (Teignbridge) (LD): At the early stages, the reservists felt they were very hard done by, as they were expected to stay out there when the forces that they went out with returned to the UK. There are fears in the armed forces that that will lead to greater difficulties in recruiting reservists. What work is the Minister doing to research what the feelings of those reservists are and to ensure that, when they return, they are properly debriefed?

Mr. Caplin: We have a successful mobilisation and demobilisation process at Chilwell. I have seen it and the hon. Gentleman would be a welcome visitor to Chilwell. The latest survey of Territorial Army soldiers shows that 70 per cent. regarded their morale as high or very high. As I made clear on 13 May in the personnel debate, we plan to consult on the review of the Reserve Forces Act 1996 and statutory instrument No. 309 before the summer recess.

RAF Menwith Hill

18. **Norman Baker** (Lewes) (LD): If he will make a statement on the forward plans for RAF Menwith Hill. [179376]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): A long-term plan is being developed by a joint UK-US team to improve some of the ageing infrastructure on the site. That may lead to the demolition of some of the older buildings and their replacement by modern facilities that, wherever possible, will be more in keeping with the rural landscape. Base authorities are working closely with the local planning authority to agree suitable architectural standards and guidelines. There are no plans to change the base's current role and mission.

Norman Baker: The Minister will know that there is some controversy over RAF Menwith Hill. He accepts, I hope, that it is in the interests of and it is the duty of Members of Parliament to ensure that the base operates in the British national interest. Is he therefore content that, when I asked to visit the base, his predecessor told me that he would have to check with the American Administration first and came back most apologetically to tell me that the Americans would not allow me to visit an RAF base? Is it now British policy that the Americans decide whether Members of Parliament can visit RAF bases?

Mr. Ingram: I am not fully aware of all the matter related by the hon. Gentleman concerning his previous request. I would have to look into that to find out the nature of his request, why he wanted a visit, what issues he wanted to discuss, and the relevance of all that. I will look into his earlier request, but the important thing is not to whip up suspicion about what is undoubtedly an important part of our defence interests as well as those of the US. The installation is important and, as I said, there are no plans to change its role or mission as part of the current reconstruction.

European Council

3.30 pm

The Prime Minister (Mr. Tony Blair): With permission, Mr. Speaker, I shall make a statement on the European Council that took place in Brussels on 17 and 18 June. At that Council, the European Union—now of 25 nations, soon to be 28—agreed a new treaty for Europe that sets out for the first time, in one single treaty, the powers, rights and duties of the European Union. I have placed a copy of the presidency conclusions in the Libraries of both Houses. I thank the Irish presidency, under the Taoiseach, Bertie Ahern, for its skill in negotiating a successful conclusion.

As the Taoiseach said, the constitutional treaty makes it clear that Europe is

"not a super state; not a federal state but a group of nations".

This treaty makes it plain, again for the first time in a European treaty, that the European Union has only the competences conferred on it by member states, and it states expressly, also for the first time, that member states can withdraw from Europe should they want to.

This treaty makes clear where the European Union can and cannot act. It provides for qualified majority voting where we need it, for the single market, for reform of the common agricultural policy and for action against international crime and terrorism. It keeps unanimity for the most important decisions and, at our insistence, in particular for tax, social security, foreign policy, defence and decisions on the financing of the Union affecting the British budget contribution. It keeps our ability to opt out of measures affecting our laws on asylum and immigration, and extends that so that we cannot be obliged to co-operate on criminal law procedures where we do not want to do so. For the first time ever, it provides a power for national Parliaments to scrutinise proposals from Brussels at the draft stage and to send them back if Parliaments are not satisfied.

The treaty provides, through the route of enhanced co-operation, for a flexible Europe in which groups of countries can take action together within the framework of the European Union provided that they do not damage the interests of others. That is a flexibility within the framework of law, not the free-for-all that some have advocated.

Above all, the treaty provides for the reforms in the working of the European Union that are necessary if it is not to fall into gridlock with 25 members. It reforms the system of the six-monthly rotating presidency to provide greater continuity and coherence in a Union of 25, and replaces it with a full-time Chairman of the European Council, who will serve for up to five years. This is crucial in placing the power to set Europe's agenda in the hands of Europe's intergovernmental body.

The European Union treaty includes, in the charter of fundamental rights, the rights of the citizen under EU law. The charter expressly rules out establishing any new power or task for the European Union or any change in the powers of the European Union. In each area the rights are expressly limited to those available under existing national law and practices and under existing Union law. For example, article 28 of the charter says that workers and employers have the right to negotiate and conclude collective agreements at the appropriate levels, but only

"in accordance with Union law and national laws and practices".

In addition, the charter contains explanations for each article—making it clear, for example, that

"the . . . limits for the exercise of collective action, including strike action, come under national laws and practices, including the question of whether it may be carried out in parallel in several member states".

The treaty requires those explanations to be given due regard by the Courts.

Some have expressed concern at the references in the treaty to the primacy of European Union law.

In fact, the primacy of European Union law has existed since we joined the European Union and is there in the European Communities Act 1972. But, of course, European law only takes precedence where member states have agreed that Europe should have a competence. The idea that this is something new is therefore nonsense. This treaty also completes and consolidates the existing treaties of the European Union, and 75 per cent. of it is a repetition of what is in earlier treaties.

Among the many myths about the constitutional treaty that have been published over the last few months have been accusations that we would lose our rebate and our seat on the Security Council; that Brussels would seize control of our oil supplies; that the UK taxpayer would pay for other EU countries' pensions; that we would have to give up control of our Army or be forced to join the euro or to raise our taxes; that we would lose control of our borders or have our foreign policy dictated by Brussels. Now the British people have before them the text of the treaty as agreed—and it demolishes those myths. However, the myths, and the propaganda that goes with them, are not really about the constitutional treaty. They are about whether Britain should or should not be a leading member of the European Union.

The new Europe of 450 million people is a success for Britain. The new countries of Europe share our view that it should be run by sovereign nation states. They have joined the European Union for the stability, security and prosperity that it provides—the same stability, security and prosperity that we have enjoyed as members of the European Union for the past 30 years.

We are in the European Union for the single market and customs union that it provides for our goods and services, for the extra 1.8 per cent. of GDP that membership brings us every year and for the 3.5 million jobs that depend on that single market. We are also in the EU for the strength that it gives us in trade negotiations with powerful countries, such as the United States and Japan. We are in it for its network of aid and trade relationships with China, India and the countries of Latin America, Africa and Asia. Those relationships make an important contribution to international peace and security and development.

Of course, there are frustrations and compromises, but the European Union is the most successful way anyone has yet devised of managing relations between European countries whose national rivalries had, until 60 years ago, only ever been settled in a series of bloody conflicts. Now we not only manage those rivalries; we

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pool our combined strength for our economic advantage, for influence in the world, for peace, for security. The power of the European Union has helped eight countries of eastern and central Europe achieve democratic stability. It is transforming Turkey into a modern democratic state and it is helping to achieve peace in the Balkans. Not a single Government of a single nation—either those in Europe now or those wanting to join—opposed this treaty. All welcomed it. All want it to work. Many share the British view of Europe's future.

All that is what the opponents of this treaty would put in jeopardy for the sake not of any real British interest, but of a narrow nationalism, which no British Government have ever espoused or should ever espouse if they have the true interests of the British people at heart. In the end, the final say will be with the British people in a referendum. But in that debate, we will argue that this constitutional treaty represents a success for the new Europe that is taking shape, is a success for Britain and I commend it to the House today.

Mr. Michael Howard (Folkestone and Hythe) (Con): Mr. Speaker, this constitution is bad for our democracy, bad for jobs and bad for Britain. The Prime Minister has said that we must separate myth from reality. All I can say is, look who's talking: the great myth-maker himself.

The Prime Minister has hailed this constitution as a great success for Britain. In fact, only 27 of the 275 amendments submitted by the Government to the European Convention have been included in the final draft. That is one in 10. In the Prime Minister's version of Euro 2004, the score is UK 27; EU 248. Well, we all hope England do better than that tonight.

Now let us deal with some of the so-called myths. The Prime Minister said that he did not want a

"single, legally binding document called a Constitution."

But the document is called "Treaty Establishing a Constitution for Europe". Not that the Prime Minister could bring himself to mention the word constitution this afternoon. That is hardly surprising. The dictionary definition of a constitution is

"the principles on which a State is governed".

The Leader of the House said that the title "Foreign Minister" was "unacceptable", but now it is in article I-27. Where is the myth in that? The Government tried to delete the proposed measures on criminal procedure, but now they are in article III-171. Where is the myth in that? The Government tried to delete the measures on energy, but now they are in article III-157. Where is the myth in that? The Prime Minister said that there was no proposal for a separate European military planning capability, but now it is on page 20 of the Council conclusions. Where is the myth in that?

The Government opposed the European public prosecutor. That was one of their so-called red lines. They said:

"Unanimity does not mean that"—

a European public prosecutor—

"can be accepted."

But the public prosecutor is there, in article III-175. Where is the myth in that? The Prime Minister boasted—he said it again this afternoon—that the constitution

"gives a role to national parliaments of a greater degree than ever before."

But after Parliament has had its say, the Commission can ignore it. That is in the snappily named "Protocol on the Application of the Principles of Subsidiarity and Proportionality." Where is the myth in that? Does not all that go to show that the only myth we have here is the Prime Minister's claim that this is a success for him and for Britain?

Is not the reality that there will now be new burdens on business and on our public services? Is not the reality that this constitution will make it easier for the European Court to use European Union legislation, such as the working time directive and the works councils directive, to bring in even more red tape from Brussels? [HON. MEMBERS: "No."] Have not business leaders already warned that the constitution will "harm our prosperity"? [HON. MEMBERS: "No."] Will there not be more interference from the European Court on asylum policy? [HON. MEMBERS: "No."] Will that not threaten even the Government's own measures on asylum, including their plans to restrict benefits to those who apply late? [HON. MEMBERS: "No."] Will not the Commission mean that the European Union can now interfere, in the Government's words, in "almost any aspect" of criminal procedure? [HON. MEMBERS: "No."] Well, they say no, but they should read the document. If they did so, they would know that that is the reality of what the Prime Minister has signed up to. Will not the European public prosecutor have wide-ranging powers to direct police, order arrests, prosecute and choose the country where a trial should be held? Did not even the Labour-dominated European Scrutiny Committee say that

"the proposal ... has the potential for creating an engine of oppression"?

Why on earth did the Prime Minister agree to that? How can this Parliament protect British interests when, in 43 new areas of policy, we can have measures imposed on us by majority voting against our will?

The charter of fundamental rights is a case study in Government surrender. The Prime Minister has been dragged along, step by step, against his better judgment. First the Government did not want this charter at all. Then, when they lost that argument, Ministers said that they did not want it included in the treaty. Then they argued that it should be moved to a protocol. When the charter was finally included in the constitution, the Government called for safeguards to stop it undermining our national law. But on Friday, the President of the European Court of Justice said that the constitution would bring new areas and new subjects under the Court's jurisdiction, and he refused to give any guarantees that the charter would have no impact on national law.

The Prime Minister says that he will take the constitution to the country. It is not the first time he has said that. Five years ago, with the hand of history resting on his shoulder, he said that

"once in every generation the case for Europe has to be restated".

He said that he would give leadership. Six months later, when nothing had happened, he said:

"Once in each generation, the case for Britain in Europe needs to be remade . . . The time for this generation is now."

So what happened?

We have just had elections to the European Parliament during which the Prime Minister did not make a single speech on Europe. That is what he means by leadership. The Prime Minister's definition of leadership is to press the mute button, and press it hard.

Yesterday, the Prime Minister said that there is now a real opportunity to get the British view accepted because there is a lot of support for it. I agree; there is indeed a lot of support for the British view. What a pity that the Prime Minister did not put the British view when he was in Brussels last week.

The British view is that there should be a modern, flexible, reformed Europe; a Europe ready for the challenges of the 21st century; a Europe that is truly free, based on co-operation and not coercion; a Europe that transfers powers back from Brussels to the nation state—truly a Europe of live and let live. That is what the Prime Minister should have been arguing for in Brussels last week. That is what the people of this country want.

Let us have none of that nonsense about the referendum being a question of in or out of Europe; it is about the kind of Europe that we want to see. Let me make it clear: I am opposed to this constitution and I will play my part in a cross-party campaign, involving people from all parts of the country and all walks of life, to say no to this constitution. Britain does not need to wait until the last minute to decide; we do not need to wait until other countries have spoken. Why cannot Britain do what the Prime Minister says he wants to do and give a lead in Europe? Why does he not lead rather than just follow?

The fact is that the Prime Minister knows that he has no mandate whatever for this constitution. There was nothing in his manifesto on the constitution and the British people rejected it at the polls only 10 days ago. The fate of this constitution will not be decided by the right hon. Gentleman; it will be decided by the British people, so why does he not let the British people speak, and let them speak now?

The Prime Minister: Let me deal with some of the points of detail. First, the constitutional treaty is a treaty like any other. It has exactly the same status.

Secondly, in relation to criminal law, the procedures that we have agreed will mean that should we object to a particular proposal, it can be blocked. That allows us to make progress in areas where we want to do so but to block things that we think are against our interest.

The right hon. and learned Gentleman is quite wrong in respect of energy. There is actually a tax carve-out for energy, which is the same as the one for the environment.

European Union defence is to be maintained at governmental level and governed by unanimity. It is true that there is power to establish a European public prosecutor but it can be done only by unanimity and, therefore, requires our consent.

In respect of national Parliaments, yes it is true that if a third of them object they cannot block the European Commission proposal, but for the first time they are able to take objection to it and send it back to the Commission—*[Interruption.]* Let us put it like this: that is a lot more than the right hon. and learned Gentleman ever secured when he was negotiating for this country in Europe. May I remind him that the working time directive was actually agreed when he was in government, not when we were in government?

The document does not affect our asylum laws. One of the less pleasant myths in some of the propaganda put out is that somehow Europe decides our asylum and immigration laws. It does not; we decide them. The House of Lords European Committee said that the treaty shifted the balance back towards the nation state. As for the idea that in the whole of the rest of Europe people are rejoicing that this is some federalist blueprint, let me read a few recent quotes about that.

The Prime Minister of Spain:

"Europe is and will be a Union of"

nation

"States."

The leader of Germany in Bavaria:

"The EU will not have the right to set taxes and Europe is not going to be a federal state."

The President of Germany:

"I do not believe that current developments are going to give rise to a European federal state".

He sees

"a revival of the nation-state principle again."

I seem to remember that Poland was prayed in aid by the right hon. and learned Gentleman the last time he was here—the plucky Poles standing up and not wanting this constitutional treaty—but, in fact, they are with us in wanting it, but on the right terms. The President of Poland:

"The treaty doesn't mean we create a new state of Europe or something like a European federation."

Or, for example, this quote from an editorial in one of the main newspapers in Spain, *El Mundo*:

"this is a Constitution . . . which consecrates the EU as a union of sovereign states, which continues not to opt for federal institutions".

In the main commentary in *Corriere della Sera*, in Italy:

"The British won the day."

In Sweden:

"the EU is no longer run by the Franco-German axle."

In another Spanish paper, but I am almost too modest to mention it:

"Blair, the big winner of the Summit, achieved everything he wanted."

Why is the right hon. and learned Gentleman so anxious to have the referendum without the parliamentary debate and scrutiny? Because he has everything to fear from a detailed understanding and everything to gain from haste and headlines.

I shall turn to some of the issues that the right hon. and learned Gentleman raised on the qualified majority voting extensions. It is true that there are qualified majority voting extensions on things like, for example, the diplomatic and consular protection rules, on things

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like patents, on things like appointments to specialist judicial panels, on things like the armament agency rules and on things like the salary of the European Court of Justice judges. But let us compare this treaty with the two documents that he agreed: the Single European Act, where 12 whole areas were moved to QMV, including health and safety and, yes, the free movement of workers—something that Conservative Members now object to—and of course I was looking at the Maastricht treaty to see what it extended.

The Maastricht treaty created European citizenship. It added foreign policy, justice and home affairs. It transferred 15 whole new areas of power to the European Parliament. If the right hon. and learned Gentleman attacks this treaty, he should have been screaming the place down over Maastricht. Instead, he voted for Maastricht, and he is now left in the ludicrous position of having to argue that, somehow, Britain ceases to be a nation state because the rules on diplomatic and consular protection go to QMV. His true position is not, of course, hostility to this treaty—it would not matter what this treaty says; his opposition to this treaty is just a device to get to his real position, which is to renegotiate not this treaty, but the existing terms of Britain's membership of the European Union. He has said that he wants to renegotiate—perhaps he would just confirm this—the social chapter.

Mr. Howard *indicated assent.*

The Prime Minister: Yes. European defence and common foreign policy.

Mr. Howard *indicated assent.*

The Prime Minister: Yes. The common agricultural policy, and this is what the right hon. and learned Gentleman said in relation to the common fisheries policy: on 9 June he wrote to one of his hon. Friends saying that he would not just withdraw from the common fisheries policy but, if others refused to renegotiate, defy the law and pull out of the common fisheries policy altogether. What would happen if others then said that they would not allow British goods to come into the single market or that they would use that practice against us? The truth is that he is in a position that no British Prime Minister would ever want this country to be in.

The real surrender is not the surrender of Britain's identity to a European superstate, but the surrender of the Tory party to a position on Europe that no Tory party in government, when faced with the responsibilities of government and when faced with the realities of government, would ever have dreamt of taking. That is why Lord Heseltine said yesterday—*[Interruption.]* It is interesting, is it not, that the person who was Deputy Prime Minister under the last Conservative Government is now so ridiculed by Conservative Members that they are not even prepared to listen to him?

This will indeed be an historic debate. It will pit reason against prejudice. It will pit true leadership in Britain's long-term interests against a transient populism that actually betrays the very national interest that it says it safeguards. Yes, that debate will happen, and when it comes, yes, we will be on different sides, but I would prefer our company to the company that the right hon. and learned Gentleman will keep, and I prefer our argument about Britain's future to his.

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): May I, on behalf of my right hon. and hon. Friends, give a general welcome to the fact that this compromised treaty was agreed and unanimously endorsed by 25 member states and Governments over the course of the weekend? Will the Prime Minister acknowledge that, given the welcome and historic enlargement of Europe and the triumph of democracy, and of socially fair market democracy at that, the model that operated for a Europe of six was simply not applicable to a Europe continuing to develop with a membership of 25?

Does the Prime Minister agree that this constitutional treaty should be seen as a mechanism? It is not a moral crusade, although listening to some of those opposed to it, one could be forgiven for thinking otherwise. Indeed, in the minds of many of us, including those who support Europe, much of the conduct in and around this weekend's summit was a rather poor advert and a persuasive argument that further reform of the way in which Europe goes about its business is long overdue.

Does the Prime Minister agree that the new threats facing Europe, particularly global terrorism and climate change, as well as long-standing problems such as reform of the common agricultural policy, will be given better effect in a collective way as a result of the procedures outlined in the treaty? Will he indicate specifically the prospects under the provisions in the treaty for tackling the CAP—such a long-running source of frustration for successive Governments and this country as a whole?

We surely deceive ourselves by the allure of semi-detachment as a country from Europe or, far more so, of outright isolationism. Therefore, those who are sceptical as well as those who are enthusiastic about Europe should surely welcome a treaty that sets out the competences of the wider European Union and how they can be fairly adjudicated in the interests of both the individual European citizen and member states and Governments who make up the wider Europe.

Will the Prime Minister acknowledge that none of us can deny the growth of Euroscepticism both in this country and throughout the EU? Political elites have run ahead of their domestic public opinion for too long. That is why the referendum has become so essential. The Prime Minister spoke in his statement of the new responsibilities of national Parliaments under the treaty to shape and have a greater input into European legislation. Does he agree that however long it is until the referendum in Britain, from now until such time the Government could make—the Leader of the House is with us today—specific proposals to put more of our handling of European business in this House, centre stage, in order to explain and demonstrate to people the relevance of what Europe is doing and the way in which, as parliamentarians from across the spectrum, we attend to it? Do the Government have any proposals in that respect?

Finally, on the issue of the referendum, we have had so many false dawns and false starts with this Government, as the Prime Minister well knows. Will he acknowledge today that, having put his signature to the treaty and given that he is having to try to sell it to the British public and that trust in him and his Government is not what it was several years ago, the campaign for the referendum, if it is to be successful, will have to be broadly based, cross-party and involve significant persuasive voices from those outside formal party politics? Will he acknowledge that a referendum campaign that is seen by the public in this country to be spun from No. 10 Downing street would not be won? Although there is scepticism about Europe to be overcome, there is also scepticism about the Government that can undermine the case that needs to be made. The battle is now joined. I hope that, across the political spectrum, we shall be able to make a constructive, pragmatic and principled pro-European case. We look forward to the spectacle of some of the very strange bedfellows who will face us.

The Prime Minister: The reason we have not had a referendum on the single currency is that we do not believe that the moment is right for Britain to join the single currency. We said that it should happen only when the economic conditions are met and, as I understand it, the Liberal Democrats' current position is not that we should join the single currency at this point. It is good to know that we are in agreement on that, as well.

The right hon. Gentleman asked whether we have proposals on how we scrutinise European business. I understand that my right hon. Friend the Leader of the House has proposals before the Modernisation Committee that will allow us to go into greater detail of some of the European proposals. I think that the House will welcome that.

As for the various other items that the right hon. Gentleman raised, I think that he and I agree on the basic point. I believe that the treaty will allow us to make progress on matters such as economic reform and reform of the common agricultural policy, which are of enormous importance. It is only in the last few years that we have made progress on CAP reform, but it is only as a result of qualified majority voting that we have the slightest chance of succeeding.

Donald Anderson (Swansea, East) (Lab): Is not the sad reality that if my right hon. Friend had returned from Brussels with sackfuls of gold, the Leader of the Opposition would have criticised the quality of the sacks? Will my right hon. Friend confirm that no Government among our 24 partners would seek to renegotiate the constitution in the way that the Opposition suggest, and that the Opposition are therefore seeking either semi-detached status, or to get out altogether?

Now we come to the referendum, and public opinion polls make the position clear: the British public are against the constitution, but honestly admit that they know nothing about it. What does my right hon. Friend propose to do? How will he circumvent a hostile press and, without official propaganda, get a balanced debate on the real European issues facing this country?

The Prime Minister: That will be up to those who support the campaign in favour of Britain remaining at the centre of Europe and those who are opposed to the treaty. We will have to argue our case, and I have no doubt that it will be a most interesting political battle. I have no doubt, too, that the position taken by the Conservative party—in effect, to use a no vote to renegotiate the existing terms of Britain's membership—would be a terrible mistake, and I think that it will be exposed as such in the course of the campaign. The Conservatives will have to say how one can remain part of the European Union if one unilaterally, as the Leader of the Opposition is suggesting, withdraws from areas of European competence. That is what we now call the lobster thermidor strategy: it might be nice to have it, but it is not on the menu. The fact is that if we tried to do such a thing, we would face either humiliation or withdrawal, which is what I think the right hon. and learned Gentleman wants.

Mr. Robert Jackson (Wantage) (Con): We shall have to study the treaty and its fine print with close attention, without prejudice and with no preconceptions, but it looks to me as though it is a treaty that shifts the institutional balance in the direction of member states and strengthens Britain's voting weight in the Council of Ministers, without making significant concessions to federalism.

In his statement, the Prime Minister did not discuss the suggestion that is said to have been made by the French President: that it would not be possible for a country that is not in the eurozone to supply a President of the European Commission. Does he agree that in a European Union that contains nine member states that are not within the eurozone, that suggestion is outrageous and illegal?

The Prime Minister: I do not think that there should be any criteria other than those that are laid down. I agree that there should not be any block on any candidate emerging from a country that is not a member of the eurozone.

As for the first part of the hon. Gentleman's question, he is absolutely right—this is not an unusual position for a British Prime Minister to be in, I am afraid, as very partisan views are sometimes expressed on the issue. However, we are in a bizarre situation in which virtually every other country in Europe thinks that this has been a victory for the British position. Unfortunately, that realisation needs to dawn here, and I accept that that will take a bit of work. It is odd that not a single country elsewhere in Europe would recognise this as a federal blueprint.

Sir Stuart Bell (Middlesbrough) (Lab): The Prime Minister referred to 18 June as an historical day, but is it not an historical day for all of Europe? He referred to bloody conflict, and is it not true that over the centuries we have fought the Spanish, the French, the Germans, the Italians and the former states of the Hapsburg empire, and that those wars are over for all time? He referred to the single market, and the 1.8 per cent. gross domestic product and 3.5 million jobs for which it is responsible. Has that not contributed to the greatest prosperity that we have ever experienced, and should the

[Sir Stuart Bell]

word not go forth from this time and place that, to adapt the words of a former Prime Minister, Winston Churchill, what kind of a people do they think the British are to turn their back on the greatest success story since 1945?

The Prime Minister: I obviously agree entirely with my hon. Friend, but there is another argument and, in a sense, a more modern one. Europe is indeed changing, and the countries that have recently joined the European Union share the British perspective for obvious historical reasons. I find it hard to understand why, when those new countries basically share the British perspective of Europe as a group of nation states, we should want to put ourselves in a marginalised position in Europe. That is what is so extraordinary about the position that has been taken. We have a huge opportunity if we are prepared to grasp it.

Sir Patrick Cormack (South Staffordshire) (Con): How does the Prime Minister reconcile his statements that Britain will retain its autonomy in matters of foreign policy with a constitution that provides for a foreign Minister and foreign policy that, it states,

"Member States shall actively and unreservedly support"?

The Prime Minister: Let me quote from the Maastricht treaty—[HON. MEMBERS: "No."] I quote from that treaty to show how ludicrous it is to suppose that what is in this treaty is any different from what we have had for over 10 years. The Maastricht treaty says:

"The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity."

This treaty says:

"The Member States shall support the common foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity".

There is a notion that this is a great new development in the European Union, and it has been suggested that I would have to ask for the French President's permission before I did anything more with the USA. I should have thought that the one thing that has been obvious over the past couple of years—this may, or may not, recommend itself to people—is that we have pursued a highly independent foreign policy.

Mr. Robin Cook (Livingston) (Lab): May I thank my right hon. Friend for his robust and enjoyable presentation of the case for British membership of Europe? May I ask him to remind the House that the proposal for the new post of President of the Council of Ministers was first made by Britain, and that we supported it for several years to secure our negotiation? It would be perverse if those who worry about federalism were to persuade Britain to stop that post coming into being, when it represents a new person in Brussels speaking for the member states and the nations of Europe. Is it not a measure of the opportunism that we have heard today that if the Opposition had been in government they would have presented as a triumph, not a sell-out, a deal half as good as the one that my right hon. Friend has negotiated?

The Prime Minister: I thank my right hon. Friend. It is true that there is a presidency of the European Council now, but it rotates every six months. It is important to get a full-time chairman of the Council because, at the moment, states rotate the presidency every six months and as a result, on the Lisbon agenda for economic reform, for example, it becomes difficult for the next presidency to pick up what the previous presidency has done. It is far more efficient for the member states and Governments of Europe to have a full-time chairman.

Mr. David Heathcoat-Amory (Wells) (Con): Under the constitution, all the existing EU institutions, including those that are riddled with mismanagement and waste at present, gain at the expense of national Parliaments and people. To take one example from the 250 failed amendments tabled by the Government representatives when it was being drawn up, the Government promised to remove all references to the European public prosecutor. The Government representative said:

"Unanimity does not mean that this article can be accepted".

In other words, he wanted it completely out. It was an unambiguous Government red line. Now the Government have accepted it, and I understand it was not even raised during the final negotiations. Does the Government's pledge to hold a referendum have the same status—in other words, is it a firm and unambiguous pledge that is abandoned when it gets difficult for the Government?

The Prime Minister: Let me explain to the right hon. Gentleman why we agreed with the notion that there could be a European public prosecutor, provided that is done with unanimity, so we have to give our consent. It is precisely for the reasons that the right hon. Gentleman suggested. There is a need to deal with issues to do with fraud and accountancy problems in the European Union, so how on earth does it help for us to disappear off into the sidelines of Europe? The right hon. Gentleman knows perfectly well that his view of Europe is that Britain should renegotiate its existing terms of membership. That is his point, is it not? Therefore, if we are to have an honest debate, why does he not accept that his objection is not to this treaty, but to Britain's existing membership of the European Union?

Mr. Speaker: I call Frank Field.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Oh, no.

Mr. Frank Field (Birkenhead) (Lab): Oh, yes. Will the Prime Minister give an undertaking that if other countries veto the constitution before he calls a referendum, the British people will still have their say on what they think of this move?

The Prime Minister: Yes. There is no question of any constitutional treaty going through without the express consent of the British people. *[Interruption.]* Of course—

Mr. Speaker: Order. What is the good of hon. Members shouting the Prime Minister down? They might not like the answers, but they should be quiet when the Prime Minister is giving his reply.

The Prime Minister: Exactly so. Regardless of how other members vote, we will have a referendum on the subject.

Mr. Alex Salmond (Banff and Buchan) (SNP): What is it about the workings of the common fisheries policy over the past 30 years that has persuaded the Prime Minister that it should be an exclusive competence, not a shared competence, as he told the House previously? The vast bulk of it is one of only four exclusive competences in the new constitution.

The Prime Minister: The common fisheries policy was entered into by the previous Government. It is sensible that we have it. I say to the hon. Gentleman, as I have said on many occasions, that it is a cruel deception to pretend that the fishing industry's problems are to do with the European Union when, as he knows perfectly well, they are to do with the depletion of fish stocks. It is not a problem that exists just in this country or in the rest of Europe. It exists right around the world at present. It is to prey on people's fears in a wholly disingenuous way to suggest that if Britain got out of the common fisheries policy, it would help the British fishing industry.

Richard Burden (Birmingham, Northfield) (Lab): As we prepare for the debate on the constitution, in my region, the west midlands, the debate is at two levels. At one level, people are concerned about what they perceive to be a distance between Europe and its institutions and themselves, but at another level, when one talks to them, one realises that they understand that, for a manufacturing region such as ours, trade with Europe is vital to their jobs and the future. They also see the need to reach agreement. Given that, does my right hon. Friend agree that in looking ahead to the forthcoming debate we need to address the distance between European institutions and people's perceptions, but that we should give no quarter to those who are prepared to play fast and loose with the jobs of thousands of my constituents and of other people in the west midlands?

The Prime Minister: I agree with both points that my hon. Friend makes. I am sure that when people think about the matter carefully, they will realise that there is no reason to reject the treaty on its own terms. It does not give away our right to decide our tax, foreign policy, defence, immigration laws and so on. What it does is enable Britain to remain at the centre of decision making in Europe. When they think about it, people will not think it a sensible idea for Britain to marginalise itself in Europe when 60 per cent. of our trade is with Europe and so many of our jobs depend on European business.

Mrs. Angela Browning (Tiverton and Honiton) (Con): The treaty that the Prime Minister signed requires member states to work more closely on co-ordinating their economic policies to provide the basis for an EU-wide economic policy. What arrangements has the Prime Minister made on that policy? Do we have a veto, or will qualified majority voting be used?

The Prime Minister: The treaty makes it clear that member states decide their economic polices. It is true that we want member states better to co-ordinate their economic policies, but that has happened for years. There is absolutely nothing wrong with such co-ordination, which does not interfere with our ability to determine our economic policy, as has been amply demonstrated over the past few years.

Tom Levitt (High Peak) (Lab): You, Mr. Speaker, will recall that just a few months ago, this House voted unanimously for measures to enlarge the European Union. The treaty addresses the problems caused by structures designed for six members, and makes those structures appropriate for 25, 28 or more members. Does the Prime Minister agree that it is bananas—straight or otherwise—for those who will the ends of European Union enlargement not also to will the means?

The Prime Minister: My hon. Friend is absolutely right. That is why every other country in Europe supports the treaty—if we oppose the treaty, we will be the only country to do so. People recognise that a Union of 25 should and must operate differently from a Union of 15 or six.

Sir Teddy Taylor (Rochford and Southend, East) (Con): Will the Prime Minister tell us what advantage will stem from the appointment of a European Foreign Minister? Where will that Minister be located, which terms will rule their policy and what will that appointment cost? Bearing in mind the fact that the European Foreign Minister is one of a number of additional powers, does the Prime Minister realise that many people are disappointed? Instead of making new appointments that have no apparent purpose, he should concentrate on the financial scandals, which, to my knowledge, have resulted in the European Union being the only organisation in the world not to have its accounts signed by auditors for eight separate years.

The Prime Minister: The European Foreign Minister is currently called the high representative for the common foreign and security policy, and he will remain accountable to the Council of Ministers and will continue to conduct business as he does now. It is absurd to claim that we have given away our foreign policy or defence policy to the rest of Europe in view of events in the past couple of years.

Mr. Michael Meacher (Oldham, West and Royton) (Lab): Although my right hon. Friend the Prime Minister has made his opposition on some labour law issues clear, should we not welcome the implementation in this country of many other measures in the charter of fundamental rights? In particular, bearing in mind the fact that this country has the most restrictive labour laws in Europe, should we not welcome the strengthening of such basic rights as consultation in the workplace and protection against arbitrary dismissal?

The Prime Minister: As a country, we can change our labour laws if this Parliament agrees to those changes, but the charter of fundamental rights is essentially directed towards the institutions of the European Union and its member states, in so far as they act within the competence of European Union law. It would be wrong if the charter of fundamental rights were to lead to an enlargement of this country's labour laws. There may be arguments for such an enlargement, and my right hon.

[The Prime Minister]

Friend the Member for Oldham, West and Royton (Mr. Meacher) and I could have that debate, but we should have it as a matter of domestic law.

Mr. David Trimble (Upper Bann) (UUP): The Prime Minister puts an optimistic gloss on the new constitution, but the truth of the matter is that it does not matter what the Government say, because the important interpretation of the meaning of its many vague provisions will be given by the European Court of Justice—and we know its record. All the energy that has gone into the treaty and that will go into trying—I believe futilely—to sell it to the British people is a diversion from the main issue that Europe should examine: namely, the relative economic failure of the core eurozone countries. That is the real problem, and the treaty diverts energy from it. The Prime Minister and his Government will make a fatal mistake if they go to the country in a general election before a referendum is held on the constitution.

The Prime Minister: In respect of the European Court of Justice, many claims about the treaty have been made about previous European Union treaties and they have turned out not to have any substance. [*Interruption.*] I know that many Opposition Members hold the perfectly honest position that Europe and Britain should have a completely different relationship. That is fair enough, but I do not believe that we have been prevented from taking the action, for example, on foreign policy and defence, that we want to take. It would be ludicrous to argue that we had been prevented.

I agree with one element of the comments of the right hon. Member for Upper Bann (Mr. Trimble): it is important for Europe to concentrate on economic reform and change. However, we are less likely to get that if we opt out of Europe.

Keith Vaz (Leicester, East) (Lab): I congratulate the Prime Minister and the Foreign Secretary on the excellent deal that they secured for Britain in Brussels. Will the Prime Minister confirm that, notwithstanding the end of the current discussions, Britain will continue to press for the reform agenda to make the European Union more efficient, effective and relevant to the lives of its citizens? Will he also confirm that all members of the Government at every level will be fully involved not only in putting the case for Europe but in the referendum campaign?

The Prime Minister: Of course. The debate and the struggle to win public support will be important. My hon. Friend is right to stress the importance of economic reform and being part of the reform agenda. New countries are coming into Europe that support the British position. Of all the moments for Britain to opt for second-class status in the European Union, this is the least sensible.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): There is no question but that the treaty is intended to be a constitutional settlement. As the Prime Minister said, it further entrenches Maastricht, Nice, Amsterdam and even the Single European Act. Some of us feel strongly that the British people have never properly examined any of them and have never been allowed to express their views on them. Yet now we are dealing with something that intends to extend and entrench the power of the European Union over the lives of the people of Britain. How, therefore, can the Prime Minister's word be trusted on any matter when, as has been said, the ultimate judgment on the detailed meaning of the treaty will be made by the European Court of Justice, which is now supreme over all the laws of this land as expressed through Parliament?

The Prime Minister: As far as I am aware, the European Court of Justice has always had the power to determine the meaning of treaties. The treaty that we are considering has no special status—it is subject to the same rules as other treaties. That is why it is called, at our insistence, a constitutional treaty. I agree that a great debate will take place about whether Maastricht and all the developments in the European Union over the past 30 years were right. We will hold the debate but we should do that and recognise—I believe that the hon. Gentleman would acknowledge it—that the real objection of many Conservative Members is not to the treaty but to all the treaties that have been signed in the past few years. He is honest enough to admit that, and his hon. Friends should do so, too.

Mr. James Plaskitt (Warwick and Leamington) (Lab): Does my right hon. Friend agree that the new constitutional treaty marks a fundamental and overdue change in the distribution of powers between Union institutions and the member states? Whereas current treaties, which grow out of article 235 of the Rome treaty, effectively sanction and encourage competence creep, article 9 of the new treaty puts the brake on it.

The Prime Minister: My hon. Friend is right. A couple of days ago, the treaty was described in one of the Belgian newspapers as:

"A text in the service of Her Majesty . . . it was a text"

with a

"'Britainised' content that they approved . . . Great Britain set its mark on this game . . . the most determined European federalists had no option but to back down."

I could read out about 30 similar quotations—[HON. MEMBERS: "Read the British newspapers."] We all agree that some of the British newspapers take a somewhat different view. That shows the nature of the debate. However, as it continues, it will become increasingly obvious that the problem is not the treaty but that some people believe that the existing relationship is wrong and needs to be changed, irrespective of the treaty.

The longer that that goes on and the more that it dawns on people, the more they will realise that the real agenda of many who are opposed to this treaty is to take this country out of its current relationship with Europe.

Ann Winterton (Congleton) (Con): The Prime Minister said on television yesterday that he had agreed to the requirement for member states to co-ordinate their economic policies. Will he now answer the question posed a minute ago by my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) and tell us whether this so-called co-ordination will be decided by qualified majority voting?

The Prime Minister: The idea of member states co-ordinating economic policy is not a novel thing in this treaty; it has been there for ages. It makes absolutely no difference to the essential nature of the sovereignty of economic policy residing with us. Look at the past few years: it is perfectly obvious that we decided, for example, to give the Bank of England its independence and that we decided to pursue our own Budget and fiscal policy. We are perfectly entitled to do so and we will carry on being entitled to do so.

Chris Bryant (Rhondda) (Lab): The Prime Minister will know that some politicians in this country have been arguing against not only this constitution but any constitution while saying that the European Union needs a charter of competences. Is not this a matter of semantics? After all, the United Nations has a constitution; it just happens to be called a charter. For that matter, it has a president. For the Tory Opposition, is this a case of rabid ideology or rampant opportunism?

The Prime Minister: I think it is probably increasingly the first, actually, which makes this a more serious position for them. I simply pose this question: if the Government had brought forward a treaty like the Single European Act or the Maastricht treaty now, with the Conservative party in its current situation, it would not have been very supportive of it. The fact of the matter is that the Conservative party has made its choice, for the moment at least. It has decided effectively to join at least the rhetoric of the United Kingdom Independence party, even if it attempts to keep its policy a little different. I say to Conservative Members that, in the end, whatever the short-term advantage, that is a long-term mistake.

Mr. James Paice (South-East Cambridgeshire) (Con): For a long while, it has always been the case that, under certain European competences, this Parliament and the British Government cannot legislate on issues on which the Europeans are considering legislating themselves. Can the Prime Minister confirm that under this constitution the list of such competences is extended and therefore that the powers of this House are diminished?

The Prime Minister: I do not accept that the powers of this House are diminished at all. Indeed, as I say, for the first time national Parliaments have a specific input and an ability to refer back legislation that is proposed. This is an advantage for national Parliaments.

Mr. Tam Dalyell (Linlithgow) (Lab): I am an unreconstructed pro-European. Would not some of us be thankful if foreign policy, particularly over the last two years, had been given to Brussels and if the Prime Minister had asked the French President about recent events and recent policies? May I ask why he thinks that Chancellor Schröder and President Chirac were so cheesed off with him?

The Prime Minister: I think we had better disentangle all those various points. First, no, it is not a good idea to say that we can exercise our foreign or defence policy only with the say-so of the French President, or indeed anyone other than ourselves. Secondly, I simply point this out to my hon. Friend: I have to disappoint him on that ground, but also on the ground that in the new Europe—the Europe of 25—a majority of states were with us in relation to the conflict in Iraq.

Thirdly, there are disagreements from time to time in Europe, and there was one on Thursday night, but I am sure that all of us will get over those disagreements because in the end it is important that we make progress.

Sir Michael Spicer (West Worcestershire) (Con): If the constitution were to go ahead, would the 1972 Act of accession still apply? Would it still be amendable by this Parliament?

The Prime Minister: I think that I am right that, legally, the treaty of accession would still apply. I will check the strict legal interpretation for the hon. Gentleman. The important thing about the treaty is that, for the first time, people are given the right explicitly—they have always had it implicitly—to withdraw from the European Union. If, for example, a Government of his persuasion were to come to power, with the policy that he espouses, they would be able to do that. In the end, no one can force us to be part of the European Union. I happen to think that we should be part of the European Union, because it is in the interests of Britain.

Mr. Stephen Pound (Ealing, North) (Lab): Sometimes, I look at this nation and despair. When the Conservative Benches ring with the inchoate fury and synthetic outrage designed solely to appease a party led by an orange-skinned, Spanish-resident escapee from the dregs of daytime television whose one-word manifesto is no, I despair. In the case of the various factions masquerading as an Opposition—

Mr. Speaker: Order. Could we possibly get a question to the Prime Minister?

Mr. Pound: As a Londoner, as a European and as a patriot, may I tell the Prime Minister that many of us support and endorse his work in Brussels and seek better for this nation than a Ruritanian role as a blighted backwater or, even worse, as the 51st state of America?

The Prime Minister: I thank my hon. Friend very much for that.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Will the Prime Minister explain to the House where the consistency is in the Government's policy? Referendums on regional government will be held before the legislation is passed by this House, yet the referendum that he has talked about today will be held after the legislation has passed through the House.

The Prime Minister: When the issue of the referendums on Scotland and Wales was up, we were on opposite sides of the fence. I am well aware of why people want the referendum quickly—it is so that people should not have the chance to study the detail. I think that it is important that we study the detail, and on such an issue it is also important that Parliament is able to sit and study it. I am surprised—actually, I am not surprised—that the Conservative party has decided that it really does not want that to happen.

Orders of the Day

Health Protection Agency Bill *[Lords]*

Order for Second Reading read.

4.32 pm

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): I beg to move, That the Bill be now read a Second time.

I am pleased to have this opportunity to open the debate on the Second Reading of the Health Protection Agency Bill. The Bill establishes the Health Protection Agency as an executive non-departmental public body. I will start by outlining the background to explain why we need the Bill, given that the Health Protection Agency special health authority is already in existence.

The establishment of the Health Protection Agency was first proposed in "Getting Ahead of the Curve", the chief medical officer's strategy for infectious disease and other aspects of health promotion, which was published in January 2002. The strategy brought together a number of proposals to establish a more systematic approach to health protection, of which the HPA is the centrepiece. From June to September 2002, the Department of Health conducted an extensive consultation exercise on the creation of the agency, to which it received 215 written responses.

Following that exercise, in November 2002, the then Minister, my hon. Friend the Member for Salford (Ms Blears), announced the decision to create the agency through a two-stage process. The first stage was to create the agency as a special health authority in England and Wales, which is able to carry out functions under the National Health Service Act 1977. The second stage, which will be put into effect by this Bill, is to establish the agency as a non-departmental public body, which will be able to carry out a wider range of functions.

The two-stage approach enabled us to move speedily to set up the agency as a special health authority covering England and Wales on 1 April 2003. It also provided the necessary time for the Scottish Executive to complete its own consultation exercise to help determine what role the agency might have in Scotland, before we started the second stage. The rationale for creating the HPA was the recognition that the existing structure for health protection in this country was both fragmented and outdated. The shortcomings of the system were highlighted by the diversity and constantly changing nature of the threats to public health.

We are all aware that killer diseases such as tuberculosis and HIV/AIDS are still prevalent in this country, while the recurrence of SARS—severe acute respiratory syndrome—in China just last month serves as a timely reminder of the threat posed by the emergence of new diseases and by infections being imported into this country. Alongside those naturally occurring threats, we are also faced with the possibility of the deliberate release of biological, chemical or radioactive agents. Continued vigilance, combined with a strong and coherent response, is required to manage those diverse threats.

Despite the need for a coherent response to meet the challenges, the specialist support for health protection on which the NHS and local authorities relied was fragmented among a number of different bodies. Advice on infectious disease generally came from the Public Health Laboratory Service. Support on chemical hazards was provided by the national focus for chemical incidents and regional service provider units. The health aspects of emergency planning were provided by regional advisers. Much of the action at local level in relation to infectious disease and other hazards was the responsibility of consultants in communicable disease control and their teams in primary care trusts, while advice on radiological hazards was provided by the National Radiological Protection Board. Additional services were provided by the National Poisons Information Service and the Centre for Applied Microbiology and Research.

Mr. John Bercow (Buckingham) (Con): In respect of the application of the negative and affirmative procedures of the House flowing from different regulations applicable to individual clauses of the Bill, would the Minister take care to tell the House what the criteria were that informed the choice of one rather than the other in each case?

Miss Johnson: I believe that these matters are normally determined on the basis of advice from parliamentary counsel on what would be most appropriate, rather than on any decisions by the Government. We are normally advised in relation to these matters whether something will require the affirmative procedure.

None of those bodies was providing a poor service, but the whole system needed rationalising and strengthening in order to meet the challenges to health protection in the 21st century. It led us to conclude that the best way to strengthen the delivery of health protection services at both local and national levels was to merge responsibility for all those functions and individuals into a single organisation.

That wide-ranging role for the agency is an important development because, when an incident occurs, it is not always immediately clear whether it has a chemical, radiological or an infectious source. The agency can function as a "one-stop shop", capable of providing the necessary expertise for dealing with any scenario involving a biological, chemical or radiation hazard. It should also enable greater cross-fertilisation of good ideas and good practice between the different sectors of health protection.

That approach is consistent with the aims of the Department of Health's review of its arm's length bodies. The objective of the review is to rationalise the Department's ALBs and to reshape them for consistency with a modernised NHS. Many were set up to focus action in key areas and to respond to specific concerns. Now that many of the problems are being tackled effectively, it is time to rationalise the sector, reduce costs and return resources to front-line services.

My right hon. Friend the Secretary of State for Health announced on 20 May that the first stage of the review had been completed and that the parameters for the next stage would be a 50 per cent. reduction in the number of ALBs; a saving in expenditure by ALBs of some £0.5 billion by 2007–08; and a reduction in posts of 25 per cent. in the same period.

Mr. Andrew Lansley (South Cambridgeshire) (Con): The Secretary of State's announcement in May came after the passage of the legislation in another place. During the passage of the Bill so far, its expenditure and manpower implications have been stated as being neutral—no increase in expenditure or manpower—but it is relevant if the Government intend in the space of days, or perhaps weeks to announce changes in staffing and expenditure, or indeed changes in arm's length bodies going beyond what has already been proposed and what the hon. Lady has already described. Does she plan to say anything more about changes in arm's length bodies affecting the HPA which the House should know about now?

Miss Johnson: I do not believe so. May I clarify, for the hon. Gentleman's information, the fact that the Bill does not entail any additional public expenditure or changes to public service manpower? We expect that as the agency is a non-departmental public body, its costs will be met from within existing resources available to the Department of Health and the national health service—and indeed, we might expect some savings.

Mr. Lansley: I am grateful for that answer, although I am not sure that the hon. Lady has quite taken my point. The Secretary of State announced a review of 42 bodies, two of which—the National Radiological Protection Board and the remaining functions of the Public Health Laboratory Service—were due to go into the Health Protection Agency anyway. Is the Minister telling us that although those bodies were cited among the 42 to be reviewed, they are not to be reviewed? Is no process of reviewing their structures, manpower or expenditure under way?

Miss Johnson: Obviously, I shall not pre-empt any announcement that will be forthcoming fairly soon, but I have already given the hon. Gentleman my answer about the HPA and the National Radiological Protection Board. The point of creating the agency is that it is wholly consistent with the review of the arm's-length bodies, not least because it enables us, as he has acknowledged, to replace two bodies—the HPA special health authority and the National Radiological Protection Board—with one.

Mr. Lansley *rose—*

Miss Johnson: I will give way to the hon. Gentleman one more time.

Mr. Lansley: I am grateful to the Minister for giving way to me one more time—at least, on this subject; there may be others. Let us suppose that it was argued that some of the functions of the National Patient Safety Agency were duplicatory, or at least would benefit from being managed together with those of the Health Protection Agency. Is the hon. Lady saying that that might happen, and there could be an announcement weeks from now, so the House will have been debating the Bill on one basis, and then within weeks the Secretary of State or the Minister may propose that everything will change?

Miss Johnson: No, I am not saying that. The hon. Gentleman is working hard to find something to comment on, but he is not succeeding. We do not expect to amend the Bill in the light of the review; I have already said that, and I can only reiterate it. There is nothing for the hon. Gentleman to get excited about—although he is doing his best.

The HPA special health authority has now been in existence for just over a year. During that time, it has successfully passed the test—

Mr. Peter Lilley (Hitchin and Harpenden) (Con): On the subject of things to get excited about, the hon. Lady says that those are arm's-length bodies, yet she seems to have given them pretty well unlimited powers. Clause 4(2) says:

"The Agency may do anything which it thinks is... appropriate for facilitating, or ... incidental or conducive to ... the exercise of its functions".

Does that mean that, for example, it will be able to detain people carrying an infection, to seize materials that it thinks are infected, or to impose charges and taxes? What is the limit on the powers conferred by the Bill?

Miss Johnson: The point of that provision is to make it plain that the new agency will be completely or largely independent of Government in its functions. As the Bill passed through its nine and a half hours of consideration in another place, we responded to their lordships' concerns about ensuring that it has sufficient independence. I appreciate that the hon. Gentleman comes from the other angle in such matters, but we are ensuring that the body is sufficiently independent.

Mr. Bercow: Will the Minister give way?

Miss Johnson: I shall allow one more intervention; then I intend to make some progress.

Mr. Bercow: I am grateful to the Minister because she has been generous in giving way, but I am afraid that her answer to my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) simply will not do. Does the hon. Lady not accept that there is a cast-iron distinction between granting independence to an organisation and conferring unfettered power on it? If she does not recognise the difference, I wonder why she is at the Dispatch Box.

Miss Johnson: I think that the hon. Gentleman, too, is trying to make something out of a very little matter. The Bill's intention is to transfer the functions of the National Radiological Protection Board into the organisation of the HPA—as he and his right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) know well—and to ensure that the organisations can do their job with broadly the same sort of remit that they now have. As I have said, however, the intention is also to ensure that the bodies' independence is guaranteed. That was felt by their noble lordships in another place to be a key element of making sure that the public's interest was protected by this move.

I turn to the fact that we have had the—

Mr. Lilley: Will the hon. Lady give way?

Miss Johnson: I have said that I want to make some progress.

Mr. Lilley: The Minister has not made any progress on her answer to me.

Miss Johnson: I said that I wanted to make progress on my speech.

During the time that the Health Protection Agency has been in existence, which is just over a year, it has successfully passed the test of ensuring effective business continuity from its predecessor bodies. That is no small achievement considering that it took on nearly 3,000 staff from about 80 previous employers. It has also taken the opportunity to establish itself as a modern, forward-looking organisation. It has committed itself to transparency and openness, to high standards of corporate governance, integrity and value for money and to working in partnership with other organisations to develop and deliver programmes and policies and ensure public involvement. Its work is based on the best available evidence together with high clinical and public health standards.

The proof of that success can be seen in the way in which the HPA has handled a number of major incidents, the most serious being the emergence of SARS in 2003. From day one of the outbreak, the HPA special health authority was at the heart of the international effort to control the spread of the disease and played a central role in characterising what was then a new pathogen. The agency had representatives in China, Hong Kong, Vietnam and Canada and at the World Health Organisation where it led the modelling of SARS. A senior WHO official reported that the WHO would not have been able to manage that work without the UK input.

At national level, the agency issued advice to the Government, health professionals and the general public on measures to control the disease. The implementation of those measures prevented the onward transmission of SARS from the few cases that appeared in this country.

As well as addressing high-profile threats such as SARS, the agency has quietly got on with the job of improving day-to-day service delivery at local level. In particular, it has memorandums of understanding in place with every primary care trust in England, and has set up nine regional and 36 local health protection teams to bring a more unified and consistent response in health protection across the country. The new relationships and networks take time to bed down, and the HPA, the national health service and local government are continuing to work together to improve them. The special health authority is in the process of reviewing all its memorandums of understanding to ensure that for 2004–05, all PCTs will have access to a service that is responsive to their needs. We expect those arrangements to be taken over by the agency that is established by the Bill.

The HPA has also strengthened our ability to respond to threats from chemical and biological terrorism. In particular, it has co-ordinated a number of training exercises and has recently issued a set of "clinical action cards" for GPs, which contain advice on identifying and treating victims of chemical or biological attack.

In addition, the authority has established an international presence, enabling the UK to make an integrated contribution to a range of international initiatives. For example, it is working to ensure that there is effective international co-operation in the surveillance of emerging infections. That has enhanced the high reputation for health protection that was established by the authority's predecessor bodies.

In that snapshot of what the HPA special health authority has achieved, we are demonstrating that it is now providing better co-ordinated arrangements for health protection than we had in the past, and that it is contributing to the delivery of an improved service at local level. That is a tribute to the hard work of all the staff who have been involved in its creation.

Mr. Lansley: I refer back to the point that the Minister made about the HPA's regional services. Will she explain on what basis the HPA is structuring its health protection units? In some parts of the country, such as mine, those appear to be directly related to county and police structures while in others, such as London, they seem to be related to strategic health authorities. Is there a decided pattern to that?

Miss Johnson: I would like to provide a more detailed response to the hon. Gentleman's point in writing. However, I am sure that the organisation will be based on what is deemed to be most effective locally and regionally. Also the organisation has inherited some slightly different arrangements from the various bodies that I mentioned—and they have become the HPA, in any case. It varied from area to area, so there was not a common starting point for the structures.

Mr. Lansley: I am sure that the Minister takes a close interest in these matters and will be familiar with how the HPA has structured itself in Hertfordshire. Could she explain why, in Hertfordshire, which includes her constituency among others, it does neither of those things in being coterminous with neither the strategic health authority nor the county?

Miss Johnson: I have already dealt with that question by referring to organisational effectiveness and the historical legacy that the HPA inherited.

I should like to bring Members on to the Health Protection Agency Bill itself, which will complete the second stage of the two-stage process that I mentioned earlier. The current authority is able to perform a role only in England and Wales, whereas the Bill will establish the agency in UK-wide legislation. That acknowledges the fact that threats to public health do not respect boundaries, including boundaries within the UK.

Clause 3 provides for the HPA to carry out all the functions currently discharged by the National Radiological Protection Board. That will happen on a UK-wide basis, as now, which is what responses to the 2002 consultation showed that users of NRPB's services wanted. Clause 3 also preserves and extends some flexibilities in the NRPB legislation, which will allow the appropriate authorities to direct the agency to take on additional functions if that becomes desirable in future.

In future, the Secretary of State and the devolved Administrations will look to the agency to provide the services that are currently provided by the NRPB. At

this point, therefore, I would like to pay tribute to the work and staff of the NRPB. Since it was set up in 1970, the NRPB has served the Government and people of this country with distinction as an authoritative and independent source of scientific advice on radiation issues. It has built up an outstanding national and international reputation that is second to none as a source of expertise on radiological protection issues.

Nevertheless, we believe that the service can be strengthened even further. Transferring the radiation protection functions to the agency will establish a more integrated source of advice to support the delivery of health protection services and it will also enable the agency to exploit the synergies between the various health protection functions. To facilitate that, the chemicals division of the HPA special health authority has been co-located within the NRPB headquarters building at Didcot.

Mr. Mark Francois (Rayleigh) (Con): The Minister will be aware that one of the specialist functions carried out by the NRPB was conducting an analysis of ionising radiation on request from people who had mobile telephone masts located quite near their homes. Understandably, that was a cause of considerable concern, and people could pay the NRPB to set up metering equipment and provide a very detailed analysis of the amount of radiation emanating from the masts and coming on to their properties. A charge was made for that service, as I know because I have had constituency casework experience of the problem. Some people found the surveys reassuring, so if the HPA is going to undertake that function in future, would the Government be prepared, as part of the creation of the new agency, to review the charges made to carry out that function? As I said, it can be very reassuring, but it is also rather expensive at present. Are the Government prepared to be flexible about that?

Miss Johnson: I am not sure whether the hon. Gentleman is suggesting that we should spend Government money on that—*[Interruption.]* I am not aware of any changes being envisaged on this point, but it will be a matter for the HPA to consider how best to continue with the functions that it has inherited. I acknowledge the interest in the issue of ionising radiation, which the hon. Gentleman has raised. We expect the services hitherto provided by the NRPB to continue to be provided by the HPA in the future.

Transferring the functions to the agency will not compromise in any way the independent nature of the radiation protection advice that the HPA will provide, or lead to a reduction in its quality. The new agency will be an executive non-departmental public body, which is what the NRPB is now. Every effort will be made to ensure that the change process is managed with the minimum amount of disruption to both staff and work. The two bodies are already working closely together and currently share the same chairman.

Dr. Andrew Murrison (Westbury) (Con): The Minister will agree that both radiation and bugs can cross boundaries. Why is it that artificial boundaries will be created by clause 2 in respect of infectious diseases, but not by clause 3 in respect of radiation and the work of the NRPB?

Miss Johnson: I am not sure what the hon. Gentleman refers to, precisely. There are several arrangements that cover various aspects of the changes that relate to the devolved Administrations, but—broadly speaking—those will bring provision much more into line across the UK and are likely to lead to a greater consistency of approach, including bringing Scotland into the new arrangements.

As I mentioned, the Bill does not entail any additional public expenditure. Setting up the HPA special health authority has already illustrated the kind of developments that changes to arm's length bodies can achieve. It has shown how, without the need for the Department of Health to seek additional resources from the Treasury, the special health authority has been able to set up an emergency response division virtually from scratch; strengthen the ability to provide chemicals advice so that there is now the capacity to be proactive as well as reactive; and develop local and regional services. I hope that I have made it clear why the Government have introduced this Bill and I therefore commend it to the House.

4.56 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I am grateful to the Minister for explaining the purpose of the Bill, although many hon. Members will be disappointed that she did nothing to illustrate how incorporating the functions of the PHLS and the NRPB will deliver improved public health or infection control in the future. I do not know how often the House has the chance to debate infection control and substantial threats to public health, but this was a classic opportunity to do so. However, the Minister seemed to have decided that that was not a very good idea. In the course of my remarks, I may illustrate why the Minister thought that.

I join the Minister in paying tribute to the work of the PHLS and the NRPB. She illustrated her tribute with reference to SARS; it is interesting that she did not argue that there was a specific deficiency in past arrangements, but argued merely that the integration of functions was, by its nature, a good thing. The logical conclusion of that argument would be to combine everything into the Department of Health, with nothing done outside it. However, sometimes a specific focus is necessary. It should be noted that although the NRPB now accepts the proposals, just over a year ago it was concerned about the lack of independence and focus on its responsibilities in the arrangements. It will be important to ensure that all the functions of the HPA require a focus on such tasks, so as to maintain the work of the NRPB.

The Bill has a simple structure. It is designed to bring together the functions of the HPA, presently a special health authority, and the NRPB, which is a non-departmental public body. The Minister was not clear about what special health authorities cannot do that non-departmental public bodies can do.

I think that the difference lies in the degree of independence available to those bodies. As a special health authority, the HPA would be directly constrained by ministerial powers and the interpretations of their responsibilities under health legislation; whereas under the Bill, as a non-departmental public body, the HPA

[Mr. Andrew Lansley]

will have its own statutory remit and, if need be, will be able to make its own decisions as to its priorities and how to discharge them. I welcome the fact that the other place made clear in amendments that the HPA can determine for itself what information it should publish and when. That is entirely to the good.

The Minister told us that the chief medical officer's document, "Getting Ahead of the Curve", published in July 2002, stated that the purpose was to bring together in one agency functions necessary to combat the spread of infection and threats to the public from a range of hazards, such as radiation and biological and chemical releases, including deliberate releases. As we made clear in another place, we shall not oppose the Bill, although in the light of what I have just said and, more particularly, of the constructive debate held by my colleagues in another place, I do not understand why the Bill needs a programme motion. I rather regret that. None the less, we wish the HPA success in its objectives. Notwithstanding our concern to maintain a centre of excellence in the agency for the former functions of the NRPB, we want a more co-ordinated and effective response to threats to public health.

Before we discuss those threats, I want to question the Minister about organisation. I said that I was somewhat surprised that the Department is proceeding with the Bill in parallel with the review on arm's length bodies. Thus far in the Bill's proceedings, there has been no reference to the review's impact on the measure. The Minister said that there was an announcement on 20 May, but the original announcement setting up the review of arm's length bodies was in October last year, so the Bill and the review are running in parallel.

My hon. Friends may not have had a chance to look at the review, but the Secretary of State said that he would review 42 bodies. Lost in the small print, however, was the fact that seven of those bodies are already due to be abolished, so there is not much point in reviewing them. Two of them come under the Bill: the Public Health Laboratory Service and the NRPB are due to disappear to establish the HPA. We know precisely why they were included in the review: so that the Secretary of State can keep his number count up. If he is to reduce by half the number of such bodies, he needs as many as possible in the first place.

The Opposition note—as will, I suspect, the wider public—that 20 of the 42 bodies have been established by the Government since 1997. Once again, the Duke of York is marching the civil service and Government organisations up the hill, only to march them some of the way back down.

We know what the Government propose, but we do not know what they currently intend in relation to the review. In May, when the Secretary of State wrote to the bodies concerned, it was made clear that announcements would be made in early July—the Minister will tell me if I am wrong. Early July is not far off and under the programme motion the Bill's Committee stage will finish by 1 July. Lo and behold, there is every possibility that, immediately after the Bill has reported, the Government will say that they are proposing something different. The Minister just will not tell us whether the Government are proposing something different on the powers, structure and functions of the HPA. Days after the Bill reports, everything may change. It would be an abuse of our current scrutiny of the measure if the responsibilities, or indeed the financing and staffing, of the HPA were to be radically altered by a Government announcement days after the Bill had reported.

Miss Melanie Johnson: I reiterate that we do not expect the Bill to be amended in the light of the review. I realise that the hon. Gentleman may have written his speech and may want to demonstrate his commendable understanding of the calendar, which is fantastic—we are indeed approaching the beginning of July—but I gave him the assurance that he seeks in my opening remarks.

Mr. Lansley: I also understand that the Minister is reading from her brief. At least I wrote my speech.

The Minister says that she does not expect that anything announced will require amendments to the Bill. I was not necessarily talking about amendments to the Bill. If the intention were, for example, to transfer functions relating to infection control to the HPA from the National Patient Safety Agency, it would be perfectly possible to do so without changing the powers in the Bill. If the Government intended to change the HPA's staffing or expenditure, that would be possible without changing the Bill. However, Conservative Members will debate the HPA's objectives and how it can achieve them. Hitherto, we have been conducting that debate on the basis that the HPA will proceed with its current, planned staffing and expenditure. If the Minister says that the HPA's current, planned staffing and expenditure will be maintained when the review's results are announced in July, that is a different assurance from the one that she has already given to me. Perhaps she would like to give us that assurance—no, I did not think so.

If the Minister cannot give us that assurance, it might be interesting to consider whether the Department is doing its job in the review. A number of agencies duplicate functions. It is always difficult to work out precisely what all those agencies are doing, but I suspect that some of the Department's work, particularly in the Government offices for the regions, some of the Health Development Agency's work and perhaps the National Patient Safety Agency's work in relation to infection control and, in particular, hospital or health-care acquired infection and MRSA may well complement but possibly duplicate the HPA's work. That raises questions about whether a further review of the HPA's functions should take place. I have chided the Minister, and it is a pity that she did not tell us that further efforts will be made to try to rationalise the functions of the arm's-length bodies and indeed the Department in that respect. That may be necessary if that is the HPA's purpose.

The Bill will not simplify the relationship between the HPA and the NHS. For example, most of the old PHLS laboratories have transferred to NHS trusts. The Minister will remember the debates that we had last year on the Health and Social Care (Community Health and Standards) Bill. One of the questions asked at that time, to which I do not recall seeing clear answers subsequently, was the extent to which trusts will receive the necessary core funding through primary care trusts

to support surges in capacity for emergencies and the research and development undertaken by microbiologists in those laboratories. That is one of the issues on which it would be helpful if the Minister responded. Last year we were debating the theory. In practice, have PCTs passed to the microbiology laboratories for which they are now responsible the necessary funding for those purposes?

I mentioned last year—I confess that this has particular constituency relevance—that the PHLS laboratory at Addenbrooke's in my constituency would not be transferred to the trust but would remain with what is now the HPA. That raised a question among the biomedical scientists employed there.

As an early implementer of the "Agenda for Change" proposals, Addenbrooke's was introducing—indeed, is introducing—new pay arrangements for its laboratory staff. On the same site, however, the biomedical scientists working for the HPA do not have access to the "Agenda for Change" job evaluations and consequent pay arrangements.

I am sure that the Minister has that in mind. She might be able to tell me whether there will be further delay. "Agenda for Change" is already delayed until December. Last year, the Minister of State, Department of Health, the right hon. Member for Barrow and Furness (Mr. Hutton), made it clear that there was a transitional issue, but that it would be minimised because of the relatively short time before the implementation of "Agenda for Change". The implementation date has moved from October to December, stretching out what might be a difficulty in the relative position of staff on one site.

The relationship with primary care trusts is important. The Minister said that there are memorandums of understanding with every PCT, but that does not quite solve the problems. The problems go deep into whether public health issues are sufficiently resourced, focused on and prioritised in PCTs. Can public health functions be appropriately managed among 303 PCTs across the country? I am not in a position to judge such things; I have to judge them on the basis of what directors of public health and those in PCTs around the country have told me. They feel that the system is too fragmented and marginalised and that only reactive work can be undertaken. The Minister made it clear that public health objectives, particularly on issues such as infection control, must be proactive. I am afraid that, crudely put, managers of PCTs are sacked when they do not meet hospital waiting list targets, but are not sacked for failing to meet any public health objectives. So all the effort and focus goes on the former. That raises the question whether, if it is possible for PCTs to sign a memorandum and not necessarily discharge their functions, and to let the HPA carry on its responsibilities, the public health effort overall will become disconnected.

The Minister waxed eloquently on how things must be integrated, which brings me to an important point. If everything were properly co-ordinated, a strategy for dealing with infectious diseases could be established, implemented and followed through by one body. One would imagine that that is what the Government set out to do. It is curious, therefore, that time and again the chief medical officer in the Department of Health and his teams of people set strategies, but it is the HPA that is meant to be in the business of implementing infectious disease control and strategies thereby. As the NHS responds to the Department of Health and not to the HPA, the Department must turn the so-called strategies into action plans. What is going on? That is not happening; there is discontinuity between the two. I shall come to that in respect of a number of specific examples.

I want to refer to hospital-acquired infection and MRSA. The MRSA rate has more than doubled since 1997. The Minister will no doubt remind us that mandatory reporting was introduced in April 2001 and say that that shows that there was under-reporting previously. However, even with the previous reporting arrangements, the rate has more than doubled since 1997 and we now know that the level is about 50 per cent. higher than previous reports suggested.

I am sure that the Minister and other hon. Members have met constituents who have suffered from MRSA infection, whether after hospitalisation or otherwise. It is a life-threatening infection, especially among elderly and vulnerable people. The question that we must ask is: is it inevitable?

Methicillin-resistant Staphylococcus aureus accounts for only 1 per cent. of Staphylococcus aureus incidents in Dutch and Danish hospitals, whereas the proportion in England is more than 40 per cent. As for variation within the UK, the incidence can be seven times worse in Yorkshire than in Cambridgeshire. I am sorry to plug my constituency again, but the Minister and I visited Papworth hospital on Friday to join the celebration of 25 years of heart transplant surgery at the hospital. I recall on a previous visit talking with the medical microbiologist who is responsible for infection control at Papworth—the necessity of minimising infection among immuno-suppressed transplant patients is obvious, and the measures taken at Papworth are stringent. The hospital is not new—anything but. Staff at Papworth often work in difficult and cramped conditions in rather aged buildings, but they achieve extremely low rates of hospital-acquired infection, and I suspect that that is part of the reason why Cambridgeshire has such a good overall result.

There is no inevitability about the rate of hospital-acquired infections—it could be far lower. Just a few weeks ago, I visited Redditch hospital—I had expressed an interest in visiting the stroke services and the ward for stroke patients, but we had an interesting visit to the orthopaedic ward. The nurse in charge of the orthopaedic ward told me that that no one with an infection was coming on to her ward. If someone was to be referred to her ward, she would know whether they had an infection, and if they had, they would, in effect, be kept in isolation and barrier nursing would be used. She was adamant: no one was going to acquire an infection while they were on her ward. The reason we were unable to visit the stroke ward next door was that there was infection in that ward.

That tells us that what is needed is the ability to manage wards properly. There must be the power to ensure that risks are not taken, that infection is kept out, and that standards of hygiene and measures such as hand-washing are enforced.

Dr. Julian Lewis (New Forest, East) (Con): I, too, am concerned about the number of deaths occurring in

[Dr. Julian Lewis]

quite major hospitals near my constituency. What role does my hon. Friend see for the HPA in raising standards of cleanliness and in ensuring that barriers to infection are instituted in hospital wards, so that there is better protection?

Mr. Lansley: I am grateful to my hon. Friend for asking that interesting question. The HPA's role is important, but it is essentially about surveillance—discovering the extent to which there is infection and the extent to which it is acquired in hospital, and reporting on the circumstances. However, there is discontinuity between that role and setting out the action plan—what is to be done about the problem. It was the chief medical officer who followed up previous documentation by publishing in December "Winning Ways", his action plan for dealing with MRSA and hospital-acquired infection. It is not the HPA's responsibility to set out how the NHS goes about preventing hospital-acquired infections. I shall not go through everything that the chief medical officer said about spending additional money on research and development, having directors of infection control in each hospital, minimising the use of invasive procedures and reinforcing guidance.

Disappointingly, the Government have not understood that this is fundamentally about good practice and giving patients a basis on which they can make judgments about hospitals and about where they are referred for treatment. People rarely know the infection rates, including those for MRSA, of local hospitals to which they may be referred. Unfortunately, there has to be a scandal before people begin to learn about conditions in their local hospital. It should not be like that. Patients should know such things, which would enable them to exercise choice. We will make such information available, which is a powerful illustration of the way in which the NHS will be incentivised and required to respond to patients' priorities. Hospital-acquired infection rates, particularly those for MRSA, should be routinely published to facilitate patients' decisions about where they wish to have their elective treatment. As a result, hospital management, instead of ticking performance indicator boxes to say that they have a process in place and have appointed a director of infection control, will bring down infection rates.

At the moment, the Government fool themselves and the public by publishing cleanliness standards. In 2003, according to the Government, there were no hospitals with poor cleanliness standards; 78 per cent. had good standards, up from 22 per cent. in 2000. However, 15 of the 20 hospitals with the worst MRSA rates were given a good cleanliness record, so there is no relationship in the Government's mind between cleanliness and the levels of hospital-acquired infection, particularly for MRSA. However, for the public, a high incidence of MRSA is critical to their judgment about whether or not a hospital is clean.

Dr. Julian Lewis: Surely, if my hon. Friend is right and the HPA's main function is surveillance, he is making a strong case that it has a lot more to do in its new form than it ever had to do in its old form if it is to carry out that function effectively.

Mr. Lansley: Yes, I am making that point, and that work has to be done in a way that ensures that the agency's responsibilities and those of the Department of Health are meshed together. However, it is not just about the agency's or Department's functions but about managers' response. More research and development is needed so that new technologies can be introduced to support effective infection control. Like many Members, I have been to see people who are working on new technologies, some of which have been piloted in hospitals across the country. Their introduction is urgently needed, and the agency could certainly help with that. We need to make progress on dealing with the problem, because we cannot necessarily resist not only MRSA but VRSA—vancomycin-resistant Staphylococcus aureus.

Dr. Murrison: VRSA is even worse.

Mr. Lansley: As my hon. Friend can substantiate from his medical knowledge, VRSA is very serious. MRSA is a dangerous infection, but at least we have an antibiotic to respond to that threat. However, that antibiotic is not effective against VRSA, so people suffering from it would have serious problems.

Certain things need to be achieved to close the gap between the role of the Department and that of the HPA. On Second Reading, immediately after the Minister in another place, Lord Warner, had spoken, my noble Friend Lord Fowler made a speech about HIV/AIDS and sexual health—there is no one better qualified to make a speech on the subject than him—and he regretted that the Minister had not spoken about the issue, particularly HIV.

Neither did the Minister responsible for public health say anything about sexual health or HIV/AIDS when she introduced the Bill to this House this afternoon.

Miss Melanie Johnson *indicated dissent.*

Mr. Lansley: I beg the Minister's pardon. She referred to HIV/AIDS, but she did not tell us what the Government were proposing to achieve additionally in relation to it, or about any specific functions that were planned for the HPA in that regard.

In the 1980s, as Secretary of State, my noble Friend Lord Fowler led a powerful, hard-hitting public health campaign. It was about not only HIV but safe sex, and it was intended to be communicated to the wider population and to create peer pressure among young people who might otherwise engage in unprotected sex. It was effective, and it was one of the reasons why, until recently, the rates of HIV infection acquired in the United Kingdom were substantially below those of other countries. From memory, I believe that the numbers in this country were a quarter of those in France.

More recently, however, the incidence of HIV has risen. Indeed, the incidence of acquired infections has risen pretty much across the board. The levels of chlamydia and gonorrhoea infection have more than doubled, and the level of syphilis infection has increased by a staggering nine times the previously recorded infection rate. The HPA's latest update report states that, over the preceding year, there had been a 20 per

cent. increase in the number of those living with HIV in the UK, and that there had been an increase in heterosexual acquired HIV as well as an increase in the number of people entering the UK from sub-Saharan Africa who were infected with the virus.

The HPA has had things to say in that regard, but will the Government act? The question is whether they will go beyond a national strategy and set out standards to which the NHS has to respond. In terms of the Government's structuring of such matters, that would involve a national service framework for sexual health. In the absence of such a framework, the money that the Government say that they are investing will not necessarily get through to, for example, the genito-urinary clinics and will not help to bring down the time that people have to wait for treatment.

I accept that there are exceptions regarding waiting times. I was at St. Mary's hospital in Paddington today, which continues to see patients virtually immediately—certainly on a same-day basis. However, that is the exception rather than the rule. The average waiting time for treatment across the country has lengthened; it is now between 10 and 12 days, and in some places it is as long as six weeks. That service simply does not meet people's needs. To combat sexual health problems, we must not only provide an immediate service for patients—for whom these are sensitive issues—but minimise the risk of onward transmission and infection. Over the course of weeks, there could be a multiplication of such risks for the population generally. Have the Government proposed such a national service framework? No, they have not, and it will fall to us to do so if they do not.

Tuberculosis—especially multi-drug-resistant TB—is a serious global problem that is rapidly also becoming our problem.

Mr. Francois: I apologise to my hon. Friend for interrupting his flow, but I shall have to depart in a moment to go up to European Standing Committee A, which overlaps with this debate, and I want to put one suggestion on the record before I go. My hon. Friend will be aware that an element of the Bill deals with homeland security, and that the HPA has a potential role in that regard. The paragraph of schedule 1 that deals with staff states:

"The Agency may appoint such staff and on such conditions of service as it thinks fit."

May I suggest, through my hon. Friend, that it might be useful if the HPA were to appoint liaison officers to serve with both the regular regiment responsible for chemical, biological, radiological and nuclear issues in homeland defence and the contingency reaction forces that would need to react to a CBRN incident, so that, in such a dreadful eventuality, HPA liaison staff would be there on the ground with the appropriate military units and would be able to make an initial response that could be communicated back to the agency? We know from experience in other countries that the early identification of a threat is critical to saving lives.

Mr. Lansley: I am grateful to my hon. Friend, whose expertise on the subject of response to such emergencies is greater than mine. Clause 5 sets out a general duty to co-operate, which is presumably intended to embrace local authorities, the Ministry of Defence and everyone concerned with response to civil emergencies, but the Bill tells us nothing about how that duty will be exercised. I hope that in the course of questions from the Opposition and debate in Committee, the Government will flesh out how they intend that co-operation to work. They were tested on the matter in another place and had little to say. We will return to it in due course.

The chief medical officer's strategy document, "Getting ahead of the Curve", identified TB as a "massive international health problem" and showed that the illness, which had dramatically declined in the UK until the late 1980s, was making a comeback. The CMO report listed reduction strategies that had worked in the past, including immunisation and treating those in the very early stages of infection. It suggested that the Department of Health put in place a TB action plan by "early 2003".

In March this year the World Health Organisation confirmed that drug-resistant strains of TB common in eastern Europe and central Asia pose a major threat to the European Union. Perhaps the Minister can tell us whether there has been any incidence of multi-drug-resistant TB in the UK. I am aware from my visit to St. Mary's, Paddington that for reasons of civil emergency and in relation to TB, the number of cases of which is rising sharply, isolation rooms and arrangements have been put in place, so the hospital could deal with multi-drug-resistant TB, should it encounter the disease.

However, the TB action plan has still not appeared. The Minister's predecessor in 2002 promised it

"by the end of the year"—[*Official Report*, 4 November 2002; Vol. 392, c. 137W.]

When my hon. Friend the Member for Westbury (Dr. Murrison) asked in March 2004 where the action plan had got to, it was promised

"in the next few months".—[*Official Report*, 25 March 2004; Vol. 419, c. 1051W.]

but there is still no indication from the Department when it will be published, let alone implemented.

According to the British Thoracic Society, up to half of patients attending accident and emergency departments with TB are "slipping through the net". The BTS considers, and I think it is a fair concern, that the homeless, refugees and asylum seekers are particularly at risk, and points out, along with others, that the incidence of TB in some London boroughs is at third-world levels. In Brent there are 116 cases per 100,000 population, and in China 113 cases per 100,000 population—broadly equivalent. TB in Britain rose by 20 per cent. in the past decade, but in London by 80 per cent.

Why is there no action plan? Why are Ministers avoiding the sensitive issues of screening for disease or identifying the groups at risk? We have examined the issues. We do not believe that compulsory screening is the way forward, but Ministers have access to the HPA and their own surveillance resources, and their appraisal may be different. This would be a good time for the Government to tell us when they propose to publish the long-overdue TB action plan.

On hepatitis C, the Minister corrected my hon. Friend the Member for Mid-Worcestershire (Mr. Luff). The Government estimate that there are 200,000 people with

[Mr. Lansley]

hepatitis C, but there may be significantly more. The majority are undiagnosed. Effective treatments are available. "Getting ahead of the Curve", the report produced by the chief medical officer, stated that

"good surveillance is the cornerstone of a system to control infectious diseases".

However, we do not have surveillance; we have an awareness campaign, which does not appear to be working.

In a report in December 2003, the HPA found that transmission among those who inject had increased. The action plan—a familiar refrain, Madam Deputy Speaker—was first promised in 2002, and by May 2003, it was promised

"in the next few months".

The Under-Secretary of State for Health, the hon. Member for Welwyn Hatfield (Miss Johnson), now says:

"The plan will be forthcoming over the summer and into the autumn".—[*Official Report*, 8 June 2004; Vol. 422, c. 142.]

Delay may be costly.

In 2002, the CMO said:

"Whilst costs of not treating are low initially, as the disease progresses, many more people move to decompensated cirrhosis where the treatment costs, which may include liver transplantation, increase dramatically".

The disease is undiagnosed in 90 per cent. of cases, and up to 85 per cent. of people with it will develop chronic disease if it remains untreated—many such people would suffer the severe consequences arising from advanced liver disease. Surveillance now will forestall those costs later.

Finally, has a national pandemic strategy on flu been agreed between the Department of Health and the HPA? Do the Government intend to stockpile antiviral drugs such as Relenza and Tamiflu? Avian flu was only a precursor to the threat that we may face—we do not know when the threat will occur, and it may take some time. The spread of severe acute respiratory syndrome shows the speed with which a new virus to which we do not have immunity can travel around the world. As Ministers know, developing a vaccine when a virus is introduced into this country can take months. The availability of antiviral drugs is important to offset the risks associated with the outbreak of such an infection. I do not know whether this judgment is correct, but it has been put to the Government that stockpiling antiviral drugs would enable us to respond to such a threat. Is stockpiling happening, is it intended to happen and is a strategy in place?

In this debate, we have heard two different speeches, one about public health and one about organisational matters inside the arm's length bodies of the Department of Health. As far as the public are concerned, public health matters: a sexual health and sexually transmitted infections crisis is occurring; TB is rising and we do not have an action plan; perhaps 200,000 people with hepatitis C could be identified and treated, but such plans do not, as yet, exist; and while the incidence of HIV increases, the response is uncertain.

The Government have failed to live up to their responsibilities on infection control. More than any other aspect of health care, public health is the Department's concern. We are currently debating obesity, which has increased contrary to the Government's so-called public health objectives. Binge drinking has increased, and while smoking has reduced among men, it has not significantly decreased among women. The Secretary of State for Health helps no one by treating smoking as one of life's few remaining pleasures.

Dr. Julian Lewis: Under this Government, perhaps it is.

Mr. Lansley: If my hon. Friend will allow me, I shall not go down that path.

Right across the board, the Government have not delivered a public health strategy. They have not delivered specific strategies for the particular infectious diseases that are the subject of this afternoon's discussions and that are the responsibility of the HPA. It is a travesty to say that those infectious diseases will be better combated by the creation of the HPA, when the responsibility still lies with the Department, which, even in response to the CMO's recommendations, has failed to ensure the deployment throughout the NHS of the resources and standards of care to deliver the action plan.

We are content not to oppose the Bill, but its contents are no substitute for a Government who can give the necessary lead on public health and provide the public health strategies and the ways in which to deliver them that are needed in the light of the current Government's failures on public health. We therefore criticise the Government but not the Health Protection Agency. We want it to deliver its functions more effectively in future.

5.40 pm

Liz Blackman (Erewash) (Lab): I shall be brief and use my time to ask a few practical questions about the nuts and bolts of the Health Protection Agency. It is generally agreed that the Bill is timely. It creates a more responsive body to deal with a climate of increasing threats and risks, which include: the escalation of known diseases such as TB, HIV/AIDS and sexually transmitted infections; the appearance of new diseases such as severe acute respiratory syndrome; and the threat of the release of pathogens—small pox, anthrax and chemical and radioactive agents.

A weighty responsibility to provide specialist support for health protection to the NHS and local authorities is placed on the body but a more co-ordinated response was needed to find a way forward. The Government's two-stage approach has been logical. They created a special health authority in England and Wales and subsequently moved to the UK-wide body that we are considering, thereby acknowledging the risks that the whole UK faces.

There is a rationale for the creation of such a body, which will provide wide expertise in a single framework and, most important, a single reference point. It should create a co-operative ethos. There will be cross-fertilisation of good ideas, scope for high standards across the board, the spread of best practice and an enhancement of the UK's international contribution through initiatives and surveillance.

It is encouraging that work is already well under way through the special health authority, which focuses on improving skills, widening research, co-ordinating several training exercises, setting up nine regional and 36 local health protection teams, creating memorandums of understanding with the local primary care trusts and, as my hon. Friend the Under-Secretary said when she opened the debate, playing a vital part in combating the SARS epidemic. The modelling work that it contributed was especially valuable and the World Health Organisation complimented it on that.

The Bill creates a body that has a legislative basis for exercising health protection functions in every part of the UK. Working practices already reflect that, for example, in the unified HIV/AIDS surveillance programme throughout the UK. It also improves the body's flexibility to respond to future threats by allowing the agency to be directed to take on other powers, enabling future flexibility and allowing devolved Administrations to shape the use of the agency to fit their needs.

I read the *Hansard* report of the debate in the other place. I was surprised that the Opposition did not mention it because it was a lively debate on the way in which the agency will publish and be allowed to publish information and advice. Indeed, the hon. Member for South Cambridgeshire (Mr. Lansley) was right that the measure confers strong powers on the Health Protection Agency. That is encouraging and gives the agency a great deal of freedom and opportunity to publish what it likes when it likes. However, there is obviously a proviso that it does not contravene the Data Protection Act 1998 or publish information that is not in the public interest. It also has to publish an annual report, which, I hope, will be debated in the House.

What will make the agency maximise its effectiveness is not only sensible structures, but a high degree of co-operation from people, as well as their preparedness.

There was also a lively debate about primary care trusts, to which the hon. Member for South Cambridgeshire referred. It has to be said that there are concerns that PCTs receive 75 per cent. of the NHS budget and have an enormous range of responsibilities, but I do not go down the hon. Gentleman's road of saying, "Well, so they can't cope."

We know already that there are differently performing PCTs, and the key to ensuring that this measure works and that PCTs play their full part in relation to the agency is giving them support, but also ensuring that mechanisms are in place to support their capacity to respond to what the agency requires of them. Where will the facilities to monitor their performance and any necessary additional support be located? Will the Minister say something about that? Similarly, local authorities have an enormous role to play. How will their performance in this regard be monitored and their quality assured across the board?

Clause 5 says:

"In the exercise of its functions the Agency must co-operate with other bodies which exercise functions relating to health or any other matter in relation to which the Agency also exercises functions."

I accept that it is not sensible to name the bodies in the Bill if that has never been practised, but it would be interesting to know the range of other bodies that we are thinking about that may have a relationship with the agency and how they are to be prepared to work with it as effectively as they can.

I want to flag up the issue of information exchange, which is vital if the agency is to work to its maximum. What protocols will be put in place to ensure that that goes smoothly? This was flagged up in another place by Earl Howe:

"If a local authority, in pursuit of its duty of co-operation, receives sensitive personal data of a medical nature, who in the authority, and indeed outside, should be entitled to read that information? How should it be stored? Suppose after a while there is no strict need to continue holding the data, because the matter has been dealt with, what should be done with the files? Should the local authority retain the data just in case, or should they be destroyed? All these questions arise as a matter of practice."—[*Official Report, House of Lords*, 29 April 2004; Vol. 660, c. 941.]

So, it is important as we progress that these issues are clearly dealt with.

The other issue involving information exchange is information technology infrastructure. Will the Minister say a few words about where we are with that infrastructure, which will allow the speedy and accurate exchange of information between the agency and the various bodies that it will work with?

That is not meant as a criticism of the Bill, which I welcome. It is extremely encouraging that the special health authorities are making such progress already. I consider this an extremely positive move, but I would like the Minister to comment on the issues I have raised.

5.49 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I rise to give some support to the Bill, which should make progress through the House. It certainly has the support of the Liberal Democrats, just as it had in the other place, but with a number of caveats.

I wish to pose some questions.

It would be a mistake to see this Bill as simply a legal formality. It is more than that: as other Members have said, it is an opportunity to examine a key part of the nation's public health machinery, which should safeguard us not just from the microbiological, chemical and radiological threats that nature throws at us but from those that can be engineered by man, both for benign and malign purposes. As we have heard, the new agency has been up and running as a special health authority for a little more than a year—it has celebrated its first anniversary, which is something to be celebrated, given that some of the bodies that have been introduced by this Government do not reach a second year before they are abolished.

I want to pick up on several issues. First, on the arm's length review, about which there has been quite an exchange across the Dispatch Box, I think that I am clear on the Government's current position. On the potential effect of clause 2(1)(a), to which we can return in Committee, reference is made to

"protection of the community (or any part of the community) against infectious disease and other dangers to health".

[Mr. Paul Burstow]

That is a broad remit. It could open up the agency to taking on functions to address other public health issues, perhaps in relation to lifestyle and preventable causes of disease. We might explore whether it was in the mind of the parliamentary draftsmen, who advise the Government on these matters, to give it that degree of flexibility for future innovation and development. From what we have heard from the Minister, however, it appears that that is not on the agenda at this stage. Having said that, given that we have heard that the public health White Paper will be delayed until the autumn, and given the publication in February of Derek Wanless's report identifying a number of gaps in the public health machinery in this country, especially in respect of health promotion, education and the essential capacity to evaluate public health measures, is the HPA likely to celebrate its second anniversary completely unchanged, with the status quo that it currently enjoys, or will the opportunity be taken—which, I think, should be taken—to give it a wider role in driving forward and developing a public health agenda in this country?

The hon. Member for South Cambridgeshire (Mr. Lansley) made an important point about the success in the 1980s of some of the public health promotion campaigns in relation to HIV/AIDS. To some extent, that capacity has been lost. Derek Wanless, in his report, identified the fact that in the process of combining and reorganising a number of public health functions, the health promotion and health education function seemed not to be assigned either to the HPA and its predecessor bodies or to the Health Development Agency. That is a great pity and a great gap in the Government's capacity to be able to move forward on a public health agenda. For that reason, I hope that the Minister can say whether that gap will be closed, first, by the declaration in the White Paper and, more importantly, by ministerial action to put in place the necessary organisations.

Mention was also made of the need to pick up on concerns about the explosion in sexually transmitted infections in this country. The hon. Member for South Cambridgeshire went through the litany of appalling statistics, which make shocking reading. Undoubtedly, the HPA, in its surveillance role, enables us to get a clear picture of the scale of the task that faces the country, the Government and us all. I have no doubt that there is a need for a national service framework in respect of sexual health, not just to deal with treatment issues—the deficits have been well rehearsed in the Health Committee's inquiry—but, more importantly, in terms of health promotion and the capacity to diagnose. That is an important part of the wider public health debate that we need.

My second concern is the need to ensure that the UK has a robust system of microbiological surveillance, capable of reacting quickly to and dealing with threats that might be perceived. I remain unconvinced of the wisdom of transferring most of the Public Health Laboratory Service's microbiological laboratories to NHS trusts, not least because of the formal submission of the PHLS board during the consultation phase last year, in which it expressed concern that the fragmentation of the service would lead to a loss of an efficient co-ordinated response to the detection and control of infectious diseases. Many around the world saw the PHLS network as setting a standard to which others aspired. The Centre for Disease Control and Prevention in the USA must rely on the fragmented network that we are now in the process of creating. It does not have a federal structure, with federal laboratories and capacity. It looked covetously at the arrangement that we had in this country, and, I understand, is seeking to emulate the structure from which we seem to be moving. It would be useful to examine in Committee whether we can be confident that the fragmentation of the system will give us the robust surveillance that we need.

From written answers, and from exchanges today, I understand that this place and the other place have been reassured that all this will be dealt with through a memorandum of understanding between the HPA, NHS trusts and so on. With primary care trusts and NHS Trusts confronted with so many "must dos" from Whitehall, where exactly does a memorandum of understanding fit into the hierarchy of standards, targets and tick boxes? It is not clear. Is it not just a gentleman's agreement between those organisations, which in reality has few teeth and little ability to gain traction when it comes to PCTs' commissioning decisions and the allocation of their limited resources? If the HPA does have cause for concern that a laboratory lacks sufficient staff or financial resources to be a satisfactory part of the surveillance network, what is the mechanism to call that in, examine it, and scrutinise it? I hope that the Minister will be able to rehearse precisely what would be done in that situation to safeguard the public interest and to make sure that we have a satisfactory surveillance system in place.

I understand that a possible part of the answer will be that the Healthcare Commission will take on the role of inspecting microbiological laboratories and that a new inspector will be appointed for this purpose. Why do we need an inspector of a system that was once part of an organisation, but for which responsibility is now dished out among NHS trusts? Is that not just a regulatory solution to a problem caused by the Government's changes in this area? Would it not be better to have a unified surveillance network?

The concern is about not just fragmentation of surveillance but overstretch of public health professionals working in PCTs. Many of those staff, particularly directors of public health, are acting up to that position because there are vacancies. In some cases, they are doubling up, because there are not enough directors of public health medicine around the country to do the job. There are shortages, and there are vacancies to be filled. At the moment, many of those directors find themselves being deployed in crisis management mode, not in terms of fighting infection but in terms of helping PCTs to deliver the Government's must-do agenda. As a consequence, there is little time to engage with the HPA on such issues as surveillance, diagnosis and management and control of outbreaks of infection.

As has been mentioned, how will the duty to co-operate contained in the Bill work in practice? Who will initiate that duty? Who will co-ordinate it? Local authorities, for example, have emergency planning roles. Under the clauses dealing with a duty to co-operate, will they have a right and an ability to call in the

expertise of other agencies to enable them to discharge their responsibilities? How will that fit together? The hon. Member for Erewash (Liz Blackman) mentioned data and information sharing, which also fits in. Just having a duty to co-operate, without adequate explanation from Ministers as to how it will operate in practice, seems an insufficient safeguard for the public at local level.

As has been said, the Bill has already been considered in the other place, and I am grateful to my noble Friend Lord Clement-Jones for his hard work on it.

That brings me to the third concern, which my noble Friend raised in the other place: the HPA's role in respect of zoonotic infections. During exchanges, the Minister, Lord Warner, confirmed that the HPA has the lead role on zoonosis in humans and has contributed to work across the world on things such as combating avian flu. However, the question that was not addressed at each stage of the Bill in the Lords—I hope that it will be tonight—is precisely where responsibility lies, and what role the HPA plays when an outbreak occurs in the animal population and there is a clear and perceived risk of transfer to humans. Who has overall responsibility? Is it the Department for Environment, Food and Rural Affairs, the HPA, or the Department of Health? Can it be made clear who has the lead responsibility in those circumstances? Perhaps the Minister will answer that question.

The HPA has the key job not just of surveillance but of controlling infections. I am thinking in particular of the vexed question of hospital or, as we are now required to call them, health-care acquired infections. It is interesting that we now call them health-care acquired infections, because the current surveillance enables us to know only about infections in the context of the hospital setting. We still have little information about the extent to which infections are picked up in other care settings. I hope that Ministers can give us some information about what is intended further to strengthen the monitoring and surveillance systems to deal with that.

Just last week, there were reports that deaths from MRSA—methicillin-resistant Staphylococcus aureus—infection could double within the next five years because the bacteria is becoming increasingly resistant to the antibiotic vancomycin. That resistance has been noticed in the United States of America and in Japan, but so far it has not been found to be prevalent in this country. However, scientists at the university of Bath, university of Bristol and Southmead hospital say that all five major types of MRSA, including those seen in the UK, are now beginning to show signs of resistance to vancomycin. At this point, there are treatments that still work, but the concern is that time will be lost because of a trial-and-error process to find the right combination of antibiotics. At this stage, the HPA tells us that it has not found a VRSA problem in this country, but clearly it is becoming an issue for us.

Clearly, efforts to instil and to reinforce a culture of zero tolerance of poor hygiene practice need to be redoubled. MRSA and other infections are not a fact of life with which we should attempt to reach an accommodation. To reach an accommodation with those infections is to accept that we will not be able to defeat them.

When I asked the Under-Secretary of State for Health, the hon. Member for South Thanet (Dr. Ladyman), a question about research to develop new antibiotics to enable us to deal with concerns about the greater resistance to antibiotics of a number of infections, he said:

> "I am not aware of any, but the problem is of great concern to the Government and to the pharmaceutical industry. As someone who used to work in the pharmaceutical industry and whose pension is in part in its hands, I can assure him that I, more than anyone, would like to see new classes emerging. However, as far as I am aware, they do not exist and that is an issue for us to address."—[*Official Report, Westminster Hall*, 13 January 2004; Vol. 416, c. 237WH.]

That was a perfectly legitimate response. It was helpful. The question is: how are the Government addressing that? I raise that in the context of the recent publicity surrounding the HPA's proposals to develop a vaccine development facility at Porton Down. I ask the Government whether they could outline tonight what they plan to do. Do they plan to have partnership arrangements with the pharmaceutical industry, to implore that industry to act, or to take direct action themselves of one sort or another—to ensure that there is a pipeline of antibiotics, so that we do not eventually reach a day when no antibiotic can stop those infections?

One tool in the fight against infections is the use of isolation rooms. The Government will tell us that there is already guidance about the provision of such rooms. When I asked Ministers written questions about that to find out how the Government are satisfying themselves that that guidance is being followed through in practice, I was told that they had no plans to monitor compliance with the guidance.

That is a cause for concern of itself but, when one asks whether guidance more generally to do with hygiene practice in hospitals is being monitored and audited systematically, we are told that it will be part of the work load of the Commission for Health Improvement but that there will not be a published national audit of the work that is done to ensure that there is compliance with those standards. Surely the public deserve to be able to satisfy themselves that their local hospital complies fully with those guidelines. How can Ministers satisfy themselves that those guidelines are being properly and sensibly adhered to locally? At the moment, there is no mechanism to enable them to do that.

When I undertook a survey of health trusts just a couple of years ago, the Department of Health sent an e-mail suggesting that it would be far better not to answer my questionnaire but to direct me to the guidelines that were issued by the Department, rather than tell me what it was doing on the ground. It is a cause for concern that the Department did not seem to think that it would be a good idea for a Member of Parliament to find out whether guidelines were being followed and whether infection-control measures were being taken. Indeed, I was told in written answers that it would be disproportionately costly for the Department to collect that information.

It seems that the Government's answer on isolation rooms is, "They will arrive by happenstance. They will arrive as a consequence of modernisation programmes in individual hospitals and new-build programmes but there will not be a concerted effort to ensure that they

[Mr. Paul Burstow]

happen systematically." We heard just last week that, in a new hospital in Norfolk, the necessary air conditioning arrangements to ensure that the isolation rooms did not contaminate the rest of the hospital were not made. As a consequence, the rooms were allowing infection to spread around the hospital.

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): May I put the record straight, because there has been misinformation on that subject? Those positive pressure rooms were never used for the purpose intended. The problem was discovered before they were ever used. There was never any risk and there was never any infection spread through the hospital.

Mr. Burstow: That is a good answer to a point but it raises concerns that those rooms were not used for their intended purpose because they were never fit for that purpose. The NHS is still not systematically providing the isolation rooms that are needed. What we hear in the Minister's reply is that we have a hospital that has purpose-built rooms that are not fit for the purpose and therefore cannot be used. I am grateful for the clarification but it does not come as a complete comfort.

In 2000, in response to a National Audit Office report, the Government decided rightly to introduce a mandatory reporting system for MRSA. That was a welcome step. It revealed how big a problem it is. Since then, Ministers have rightly said that they intend to expand that surveillance system to capture information about other types of organism that cause illness and problems in hospitals. Again, it is unclear from all the written answers I have seen and from other exchanges on the matter in the past year what the timetable is for the roll-out of those other infection-surveillance systems. It would be helpful if that could be set out in detail today, in Committee or, more probably, in answer to a written question, so that we are clear.

The hon. Member for South Cambridgeshire mentioned the patient environment action teams and the traffic light system that is used to give the public what I would call false comfort when it comes to issues of cleanliness in our hospitals. The truth is that the whole initiative should be prosecuted under the Trade Descriptions Act 1972. It does not address the key concerns about hygiene in our hospitals, yet it gives people the impression that it does. Even today, there are still occasions when it is cited as a measure in the Government's fight against infection in our hospitals. It is nothing of the sort. It is a useful programme in what it does, but it is not part of the fight against infection.

The Bill puts in place the agency. It defines its powers and its relationship with the Department of Health, but some public health experts and academics have expressed the view that the laws governing public health need to be updated to deal with issues such as SARS.

It would be useful if the Minister could give us some indication of the Government's thinking about whether there will be such a fundamental review in legislation, and if so, when we can expect to see that legislation.

IT has been mentioned already, and I want to seek further clarification. The NHS has embarked on a massive IT procurement programme spanning several years. Good IT and communications will be important in making the surveillance network work effectively, but it is not at all clear precisely where the HPA fits into the NHS procurement timetable. Can the Minister tell us?

The Bill will put in place an important part of the public health infrastructure, but it deals only with the control of infectious disease, which is a significant part of the public health agenda but by no means the whole picture. That agenda also needs to address preventable disease, which often results from lifestyle in terms of sexual health issues, smoking, obesity and so on.

The Wanless report earlier this year painted the sorry picture of a history of stop-start—boom and bust, we could call it—in public health: reports were commissioned, but then gathered dust for years; reports were published and targets were set, but were never achieved. Under both the present Government and previous Governments, public health has been poorly served. The Bill is a useful measure, but a lot more will be needed in the White Paper if there is to be real progress in public health and a real improvement in the health of the nation.

6.11 pm

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I welcome the Bill. I realise that as the attention of the nation is focused on events in Portugal, or perhaps on Wimbledon, it may not loom large on the public's radar, but although it is small it is important, and could have a profound effect on everybody in the country.

The Bill is a logical progression in the organisation of the special health authority, and builds on the good work of that body over the past year. It is part of our civil contingencies strategy. In introducing the Bill, the Minister outlined the different bodies that will comprise the Health Protection Agency, and I shall not repeat all their names, but the essential thing is that they are all highly respected for their work over the years. They have expertise and they have carried out research, but they have all developed independently. Combining them into a single body will enable them to share good ideas and best practice.

The need for that to be done was highlighted by what the Minister said about potential terrorist attacks. When such an incident occurs, it may not be immediately obvious which body is best equipped to respond. Perhaps more than one body should be involved—perhaps all of them. It is therefore logical to combine them in one Health Protection Agency, not only to speed the response, but to develop over time a culture of partnership working to maximise their effectiveness.

I welcome the Bill because it also goes far beyond emergency response. The agency will be an essential element in the strategic planning of health care. The specialist support for the rest of the NHS in terms of health protection will be better delivered by one body than by fragmented sources.

The NHS is delivering an excellent and improving service to millions, day in, day out. None the less, its role is essentially reactive and patient-driven. In responding to the health needs of millions, it is acquiring information and data that could be immeasurably useful in identifying health trends and shaping public

health policy. By collecting those data, analysing and interpreting them, the HPA will be able to identify gaps in health provision and shortfalls in capacity.

As a national non-departmental organisation, the HPA will be able to assist the development of public health policy. It will be able to inform the debate on lifestyle choices, improving health and other areas of Government policy, so that others, too, can play their part in promoting public health. The agency will have the opportunity to develop authority on health policy, which Governments will ignore at their peril. Previous speakers have mentioned the debate in the other place about the independence of the reporting, and I welcome that too.

When Governments make recommendations on lifestyle and health policy, they are sometimes publicly vilified as promoting a nanny state. I believe that the work of the agency and its recommendations will provide an authority that will reduce the chance of future Government health policy being depicted in such a negative way. The agency will have independence and authority, and therefore credibility, which will assist the Government in promoting health policies that will benefit everybody.

In the essential successful working of the HPA, I regard partnership as the key theme. The quality and expertise of the agency is unquestioned, but it is not a big organisation, and it cannot transform public health policy on its own. The way in which it works with Government and with other local and international health agencies will determine how successful it is.

I welcome the setting up of the nine regional and 36 local health protection teams, but in the other place Lord Warner commented that there had been

"earlier difficulties with some PCTs"—[*Official Report, House of Lords*, 5 January 2004; Vol. 656, c. 15.]

I hope that the memorandum of understanding that governs the relationship between the HPA and the primary care trusts will resolve those difficulties. My hon. Friend the Member for Erewash (Liz Blackman) defined the issues that need to be clarified, and effective working between the HPA and the PCTs is essential if the agency is to realise its full potential.

The public health challenges that face the Government, such as hospital-acquired infections, TB, and above all, sexually transmitted diseases, have already been mentioned. I shall not repeat the statistics that have been cited in the Chamber already, but it is important that the HPA, in its surveillance role, should be able to provide backing for the other Government organisations, designed to construct a strategy to combat and eliminate those problems.

There are issues yet to be resolved about precisely what the role of the HPA, as opposed to that of the local health organisations, will be. I am concerned that if we do not achieve early success in that regard, that role may be questioned, as a result not of the agency's problems or incompetence, but of failure in other areas of policy delivery.

That would be regrettable, and I ask the Government to look at those problems and ensure that the HPA's work is effectively translated into action on the ground to deal with them.

Little has been said on partnership working internationally, so I shall touch on that. The report by the chief medical officer Sir Liam Donaldson, "Getting Ahead of the Curve", highlighted different threats to world health. It would seem that as soon as we eliminate one health hazard, another potentially more deadly one appears. Among the reasons that have been cited for that are global trade, migration, animal diseases and environmental changes. Those are in addition to the man-made risks, whether industrial risks or terrorist activity.

Even Sir Liam Donaldson cannot have realised when he made his report in January 2002 how prophetic his utterances were to be. In a short time, we had the outbreak of the SARS epidemic, a truly international health threat arising from the very factors that he had outlined. My understanding is that the HPA played a vital role in the World Health Organisation's work to combat SARS, and it has subsequently signed a memorandum of understanding with a new health protection agency in Hong Kong specifically targeted at research, training and emergency planning relating to diseases originating in the far east. I see that as a most important development, and a potential health prototype that should be introduced in other areas. Will the Minister consider the possibility of setting up similar organisations to cover other parts of the world? The most obvious is Africa, where a range of infectious diseases run rife, to the detriment of the health of millions of people on that continent and with serious potential implications for people on other continents.

Britain has huge expertise in the bodies that comprise the HPA. By bringing those bodies together, the Bill will improve communication, assist policy development and enable collective expertise to be targeted more effectively. It provides a model that could be developed by and with other countries, which could have a profound impact on public health throughout the world. I therefore welcome the Bill and support its Second Reading.

6.22 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): I had intended to follow the excellent example of my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) and focus exclusively on the health policy aspects that the Bill raises, rather than on the bureaucratic reshuffle on which the Under-Secretary of State for Health, the hon. Member for Welwyn Hatfield (Miss Johnson) focused and on which the hon. Member for Erewash (Liz Blackman), who has temporarily left the Chamber, made a thoughtful contribution. However, in view of the Minister's failure to answer my question on the powers that this body is being given, I feel it necessary to return to that issue.

The Bill gives as the main functions of the new body

"the protection of the community . . . against infectious disease"

and

"the prevention of the spread of infectious disease".

[Mr. Peter Lilley]

That is fine; we all support those objectives. However, the Bill goes on to give the agency apparently unlimited powers to achieve those objectives. It says:

"The Agency may do anything which it thinks is—

(a) appropriate for facilitating, or

(b) incidental or conducive to,

the exercise of its functions."

I find that surprisingly open-ended. The Minister, who appeared to be rather unfamiliar with that provision, said that it was intended to enable the body to be independent of the Government, but as my hon. Friend the Member for Buckingham (Mr. Bercow) said, a body does not have to be omnipotent in order to be independent. Clearly, that provision has nothing to do with restraining interference from Ministers.

I would therefore like the Under-Secretary of State for Health, the hon. Member for South Thanet (Dr. Ladyman), when he winds up, to tell the House what powers the agency will actually have. Will it, in its attempts to fulfil its function of preventing the spread of disease, have the power to detain people suspected of being infected? Will it have the power to distrain property thought to be carrying infection? Will it have the power to levy charges or impose fines on those who interfere with its attempts to restrict the spread of infection? Those are important issues. There could be arguments for giving a body such powers, but it would be unusual for the House to give them away without any restraint at all, without specifying in the Bill the circumstances in which they could be used and without any recognition by Ministers that such draconian powers were being conferred on a Government agency, albeit one acting at arm's length from the Government.

Dr. Julian Lewis: My right hon. Friend has been in the House much longer than I have. In his long experience, has he ever come across a Bill that has given such an open-ended mandate to an agency in that fashion?

Mr. Lilley: My hon. Friend makes a good point. I have cast my mind back to see if I can remember such a case, but I cannot. That might be—I have some sympathy with the Minister on this—because when one is dealing with a long Bill, one often approaches the Dispatch Box with some trepidation that one might be asked the meaning of one of the obscure and complicated clauses. One therefore tries to focus on what those clauses mean and perhaps misses the more obvious clauses at the beginning, so I may have missed such clauses in other Bills. However, I am not aware of this Bill having any precedent. I hope that the Minister will tell the House why this provision is included in such an unrestrained and draconian fashion.

I really want to focus on the main issue raised by the Bill, which is the prevention of the spread of infections and in particular, the control of hospital-acquired infections—an issue of growing importance to the public, although the Under-Secretary did not mention it in her speech, nor does the publicity material on the Bill issued by the Government. That is a hugely important issue, so it is extraordinary that the relationship between this body and that problem was not discussed at the Dispatch Box.

We know that nearly one in 10 patients who enter hospital acquire an infection there that they did not have beforehand. We know from the National Audit Office that an estimated 5,000 people at least die every year from superbug infections acquired in hospitals and that up to 20,000 may lose their lives through some involvement of superbugs in complicating other factors. We know from the European Union that the problem is more prevalent in British hospitals than in those of anywhere else in the European Union with the possible exception of Greece. We know, too, that the problem is getting worse more rapidly in this country than anywhere else in Europe. We should like to know what role the Health Protection Agency will play in tackling that important problem.

That is an important aspect of health to which the Government's main approach does not appear to be relevant. The Government's main approach is that all health problems can be solved by having billions of pounds rolled at them in the hope that they will eventually be tackled. However, if we succeeded in tackling the problem of hospital-acquired infections, far from needing extra resources, we would save many lives, and release vast resources for the treatment of other illnesses or to save the Exchequer money.

It is extraordinary how little attention has been paid to that issue until recently. When I compare the uproar at the five people killed in the railway accident at Hatfield near my constituency—every one of whose loss of life was a personal tragedy—to the reaction to the fact that an estimated 5,000 people a year die as I have described in our hospitals, I cannot help but think that the treatment given to the matter by Government, politicians and, until recently, the media, has been disproportionate.

When one thinks of the disparity between the Government's pursuit of what turned out to be illusory threats of biological warfare in the middle east and the actual biological warfare being fought and, it would seem, lost in our hospital wards through dirty and unwashed hands, one cannot help feeling that there is a disproportionate failure to recognise the seriousness of the problem.

Dr. Julian Lewis: My right hon. Friend is most generous in giving way. One is tempted to comment on the paradox that he just raised by recalling the statement once made about a small number of deaths being a tragedy and a large number of deaths being a statistic. My right hon. Friend rightly points to basic failures such as not washing hands as being responsible for some deadly infections. Why, then, should we need a Health Protection Agency to put something right, when we all know what is wrong?

Mr. Lilley: My hon. Friend makes another very good point. I hope that we do all know what is wrong, and I intend to investigate further the causes of this problem.

I became interested in the subject partly as a result of cases that I encountered in my own "surgery", as we tend to call our advice bureaux in our constituencies. Over the years, I have met people who lost relatives as a result of infections acquired in the course of hospital operations or who themselves had acquired the infection and been maimed permanently by it. I was sub-consciously aware that there was an issue there.

Some years ago, I wrote a paper about the health service entitled "Patient Power". While I was working on it, I discovered the National Audit Office estimates of the scale of the problem. I campaigned for the publication of information authority-by-authority, hospital-by-hospital, on these sorts of problems, so that patients would have the power to take informed decisions on the basis of that information. It was as a result of the subsequent publication of such information that I learned that the trusts in my own constituency had very poor records at that time and were near the bottom of the national league table. Indeed, one was virtually at the bottom. I am happy to say that both those trusts now take this issue seriously and that both have improved their ranking markedly—they are now close to the national average.

A little while ago, I had a meeting with the infection control directorate at the East and North Hertfordshire NHS trust, and a lengthy briefing from the clinical standards officer at the West Hertfordshire trust. I am glad that this issue is now being given priority locally: I would like to see it given an even higher priority at the national level and I hope that the HPA will play its role in that.

We have to ask ourselves why, given the manifest dedication of most people who work in the NHS, to whom I pay tribute, does this problem exist, and why have we as a nation been so slow to face up to it? Part of the answer to the latter question lies in the fact that, as a former health Minister said, the NHS has become part of our national religion. As a result, we are reluctant to think that anything can go wrong within it. We do not want to accept or face up to the fact that it can be a place where illnesses are caused and acquired as well as cured and treated, but we must accept it. Moreover, the Government must face up to it. I am afraid that some people in government are still in denial about the problem and believe that it can simply be spun away or ignored, but it cannot and it must not.

I shall not develop at great length—at least, not at this stage—the disgraceful episode that occurred last autumn. The Government issued a statement to try to pretend that they were doing something about the problem, but when asked to bring the statement before the House, they admitted that they were doing nothing new at all. That was symptomatic of the their attempts to deny the problem. The Minister's failure even to mention it today in the context of the Bill suggests that some in government are still in denial about the seriousness of the problem.

Dr. Lewis: Does my right hon. Friend feel that one of the reasons why less attention is given to MRSA infection in hospitals than it should is that the people most affected by it are elderly patients? If it carried off larger numbers of younger people, perhaps there would be a stronger lobby. Is it not a disgrace that our elderly people are coming to think of hospitals as places where, if they enter, they may not come out alive?

Mr. Lilley: My hon. Friend's critique is valid. It is true that less attention is paid to the problem than would be paid to it if the majority of the victims were not elderly. However, let us not conceal the fact that people in the prime of life are affected, too, including an increasing number of children. All ages will be at risk if we do not tackle the problem vigorously.

Why is the position getting worse—and getting worse faster—in this country than in most of our continental neighbours' countries? A number of explanations have been put forward. When I last spoke about the problem, Government Members suggested that it was due to the privatisation of the cleaning services in hospitals. On this issue, none of us should take refuge in defensive or doctrinal attitudes about what happened in the past. We should not be making partisan points. If the problem did result from the privatisation of the cleaning services, it should be changed. I would fully support that. I want to save lives, not impose a particular doctrinal arrangement on the organisation of the health service. Let us be clear: is this a serious charge? If it is, why have the Government done nothing to alter those arrangements and to bring back the cleaning services in house? Clearly, the Government do not believe that that is the cause of the problem.

David Taylor (North-West Leicestershire) (Lab/Co-op): The right hon. Gentleman may be indirectly referring to me, as I sometimes raise that very issue—though not in the arbitrary terms that he suggests. Does he accept that the outsourcing of hospital cleaning can contribute to or worsen problems that already exist on the wards, even though the root cause of the problem may be a lack of adequate hand washing in the wards and elsewhere?

Mr. Lilley: If I accepted that, I would want to do something about it and change it. I am sure that the hon. Gentleman, who is sincere and dedicated, would want to, too. Sometimes, however, I believe that others make the point for purely partisan political purposes. If the Government believed that analysis, they would surely want to change it. They do not believe it. Why not? I suspect that it is because it is not true.

Some colleagues went with the BBC to Germany to investigate the same problem in German hospitals, which were pristine and sparkling clean, as one would expect, and run with Teutonic efficiency. The BBC journalist said that he imagined the Germans had such clean hospitals because they did not privatise their cleaning services, but the German doctors responded by saying, "Of course we do". They wanted expert, specialist people to clean their hospitals; they did not want the job to be left to people such as themselves who were not experts in the matter. The BBC journalist told the German doctors that it was a problem in our country and had led to poor standards, but they responded by saying that if the cleaning companies did not get it right, why did we not change the supplier or the cleaner? One thing that our present system does allow is changing the cleaner to secure a better one. Would it not be best to do that, rather than change the system?

I visited a BUPA hospital and asked the same question. That hospital was also sparkling clean and infection free. I asked how that had been achieved and whether the hospital did all its cleaning in house. I was told that outside cleaners were used, but that the contract was managed properly. The hospital authorities insisted that the contractors had named cleaners responsible for each ward and the responsibilities were more than just for cleaning. They included changing the light bulbs, ensuring the supply of loo paper and so forth. That brought pride of ownership.

[Mr. Lilley].

It may be that the structure of the NHS does not allow NHS managers to manage their contracts properly. We should consider whether medical staff should have a greater say in handling such contracts and ensuring that contractors meet the highest possible standards of cleanliness.

The NHS may be too centralised. Indeed, I asked the BUPA manager why he could do what NHS managers seemed unable to do. He said that he had been an NHS manager and the problem was that the NHS was so centralised that all initiative was stifled and it was difficult to introduce the sort of changes that he had made in his smaller hospital. The NHS may have problems that we should tackle, but we should not do so on a partisan, doctrinal or point-scoring basis. We need to get it right and save lives.

Lack of ward cleanliness is not the prime cause of hospital-acquired infections or superbugs. It is essential that wards should be clean, although the impact on infection is probably secondary. However, standards of cleanliness influence the whole climate of a hospital. If one works in a clean, sparkling, bright and fresh environment, where every part of the hospital is clean—the loos and the entrances, as well as the wards; under the beds as well as beside them—one is more likely to be meticulous about observing the protocols for cleaning one's hands.

The failure to wash hands between contacts with patients is the main way in which infections are transmitted in hospitals. The National Patient Safety Agency says that the hand-cleaning protocols are observed only 40 per cent. of the time in hospitals. That is a serious matter. Why should it happen? One explanation, which first appeared in a newspaper article and was republished in a pamphlet, is that the hospital authorities—matrons and other staff—do not have the power to discipline and insist that staff adhere to the protocols. The author, Harriet Sergeant, carried out research in hospitals and described one occasion in particular. She wrote that the matron

"had shown me the apron and glove dispenser at the entrance of a side room containing an MRSA patient. Every nurse, she said, had to don a disposable apron and gloves before touching the patient, then remove them before leaving.

As we chatted, I noticed a nurse walk in, see to the patient, then depart. She had not touched the dispenser. This was done in front of the matron and the infection control manager. Neither appeared to notice. In astonishment, I interrupted the two women. Had I misunderstood? It appeared not."

The article goes on to say that the matron

"tut-tutted. 'You've got to have eyes in the back of your head with these girls,' she said. The infection control manager nodded sympathetically—'Doctors are far worse'," she added. There was clearly no question of a reprimand for the nurse.

The high levels of hospital-acquired infection are an indictment of NHS management, who have failed at every level to exert authority and pull together the groups involved for the benefit of the patient."

I do not suggest that that story is typical, but it was told by someone who spent much time researching the issue. Ministers should say whether they are satisfied that matrons and others in authority in hospitals have the power to insist that staff follow protocols properly. If Ministers are not satisfied, they should produce proposals to reinforce and enhance the authority of those in charge.

We should have every sympathy with the nursing and other medical staff involved, because the protocols put considerable demands on them. According to the NPSA, if nurses washed their hands with soap and water, they would have to spend 56 minutes—nearly an hour—of every eight-hour shift washing their hands to meet the requirements of the NICE protocols. If they use alcohol-based rubs, the time is drastically reduced to 18 minutes, but that is still quite a long time. A nurse may have to wash her hands up to 40 times in an hour.

Considerable demands are made on nursing staff and we should investigate whether that could be improved by introducing new products. Since taking an interest in this subject, I have been contacted by several companies that claim to have new products that would disinfect hands better, without chapping them or requiring such frequent application. They say that their products are wonderful and would meet all requirements. I am not here to act on behalf of any pharmaceutical company, but they claim that because the protocols are laid down centrally by NICE, new products, such as those that do not contain alcohol—the protocols specify that hand cleansing must be done either with soap and water or with products that include alcohol—are precluded from consideration, even though they might be gentler on hands and not require such frequent application. The agency should investigate those alternatives and encourage the development of new procedures and innovatory products. That could make it easier for staff to meet the requirements and prevent the transmission of disease from one patient to another.

Since I took up this issue, people email me and share their expertise. A former consultant microbiologist in an NHS hospital sent me an article he had written for the *British Medical Journal*. It said:

"We have managed to keep MRSA out of our rehabilitation unit by a combination of pre-screening, rigorous hygiene and vigorous treatment. Any patients referred from the acute hospital wards require two clear sets of swabs—and if we find (for they are all swabbed on arrival) that they are MRSA positive then they are isolated and treated until clear."

The email also states that

"we have been put under pressure to relax our criteria because they delay transfers. It has been argued that our policy is out of step with the rest of the hospital; but then so is our infection rate. One patient of ours appeared to acquire the organism on the unit twice, each time after the visit of a surgical team.

My correspondent also says:

"With the imposition of targets, for instance the target to move people out of casualty departments within a set time, infected patients may get moved from ward to ward, thus exposing new staff and patients to the organism."

That is a third explanation: targets are getting in the way of the application of the protocols and causing patients to be put at risk and shuffled around hospitals, which—as the Government's chief medical officer admits—is one of the causes of the spread of the disease in hospitals.

Someone else wrote to me claiming that lack of research is the problem. He pointed out that in many other countries, research has been done and use made of bacteriophages, which eat viruses. He said that there is scope for research in that area, which might develop methods of tackling the problem that do not involve the use of antibiotics. Again, the agency could—and in my view should—do work in that area.

It is also open to question whether we use antibiotics correctly. I do not just mean whether we use them too profusely, which is often suggested to be the problem. The Academy for Infection Management has been arguing that the delayed use of antibiotics, while waiting for laboratory tests on a particular infection, allows infections to take hold and spread; and that it would be better to use early after the discovery of an infection a broad spectrum antibiotic against the likely range of causative pathogens, especially the sort of agents that do not seem to give rise to resistance to those problems. The seven-year study known as MYSTIC—meropenem yearly susceptibility test information collection—suggests that drugs based on meropenem can do that and that, if used, would cut down the spread of those diseases and vastly reduce the need for people to go into intensive care units.

Thus there are things that could be done. It is sad that, in the context of the Bill, the Government do not mention the problem that I have outlined. It is sad that they seem reluctant to look creatively at what can be done and that, when faced with the problem, they simply regurgitate existing measures, pretending that they are new but admitting on subsequent questioning that they are not. It is sad that they are still in denial about the scale and seriousness of the problem.

My overall conclusion is that if we are to tackle the problem, we must bring the Florence Nightingale culture back to our hospital wards, so that at every level people realise the importance of preventing such infections from taking hold and spreading. We must use every kind of imaginative development to ensure that the process is made easier for the medical staff who, in other respects, serve us so well in our hospitals.

6.51 pm

David Taylor (North-West Leicestershire) (Lab/Co-op): Like previous speakers, I welcome the Bill, which will clarify and codify the responsibilities of the HPA, with immense benefit for the population of our country.

The contribution of the right hon. Member for Hitchin and Harpenden (Mr. Lilley) was very interesting, although I do not intend to speak at such length. First, I want to focus briefly on the specific duties of the agency in connection with radiological protection. I want to cite a constituency case that has been going on for some years, and I hope that the Under-Secretary of State for Health, my hon. Friend the Member for South Thanet (Dr. Ladyman), can give me some good news about that problem. Secondly, I want to examine the bodies with which the HPA must co-operate and from which it must accept direction. One such Government agency—the Environment Agency—appears to be delinquent and tardy in its response to a radiological problem.

The Bill makes it clear that the HPA will absorb the National Radiological Protection Board and its prime functions, which, as set out in the helpful research paper, are

"the acquisition of knowledge about the protection of mankind from radiation hazards . . . to provide information and advice to persons (including Government departments)"—

it is to that point that I direct the Minister's attention—

"in relation to protection from radiation hazards either of the community as a whole or of particular sections of the community".

The latter point relates to my constituency case. Will the Minister expand a little on how the agency will carry out that role, which was previously the responsibility of the NRPB?

Clause 3 (4) states:

"If a Health and Safety body asks the Agency to enter into an agreement with the body for the Agency to carry out any of the body's functions relating to radiation . . . on the body's behalf, the appropriate authority may direct the Agency to do so."

Can the Minister tell me whether, in certain circumstances, the Environment Agency is considered a health and safety body? Can the Bill, when an Act, be used by my constituent to try to encourage the Environment Agency to act more effectively than it has been able to do so far?

Clause 5(1) states:

"In the exercise of its functions the Agency must co-operate with other bodies which exercise functions relating to health or any other"

related matter. Subsection (2) notes that a body

"other than the Agency mentioned"

has a duty to co-operate with the agency. There is a mutual duty to co-operate, so can the Minister tell me whether the Environment Agency would be classified as a relevant body for the purposes of that clause?

I shall give a little detail about the case I mentioned. It relates to the disposal of radium sources and comes under the Radioactive Substances Act 1993. I shall not go through the whole nine years of the case so far, but will highlight the problems for my constituent's firm, although the firm itself is not in North-West Leicestershire. My constituent states that, in 1995,

"what is now the Environment Agency"

issued an edict requiring

"all Lightning Protection Systems incorporating devices containing radioactive materials to have the devices removed, dismantled and disposed of by the year 2000".

That was mostly complied with, but many devices were removed only after the deadline and some remain. Will the HPA have an advisory role about those residual lightning protection systems, especially when installed in locations such as school premises?

In good faith, my constituent's firm continued to strip out those devices containing radioactive materials for some time but found that it was unable to dispose of the material satisfactorily. With the encouragement of the Environment Agency, the firm had taken into storage radium foils from premises and from competitor companies in the expectation and belief that there would be an ongoing route for disposal. However, four years after the deadline, the Environment Agency has not been able to provide my constituent's firm with such a disposal route, so it is storing radiological waste at its south Nottinghamshire headquarters that at some stage may prove a hazard to the people who currently work in the building, to future occupants of the building or even to people who may break into it—there have been thefts of equipment from the offices.

The firm asks:

"What are we supposed to do with this waste? What happens if our small company gets into difficulty leading to closure or. . . . our offices are broken into? It strikes us that someone needs to take responsibility for sorting this out and not leave just our waste but presumably other radium source waste stored in small relatively unsecured pockets around the UK."

[David Taylor]

When the HPA takes over the duties of the NRPB, will it have that responsibility?

The firm notes:

"Currently we hold many hundred sources of Radium 226 totalling an equivalent of 976 Mega bequerels."

I conclude by summarising my questions for the Minister. Is the Environment Agency a health and safety body for the purposes of the Bill? Does it have a mutual duty of co-operating with the HPA and would it, therefore, have an interest in the case that I briefly set out? I should have liked to set it out at greater length in an Adjournment debate, but although I have been trying for several weeks I have been unable to obtain one. What advice can the Minister give me to pass on to my constituent and his firm? As the years roll by, they are getting extremely concerned about the possible health hazards of the material that they stored in good faith, at the behest of the Environment Agency, which has neglected its duty to offer the means for the safe and satisfactory disposal of those materials. I shall listen very carefully indeed to the Minister's reply.

7 pm

Dr. Julian Lewis (New Forest, East) (Con): The House owes a debt of gratitude to all those hon. Members who have spoken following the initial brittle, unfleshed skeleton that the Minister outlined at the outset, for trying to add some substance to the debate. When one looks at the Bill's fine print, one sometimes forms an impression that it is designed largely to try to get round some of the self-inflicted problems brought about by the way in which devolution impedes the carrying out of the functions of the existing agencies, rather than introducing any major or substantive change to the way that the problems that the agencies are supposed to address will be addressed.

It was a pleasure to listen to my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) renewing his gallant campaign on behalf of the victims of MRSA. I find it quite incredible that, in the 21st century, it is necessary for a politician of his seniority to have to plead with those who work in the health services to adopt the measures of basic hygiene, basic cleanliness and basic common sense that Florence Nightingale pioneered more than 150 years ago. It is quite deplorable that so many hon. Members find that our constituents tell us terrible tales of relatives—often elderly folk, as I said in an intervention—who go into hospital for one ailment and then contract an infection that, all too often, proves fatal.

My hon. Friend the shadow Secretary of State for Health outlined the case for considering topics such as MRSA, HIV, TB and hepatitis C in the context of the Bill. He was right to do so, but the dimension that I wish to address is that which concerns the defence aspect, for which I have some responsibility on the Conservative Front Bench. The Bill has been portrayed as establishing an agency that will fulfil a valuable role if this country is subjected to chemical, biological or radiological assault. That needs further clarification because the sort of measures that are necessary to deal with those types of threat are very different.

A chemical attack, if carried out, has a very quick effect. That was well seen in the sarin attack on the Japanese subway. A biological attack, by contrast, if carried out against animals, may make itself apparent somewhat more slowly, and if carried out against humans, much more slowly still. A radiological attack can be very slow indeed in making its effects apparent. So entirely different types of plan must be ready to deal with those emergencies if they come to pass. The threat and the attack need to be contained. If the attack involves one of the longer-lasting or slower agents to act, it needs to be traced and then treated. The Bill does not make it clear who will actually do that work.

The research paper on the Bill prepared by the Library points out that the existing agency had already been involved in some exercises. I quote from the briefing material:

"Two exercises based on the release of smallpox have already been conducted to assess the effectiveness of the major incident plans. More recently a field exercise based on the deliberate release of sarin, involving more than 200 volunteer casualties, was conducted in Newcastle. The exercise also included a desktop training exercise, where members of the health and emergency services planned a response to additional major emergency incidents."

It quotes Dr. Nigel Lightfoot, director of the emergency response division at the Health Protection Agency, as saying:

"We are very pleased with the way in which the day has gone. The procedures involved in the field exercise went so well that we finished an hour ahead of schedule."

I felt on reading those words that there was something terribly British about all this and something terribly amateurish. I am concerned that, in focusing on the structures of the agencies to the extent that the Government have, they are taking their eye off the central question of how the agencies will relate to the people on the ground who must cater with a disaster if one were to occur.

When the issue was raised in Committee in the other place on 3 March, Earl Howe said:

"The first question that we must ask is how the provisions of the Civil Contingencies Bill interrelate with those in this Bill. The Health Protection Agency will have a major role to play in many types of civil emergency, yet the most that is hinted at in the Bill is that it will be obliged to,

'co-operate with other bodies . . . which exercise functions relating to health or any other matter in relation to which the Agency also exercises functions'."—[*Official Report, House of Lords*, 3 March 2004; Vol. 658, c. GC 287.]

But what are those bodies with which co-operation must take place?

My hon. Friend the Member for Newark (Patrick Mercer) was involved in his responsibilities of shadow Minister for homeland defence—even though we do not have a Minister for homeland defence, despite the fact that we should—in taking the Civil Contingencies Bill through Committee. In doing so, on 29 January, he made a point about the civil contingencies reaction force—the volunteers on whom so much will depend if an attack is mounted and to whom my hon. Friend the Member for Rayleigh (Mr. Francois) alluded in an intervention. My hon. Friend the Member for Newark said:

"It is no coincidence that the CCRF has found itself extremely stretched in terms of declaring itself operationally ready. Just before the Bill's Second Reading—strange to relate—the Government said that the force was ready. However, the facts are rather less than the theory."—[*Official Report, Standing Committee F*, 29 January 2004; c. 89.]

My hon. Friend went on to point out that, of the 7,000 CCRF volunteers who are supposed to be under arms, only 5,000 are physically accredited as part of the organisation. He then went on to make an extremely important point that further cuts that total: the sort of people who volunteer to undertake such dangerous duties are all too often the same people who already have a reserve liability with the armed forces and who, in the present climate and intensity of military operations, are already on call for dispatch to active service outside the United Kingdom's boundaries. So we do not have anything like that total of volunteers readily available, but the same applies, a fortiori, to the regular armed forces.

The regular armed forces, with the normal emergency services, would be in the front line of tackling any of those catastrophic attacks if they were to occur. We know perfectly well the strain under which they are already labouring. Their morale is not improved by constant reports of imminent announcements from the Secretary of State for Defence—which have yet to happen but which we are pretty sure will happen—of major cuts in front-line forces. So we must ask ourselves how the new agency will be able to deliver what it is supposed to deliver.

It is not even clear where the borderline will lie between what the agency is supposed to do and what the emergency services, armed forces and reserve civil contingency forces are supposed to do. When one looks at the Bill and in particular at clause 3, one sees under the heading "Radiation protection functions" that

"The Agency has the following functions in relation to risks connected with radiation (whether ionising or not)"—

and it gives two:

"(a) the advancement of the acquisition of knowledge about protection from such risks;

(b) the provision of information and advice in relation to the protection of the community (or any part of the community) from such risks."

On reading that subsection, one is inclined to agree with the interpretation of my hon. Friend the shadow Secretary of State, who said in response to one of my interventions that, as far as he could see, much of the role of the Health Protection Agency is one of surveillance—as well as, perhaps, tendering advice. One wonders, given the agency's independence, what sort of advice and guidelines it will be given on how it should try to prepare the public for what might be a devastating attack by chemical, biological or radiological means.

If I may be forgiven, I shall cast my mind back to the most recent occasion that I can think of when the problem of how much sensitive and worrying advice to give to the public was last aired. The year in which I remember that being a particular issue was way back in 1980, when there was beginning to be the stirrings of concern about the involvement of the United Kingdom both in a new generation of its own nuclear weapons and the basing here of certain American nuclear weapons. The anti-nuclear campaign pressed very hard for the Home Office advice to the public to be published, and under that pressure, it was published in the form of the "Protect and Survive" booklet. When it was published, the very people who had pressed for its publication proceeded to mock it, to rubbish it and to say how useless it was. I would not be surprised if the Health Protection Agency found itself faced with a dilemma when it considers that precedent, which I am sure will be brought to its attention.

After all, we experienced an incident in this Chamber, after which it was said that not even the people present at the time had been given the correct advice on what to do in the event of the possibility that something of a chemical or biological nature had been thrown into the Chamber. Yet, when the security services came forward with advice on what they think we ought to do, straight away people were saying, "You are alarming the public; you are being unnecessarily alarmist. You are cutting off the House of Commons from the people." These issues are not easy ones to deal with. I hope that the Minister in his reply will make it clear to what extent it will fall to the new Health Protection Agency to decide what sort of information should be made public to educate the British people on how best to protect themselves in advance of such a terrible incident, and to what extent it will do so under Government authority.

David Taylor: The hon. Gentleman describes the dilemma that the Government face, but the present Opposition face such a dilemma too. The Government are either over-zealous, nanny-stateist and alarmist, or they are neglectful of their duties, derelict in their duties and ought to be doing more. The Opposition have made a living out of that for the past three months or more.

Dr. Lewis: That would be a fair point if the hon. Gentleman could show that the Opposition have made any remark about the nanny state or over-zealousness in the context of the serious issues that we are debating. I have been present for the entire debate and have not heard one such point made from the Opposition Benches. It obviously depends on the subject under consideration. When the Labour Government inflict their opinions on the public about ways in which they should conduct their lives that fall far short of the implications for serious security or life and death of the issues that we are discussing, it is quite right for us to describe them as over-fussy. When dealing with matters of gravity, such as those before us, the hon. Gentleman will not hear comments of that sort from the Opposition Benches.

Mr. Lansley: I am interested in what my hon. Friend has to say, which he is setting out very well. Does he agree that the criticism that we might be trying to have it both ways is able to be made only when the Government have failed to tell us how they propose to deal with these matters? There is a problem with discussing the Bill in that clause 5, by its structure, effectively says nothing more than that the Health Protection Agency will co-operate with other bodies, unspecified, and that other bodies, unspecified, will co-operate with the Health Protection Agency. The argument about a list of such bodies is secondary. We need some idea of the manner in which the co-operation is to be carried out, by whom and in what structure.

Dr. Lewis: My hon. Friend is absolutely right. In particular, we need to know the chain of command. What does the co-operation involve? Let us suppose that the Health Protection Agency decides that certain steps must be taken instantly in the case of a quick-

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acting chemical attack, a slow-acting biological attack or a very slow-acting radiological attack. Let us suppose that the Health Protection Agency comes up with the idea, "We'll need troops to do this and emergency services for that", but the troops and emergency services say, "That's all well and good but we haven't got the forces available", or "We've worked out rather different ways to tackle the problems." It sounds as if the people who will be theorising and conducting the surveillance—the people who are affected by the Bill—are not properly connected to those who will have to do the real work on the ground in such dire circumstances.

David Taylor: To set the hon. Gentleman's point in context, the right hon. Member for Hitchin and Harpenden (Mr. Lilley) rightly focused on MRSA conditions and the worsening of that problem. All the increases in morbidity and mortality associated with MRSA pale into insignificance when compared with that linked to obesity and smoking—passive or otherwise. So, on the one hand, we have the over-zealous nanny state, and on the other we are told that the Government are washing their hands of responsibility for MRSA—pun intended.

Dr. Lewis *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Before the hon. Gentleman is tempted too far down that line, he might recognise—as I hope will the hon. Member for North-West Leicestershire (David Taylor)—that that point is taking us a little far away from the subject of the Bill.

Dr. Lewis: I do, Mr. Deputy Speaker. With your indulgence, I shall respond with a single sentence. There is all the difference in the world between people who choose to overeat or to smoke and people who go into hospital because they are ill and who then fall victim to a hospital-acquired infection, without having exercised any choice.

In line with your stricture, Mr. Deputy Speaker, I return to the Bill. I am concerned about the lack of clarity about connections between those who will be governed by the operation of the new agency and of the legislation and the emergency services, the armed forces and the civil contingencies reaction force. I was impressed by the point made by my right hon. Friend the Member for Hitchin and Harpenden, who referred to clause 4(2), which states:

> "The Agency may do anything which it thinks is—
>
> (a) appropriate for facilitating, or
>
> (b) incidental or conducive to,
>
> the exercise of its functions."

What does that mean—the agency may do anything? Ought implies can, according to the basic moral philosophy lectures that I recall from all too many years ago, but we do not know what the agency's powers will be. I suppose it means that, provided that the agency has the power to do certain things, it will have the discretion to do them—but in what areas will it be able to exercise its authority? We do not even know whether the agency will have the power to require the emergency services, the armed forces or the reserve civil contingency forces to co-operate with its schemes. The subsection means both everything and nothing. It is all rather mystifying.

Having touched on the information that the organisation may issue, the relationships that it might have, and the command structure that it needs but that is not clearly set out in the Bill, I am concerned that we are being asked to sign a blank cheque. If the Bill was about the ordinary business of life, we could say, well, sometimes we just have to leave discretion to people in high places to use their judgment as best they may; but the Bill deals with exceptional and grave situations. Whenever an attack occurs, be it a conventional military attack or an unconventional terrorist attack, the odds are that it will not have been predicted. All history indicates that that will be the case. We therefore have to work on the assumption that something will happen at some stage, and that when it happens it will be unexpected. For that reason, we need to have confidence that the structures are in place to mitigate the impact of such an attack when it occurs—it will be too late to plan when the attack is under way.

We are being asked to sign up to a template with few features, a plan with few details, a strategy with few conditions or explanations attached. As the Bill progresses, we will need a great deal more reassurance from the Government that they know what they are doing and that the agency will be something more than a purely bureaucratic and administrative reshuffling of the deckchairs on the deck of the Titanic.

7.24 pm

Mr. Mark Francois (Rayleigh) (Con): It is, as ever, a pleasure to follow my hon. Friend the Member for New Forest, East (Dr. Lewis), who speaks with great authority, especially in relation to homeland security and defence. I cannot outdo his great knowledge of the subject, which was evident in his speech, but I should like to make a brief contribution from a certain perspective. I served in the Territorial Army for some seven years during the cold war. Part of my role was to serve as what was then called a nuclear, biological and chemical, or NBC, instructor. It was my job to train those in my unit to prepare for an attack using such weapons. The nomenclature has changed: in the 21st century, we speak of chemical, biological, radiological or nuclear—CBRN. The acronym has changed but the principles remain the same, and although I might be slightly rusty, points from the training that I did are relevant to the debate and, in particular, to the homeland security aspects of the Bill.

Like other hon. Members, I am concerned about clause 5, which relates to co-operation. It is a brief clause, which lacks detail. Subsection (1) states:

> "In the exercise of its functions the Agency must co-operate with other bodies which exercise functions relating to health or any other matter in relation to which the Agency also exercises functions."

That is extremely loose wording. In parallel legislation, the Civil Contingencies Bill lays out in detail the responsibilities of the various agencies that would be involved were such a nightmarish scenario ever to transpire in the United Kingdom. Part of the feedback from the emergency planning community is that hitherto—under Governments of different colours; my

point is not partisan—the arrangements for dealing with such threats have been unclear. During the cold war and while we were threatened by attack from the Soviet Union, clear arrangements were in place governing what people should do in the event of such an attack. However, in the 1990s, those arrangements were run down to save money. The incoming Labour Government continued that process of running down, to the point where who would do what in a crisis became very unclear. All experience shows that in situations in which, for obvious reasons but particularly given the type of media that we have today, the civilian population might panic, it is vital that when time is short and people are under tremendous pressure, those with responsibility know precisely who has to do to what. Unfortunately, the Bill does little to help in that respect.

Let me illustrate my point. Five or six weeks ago, a chilling "Panorama" programme envisaged a co-ordinated terrorist attack on London, with several bombs placed at major stations on the underground, going off in swift succession during the morning rush hour, followed later in the morning by the explosion in the financial district of the City of London of a chemical tanker containing chlorine. Experts were invited to work through how they, sitting as a Cabinet Committee or its advisers, would respond to the attack. One of the participants pointed out that, whereas in the 1980s, every household had a "Protect and Survive" booklet to tell them what to do in the event of an attack, no such guidance is currently issued. People are advised to stay indoors and to turn on their radio, but families do not have information to hand that they can study and use to prepare themselves. I admit that not everyone would want to discuss such a gruesome subject over Sunday lunch, but if people had such material at home, they could read it. I wonder whether the Health Protection Agency could have a role in providing such information—in giving people non-alarmist, factual guidance on what to do in the event of an attack.

Dr. Murrison: One particular problem is the distribution of iodine in naval ports, where a great deal of confusion has grabbed the headlines. Does my hon. Friend agree that in such cases the HPA could make an early intervention to clarify the position for people living in the area?

Mr. Francois: That practical point helps to amplify the argument that I am seeking to make. We cannot afford grey areas in such cases, and we must be clear about who is responsible and what they are responsible for. The HPA may play a role in clearing up those anomalies, providing a valuable service for the public, who need non-alarmist, clear, simple advice about what to do in terrible situations.

Before concluding, I should like briefly to amplify the point about liaison that I made in an intervention. Evidence from unfortunate events around the world, including the sarin attack on the Tokyo underground network, show that it is critical to identify the agent used as early as possible. In the event, it was a non-persistent nerve agent, which can cause death, but dissipates relatively quickly. It is important in such scenarios that experts reach the scene urgently, analyse exactly what the agent is and report that information to a higher command so that appropriate counter-measures can be deployed in what emergency planning specialists call "the golden hour". The resources available in that first hour can have an exponential effect on the number of lives saved, so I suggest that there is merit in having liaison officers from the HPA attached to police units, fire and rescue service units—in many cases they would be the first to respond to such incidents—the regular Army battalion trained for a CBRN role, and the regional civil contingency reaction forces, comprising regular, but mainly Territorial, reservists deployed around the country, who would seek to respond within a matter of hours.

HPA specialists should be attached in peacetime to those units, exercise with them and get to know their senior commanders so that if the grisly day ever came and we had to conduct such an exercise for real—please God that we never do, but we cannot discount the possibility—they would be embedded in those units, and could liaise with them, with the result that everyone would be likely to respond much more quickly and efficiently. The HPA would learn quickly exactly which agents were used, helping it to plan countermeasures that might subsequently save a large number of innocent lives. I hope that the Under-Secretary of State for Health, the hon. Member for South Thanet (Dr. Ladyman), is prepared to consider that practical suggestion.

This is an important subject, and it is worrying that the Bill is vague about it. The Bill will go into Committee next week, and I hope that in our detailed scrutiny of it we can examine those questions in greater depth. In a non-partisan way, we put the Minister on notice that we intend to raise the matter. We would like him to do some homework and liaise with other Departments so that in Committee he can provide us and the people whom we represent with adequate reassurances.

7.33 pm

Dr. Andrew Murrison (Westbury) (Con): We have had a good debate, although I am a little disappointed. I arrived thinking that I would learn how the Health Protection Agency would help us to provide better public health for the population. Our constituents clearly want such provision, but there have been serious shortcomings over the past few years. However, at the close of our debate, I am none the wiser.

We want to know, as a number of Members have said, precisely how the HPA, under its new constitution, will make a difference to public health. We have been gravely disappointed, as has been said in our debate, by the Government's record on a number of issues. We accept, of course, that the reconstitution of the agency is a step in the right direction, and accept entirely the Government's good intentions. However, in Committee we need to know chapter and verse why they think that the new agency will help.

As with any Government intervention, it is not beyond the realms of possibility that it may do some harm. The National Radiological Protection Board is concerned about that, and a few red flags have been raised in our debate, particularly by Conservative Members. The NRPB is intimately involved in plans to deal with disasters involving nuclear plants, and I share its concern that it is possible that some of its expertise and esprit de corps will be watered down in the new

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arrangements. I am not saying for a moment that that will happen, but we have to be alive to the possibility that it might. We should not assume that those changes are necessarily all for the good, although I accept on balance that most of them are. I hope that in Committee Ministers can give us examples of the way in which public health will improve as a result of the changes that they envisage.

I do not intend to rehearse the public health issues that are to the fore and where things have not been done terribly well. They are a matter of public record, and hon. Members have mentioned tuberculosis, sexually transmitted disease, teenage pregnancy, and—a minor issue, but an important one for those affected—the debacle over disposable instruments for tonsillectomy. In its new guise, the HPA may wish to look at that ongoing issue, as I have found it difficult to get any agency to assume responsibility for the problem. Other recent issues that we have heard about include MRSA and the scandal of hospital-acquired infections.

"Getting Ahead of the Curve" says that the agency was initially to be called the national infection control and health protection agency. Of course, we do not want to be long-winded, but it would be interesting to know the thinking behind the deletion of the first part of that descriptor and whether it has any significance other than a laudable desire to be brief. We have rightly heard a great deal about the need for cross-cutting, interdepartmental solutions. We remain confused about exactly how the HPA will work. Will its role be advisory or investigative? Will it conduct surveillance, or will it have to do the job of protecting public health itself? I suspect that the latter does not apply, because to get the job done it would need the co-operation of a large number of agencies. Who will have responsibility for turning recommendations into action, and how will that work? I wonder, perhaps mischievously, whether the Minister has examined the Public Health Act 1848, which established the General Board of Health. That model was recently dug up and commended by the Nuffield Trust as a way of getting to grips with public health. The board took charge of public health and achieved improvements. It did not just study things, but delivered results. Our constituents want action on the various things that I mentioned, including TB, hospital-acquired infection, MRSA, teenage pregnancy and so on.

I am not entirely certain about the direction that Ministers intend the HPA to take. Will it deal chiefly with crisis events such as the terrorist threats that we face in the 21st century and novel threats arising from infections, or it will be more of an elective body? Under the powers that Ministers might give to it, will the HPA look at factors that affect the health of the population in a more elective way? I am thinking particularly of the challenges of obesity, for example. In what way do Ministers see the HPA developing in the years ahead?

We need to look at public health in the round. We cannot simply consider the HPA in a debate such as this, because everything links together. The hon. Member for Sutton and Cheam (Mr. Burstow) was worried about fragmentation in public health, and he is right to be, although I am a little unclear as to his party's intentions in that regard. My understanding was that the Liberal Democrats were keen to alloy public health to local government, but it is difficult to determine whether he would rusticate parts of public health in that way. How would he avoid the charge of fragmenting the public health function? No doubt that will be explained in due course, but he is right to worry about the possibility of fragmentation.

I must point out, however, that we now have things called clinical networks, which are a far more sophisticated way of linking expertise within health institutions. Perhaps that is a model that needs to be commended. We should not imagine that health professionals act in isolation; clearly they do not. They talk to each other. Indeed, they probably talk to each other far more than they talk to their managers, for example. That is how these things tend to work. So let us not assume that, just because there is not a wiring diagram somewhere, people do not talk to each other. Of course they do.

Ministers need to decide where the public health function should lie. Should it lie at primary care trust level, or is that too low? Is a small PCT serving a population of 100,000 the right place to invest our public health resources? Arguably not. It is arguable that this should be done at a more strategic level. All these matters need to be considered by Ministers if we are to improve public health delivery, because delivery, rather than structures, is the important thing at the end of the day.

I have to mention tuberculosis: we need an action plan for TB. I hope that the Minister will give us a clue—an updated clue, perhaps, because I first asked for one in March—as to where the action plan is. Without one, it is difficult to know what to do with this escalating problem. A number of professionals have written to me about TB; it is clearly a matter that taxes the profession as well as the poor people who are affected by the condition. In a letter published in *The Sunday Times* on 30 May this year, Dr. Peter Davies, a consultant respiratory physician, wrote:

"Dr. Reid is selective in his letter on NHS improvements. In the past decade tuberculosis cases have increased by 40 per cent. across the UK and have doubled in London yet the government has still not published its action plan on tuberculosis and, as a result, no extra resources are available."

That is deeply worrying. This is not for want of asking on our part, and I hope that the Minister will give us an updated idea of when we can get the TB action plan. Presumably, the HPA will be looking out for that plan just as much as we are.

We would also like to know, please, when the action plan on hepatitis C will see the light of day. We have rightly heard a great deal about the disease; in many ways, it is a covert disease, and a condition that many of us know very little about. We need an action plan to address this problem as well.

Several right hon. and hon. Members have mentioned hospital-acquired infections. My right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) made an eloquent exposition on the subject, and I was also interested to hear his thoughts on iatrogenic illnesses—those conditions that people acquire as a result of being treated. He was right to point out that most of us do not want to think about the possibility that our doctors and nurses might actually do us harm. Sadly, though, that is

sometimes the case, and we need to address that issue as a matter of urgency. I hope that the HPA will take an early view on that.

Most of this is not rocket science. We have heard about directors of infection control and a new working group being introduced as the Government's response to this crisis, but really it is to do with basic practices such as hand washing. Thinking back to my time as a medical student and a doctor, I remember wandering round in a white coat that was rarely changed from one month to the next, and I know that I was not unique in that, although I hear the Minister tut-tutting from a sedentary position. I was also probably as guilty as anyone else of wearing a tie which, had it been swabbed microbiologically, would have shown some remarkable results. We have seen a lot of material in the recent published literature about such issues.

Perhaps the HPA will consider advising doctors not to wear ties, or to wear bow ties. Perhaps the more outrageous of them might wish to adopt the wearing of a cravat. The problem of hospital-acquired infection has clearly been identified, and some of the clothes that doctors wear are a possible source. One solution would be to change doctors' habits, yet we have not seen a concerted effort to do that. So we need action on that, and I hope that the HPA will provide at least some of it.

I was interested in hon. Members' descriptions of hand washing. I recently served in Iraq as a regimental medical officer, and I became accustomed to washing my hands all the time using alcohol washes of some kind. My right hon. Friend the Member for Hitchin and Harpenden expressed concern about the risks involved in the repeated use of alcohol rubs, but the modern ones do not cause too much of a problem in that respect, and it becomes second nature to use them. If I can be persuaded constantly to wash my hands in that way, I am sure that most health professionals can. It really is not that difficult. Of course, in Iraq, it is absolutely imperative. There, even more than in this country, hygiene is essential in preventing cross-infection.

Probably the most damning remark that I have heard in this regard came from Professor Hugh Pennington of Aberdeen university, who is on record as saying that he has investigated slaughterhouses that have been cleaner than some hospitals. That is rather graphic, but sometimes graphic is what is needed. If we are to address this problem, perhaps more words like that are needed, and if respected physicians such as Dr. Pennington are making such remarks, we certainly need to listen.

I am uncertain about the remit of the HPA, and I am concerned as to where Ministers might be leading it. Indeed, I think that they might have only a vague idea of where they would like it to go. I am mystified as to whether it will do crisis management, focusing more or less exclusively on infectious disease, or whether it will look at broader health-related problems, such as obesity and smoking. Perhaps the Minister will give us some idea about that when he responds to the debate. If he is unable to do so in the limited time available, perhaps we can flush that information out of him in Committee.

I was interested to hear hon. Members' remarks about the National Radiological Protection Board, and I have written on my notes: "Wax lyrical about the NRPB". Unfortunately, time will not allow me to do that, so I must abbreviate my comments. I was going to wax lyrical about the board because, in a previous incarnation, I worked fairly closely with it and developed a healthy respect for the organisation. It is worried about its access to Ministers. I know that it treasures that access, and feels that direct access to Ministers by a body of that sort is necessary. I hope that the Minister will be able to say that his door will always be open to the director of the NRPB, or whoever heads up the board.

The advice that the NRPB gave in the aftermath of Chernobyl is an example of how well it is regarded internationally, and it would be a great pity if that regard were to be watered down. It would be a particular pity if the ethos of the NRPB were to be diluted in any way, or if its personnel were to find their morale or expertise being degraded as a result of any of these changes.

I am sure the Minister would join me and say that he would want to do nothing that might jeopardise the high reputation that the NRPB rightly enjoys.

I am worried about co-operation with other bodies. Several hon. Members mentioned that today, including my hon. Friend the Member for New Forest, East (Dr. Lewis) and the hon. Members for West Bromwich, West (Mr. Bailey) and for North-West Leicestershire (David Taylor). All of them, in one way or another, touched on concerns that stem from clause 5. The chief problem is that the Bill is vague almost to the point of being meaningless on the interaction of the HPA with other bodies. We do not know which they are or what form the interaction will take. The Bill is also opaque as regards their duty to interact with the HPA.

That is cause for particular concern in the context of civil contingencies. We need clarification of lines of responsibility in the event of the disasters that my hon. Friends the Members for New Forest, East and for Rayleigh (Mr. Francois) mentioned. That is lacking from the Bill, and I hope that in Committee it will be clarified to our satisfaction.

The reference made by my hon. Friend the Member for Rayleigh to liaison with military units is crucial. Again, I have some experience of that. Although there will always be interaction on an individual level—arguably that is the most profitable way in which organisations interact—nevertheless that needs to be formalised. I should have thought that the Bill was exactly the place for that to be set out, but sadly that seems not to be the case.

Clause 7, which deals with the publication of information, exercised noble Lords in another place. We shall have to bring Ministers back to the matter in Committee. The clause uses the rather sinister phrase,

"not in the public interest"

as a reason for non-disclosure of information. That is a worrying turn of phrase. My noble Friend Lord Fowler said that the alarm bells started ringing whenever he heard that kind of language used. Many of us see red when we read it in the Bill. We need to know what will be in the public interest. Ministers should tell us the circumstances they envisage when publication of information will not be in the public interest. Obviously,

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they cannot specify each eventuality, but a description of the sort of situations that would make Ministers consider the publication of information not to be in the public interest would be extremely useful.

It is important that we focus on the national programme for IT in the NHS in the context of information gathering. We heard nothing today about how the national programme for IT in the NHS might fit into the plans laid out in the Bill. We hear stories that the programme is behind schedule. If it is, we clearly have cause for concern. I hope the Minister will tell us that that is not the case. The Prime Minister has said that he thinks an attack on this country by somebody with ill intent is almost inevitable. The HPA will be heavily involved if that occurs. If there is an attack using biological weapons, IT will be essential in providing an early warning. I hope any plans for IT in the NHS will give priority to the HPA.

We have not dealt a great deal with devolution and how it impacts on the Bill. Clause 3 contains plans for the National Radiological Protection Board, which appears to be a UK-wide body under the new arrangements, yet clause 2 dealing with infectious diseases seems to set up barriers between the nations of the United Kingdom. It is not entirely clear why that should be. I intervened on the Minister to try to get an answer to that. Perhaps the Under-Secretary of State for Health, the hon. Member for South Thanet (Dr. Ladyman), will give us some idea why there is that difference between clauses 2 and 3. The hon. Member for Erewash (Liz Blackman) mentioned the HPA in the context of devolution. My memory is a little hazy about the exact point that she was trying to make, but no doubt she would appreciate an answer as well.

I am slightly concerned about the cost of the HPA, who will pay and where the money will come from. That is dealt with briefly in paragraph 19 of schedule 1, where we learn that the devolved Parliament and Assemblies will contribute, or chip in, at a level that they will determine. That is confusing, especially as regards giving the HPA tasks that it considers appropriate and which are agreed with the Secretary of State in England. I am worried about the devolved bodies chipping in, as that is not prescriptive. I am also worried about the projections for future earnings by the HPA, which will earn quite a lot of money, particularly as the Centre for Applied Microbiology and Research develops its virus facility in Porton Down.

We need to know how much money the HPA will be operating with. There appear to be two unknowns: first, how much the devolved Assemblies will contribute, and secondly, how much will be earned by the HPA from outside bodies. It is important, because we need to know from year to year how much the HPA will have. We also need to be reassured that there will not be a ratcheting effect, whereby the more the HPA earns, the less the Government are prepared to commit on a yearly basis to its important work. We all know, especially in view of the kind of work that the HPA will be doing, that outside earnings can be unpredictable. The agency needs to be able to predict fairly closely how much money it will have for its functions.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): My hon. Friend has read the Bill carefully and will know that paragraph 20 of schedule 1 states that the devolved authorities may make loans to the agency—that is, the HPA. Sub-paragraph (3) goes on to say:

"A loan may be made on such terms (including terms as to repayment and interest) as the person making the loan decides."

Would my hon. Friend like to take out a loan from his bank manager on those terms, without any negotiations taking place?

Dr. Murrison: I am grateful to my hon. Friend. I would certainly like to take out a loan from my bank manager if I were able to dictate the terms. That ties in with the issue of the devolved Assemblies deciding what they will contribute to the budget of the HPA. That needs to be more clearly laid out.

We have had a far-ranging debate, Mr. Deputy Speaker, and you have been extremely patient in allowing a broad debate on public health issues. It is a shame that in her remarks the Minister did not touch on the public health concerns of our constituents. I hope that the Minister might deal with subjects such as tuberculosis, hospital-acquired infection, teenage pregnancy and chlamydia. We want to know not just about the structure of delivery of public health, but precisely how Ministers plan to address the important public health issues that face us.

7.58 pm

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): I join the hon. Member for Westbury (Dr. Murrison) in his paean of praise for the National Radiological Protection Board. In a previous incarnation I, too, worked closely with the NRPB. I worked in the building next door. When the building that the NRPB occupied was used for filming an episode of "Dr. Who", it was one of the few occasions that I can recollect when one could see a cyber man eating his sandwiches on the lawn in the sunshine. The standard of science in the NRPB was always of the highest quality, and I congratulate the board on the work it has done in the past.

As the Under-Secretary of State for Health, my hon. Friend the Member for Welwyn Hatfield (Miss Johnson) said when she opened today's debate, the establishment of the HPA was first proposed in "Getting Ahead of the Curve", the chief medical officer's strategy for infectious disease and other aspects of health protection. She also explained why it was decided to create the agency through a two-stage process, and that the Bill is the second stage of that process.

The HPA special health authority came into existence on 1 April 2003, and the Bill will complete that process by establishing the agency in UK-wide legislation as a non-departmental public body and by giving it the full range of functions that were envisaged for it in "Getting Ahead of the Curve", which highlighted the diversity and constantly changing nature of the threats to public health that we face.

The rationale for creating the agency was the recognition that the existing structure for health protection in this country needed strengthening in order to manage those threats. In particular, the specialist support for health protection on which the NHS and local authorities rely was fragmented among a number of different bodies and individuals. Those included the

Public Health Laboratory Service, the national focus for chemical incidents, regional service providers, the National Radiological Protection Board, the Centre for Applied Microbiology and Research, as well as local consultants in communicable disease control and regional health emergency planning advisers.

That fragmentation was a concern, and the Government concluded that the delivery of health protection services at both local and national levels could be improved by combining the functions of those bodies and individuals in a single organisation. That will allow the agency to function as a one-stop shop, capable of providing the expertise for dealing with any scenario. It should also enable a greater degree of cross-fertilisation of good ideas and good practice between the different fields of health protection.

As the Under-Secretary of State for Health, my hon. Friend the Member for Welwyn Hatfield and I have already said, the agency was first created as a special health authority and already provides the UK Government with stronger and more integrated arrangements for health protection. The HPA has also strengthened our ability to respond to threats from chemical and biological terrorism. In particular, it has co-ordinated a number of training exercises and has recently issued a set of clinical action cards for GPs that contain advice on identifying and treating victims of chemical or biological attack.

I shall deal with some of the points raised by hon. Members in the debate. The hon. Member for South Cambridgeshire (Mr. Lansley) was somewhat churlish in his comments about the Government's review of arm's length bodies. He might have mentioned that one of that review's objectives is to save £500 million by 2007–08, but that seemed to slip his memory.

My hon. Friend the Member for Erewash (Liz Blackman) pointed out that the agency will have the scope to raise standards. It will have the powers and the independence to publish what it likes, when it likes. *[Interruption.]* I realise that the hon. Member for South Cambridgeshire spoke for a very long time, but he did not say an awful lot that is worth responding to, although I shall return to one or two of his points.

My hon. Friend the Member for Erewash asked about the types of bodies that must co-operate under the Bill. It would not be practical to list all such bodies in the Bill, but we do not envisage that they will find it difficult to recognise themselves. Such bodies will include NHS bodies, local health authorities, the national public health service for Wales, the Scottish centre for infection and environmental health and international bodies such as the World Health Organisation. We regard co-operation between such bodies as essential.

Dr. Murrison: Will the Minister give way?

Dr. Ladyman: No. The hon. Gentleman spoke for a very long time. Although well-paid hon. Members are present tonight, I am sure that less well-paid members of Palace staff want to get away to do other things this evening, and we should have shown them a little more respect.

The hon. Member for Sutton and Cheam (Mr. Burstow) pointed out that the Bill should be about more than administration. Creating the agency is about more than administration, and its work will be much more important than just administration. However, the Bill itself is about the creation of a new body and the relevant structures; it is not about the public health agenda in its wider aspects. The Bill is a Bill; it is not an action plan or the public health plan that Conservative Members have gone on about all day. It is only the generosity of the Deputy Speakers during the day that has allowed them to wax lyrical on many pet subjects, some of which are important, but are not necessarily pertinent to the Bill.

My hon. Friend the Member for West Bromwich, West (Mr. Bailey) rightly pointed out that the agency will have a strategic planning role for national health. He pointed out that by its nature the NHS is reactive, and that the HPA can have a proactive role. He also highlighted the important principle of partnership working.

The right hon. Member for Hitchin and Harpenden (Mr. Lilley), the hon. Member for South Cambridgeshire and others raised the subject of methicillin-resistant Staphylococcus aureus. The right hon. Member for Hitchin and Harpenden has discussed MRSA on previous occasions. I know that he takes a great deal of interest in that subject, and I congratulate him on that, and on the thoughtful way in which he put his points. However, he also made a lot of party political points, before saying that we should not make party political points and going into the thoughtful section of his speech.

The right hon. Member for Hitchin and Harpenden and the hon. Member for South Cambridgeshire highlighted the success of countries such as the Netherlands and Denmark and asked why they do not have the same problem with MRSA as us. One reason is that those countries did not suffer the misfortune of 18 years of Tory Government, and as a consequence they did not lose the culture that is necessary to ensure cleanliness and action against infection, and the building fabric of their health services did not fail.

Dealing with MRSA is not only a matter of cleanliness, although that is clearly part of the equation. The matter also concerns the built environment and the availability of single rooms. We must create hospitals where such infections can be resisted and a culture of behaviour to prevent the spread of infection. None of those things happen overnight. We have implemented measures on all of them, and I am confident that we will see great improvements in the control of MRSA as a consequence of those changes.

My hon. Friend the Member for North-West Leicestershire (David Taylor) raised a constituency case. I encourage him to write to me with more details and I shall ensure that it is examined. He asked whether the Environment Agency was a health and safety body under the Bill. The answer is no. Health and safety bodies under the Bill are defined in clause 3(7). My hon. Friend also asked whether the agency could co-operate with the Environment Agency under clause 5 and the answer to that is yes. We shall look into the matter that he raised.

The hon. Members for New Forest, East (Dr. Lewis) and for Rayleigh (Mr. Francois) raised defence issues that are important and fascinating but, for the most part, frankly irrelevant to today's debate.

[Dr. Ladyman]

We live in a dangerous world where we are at war with terrorists. That war has gone on for many years and will continue for many years. Tragically, in this country, we know the consequences of terrorist attacks and we can expect terrorists to try—and they may succeed—to acquire biological, chemical and radiological weapons in the future. That is why it is essential to have a health protection agency that is capable of building up a body of expertise and helping us to manage the potential threats.

We hope that such attacks will never come to pass—we must hope for the best and prepare for the worst. That is what the agency will do. We should not forget that mother nature can bowl the odd googly, as we have seen with recent outbreaks of SARS and the tragedy of HIV. We need an agency that is capable of focusing expertise and giving us genuine independent advice. The Bill creates exactly that in the new Health Protection Agency. I commend it to the House.

Question put and agreed to.

Bill accordingly read a Second time.

HEALTH PROTECTION AGENCY BILL *[LORDS]* (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003],

That the following provisions shall apply to the Health Protection Agency Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 1st July 2004.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Sessional Order B (programming committees) made on 28th June 2001 shall not apply to proceedings on consideration and Third Reading.

Programming of other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further message from the Lords) may be programmed.—[*Mr. Ainger.*]

The House divided: Ayes 230, Noes 36.

Division No. 198] **[8:09 pm**

AYES

Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Beith, rh A. J.
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Bradley, Peter *(The Wrekin)*
Brennan, Kevin
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Burstow, Paul
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, rh Sir Menzies *(NE Fife)*
Casale, Roger
Challen, Colin
Chidgey, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Darling, rh Alistair
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dismore, Andrew
Donohoe, Brian H.
Doughty, Sue
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Gapes, Mike *(Ilford S)*
Gardiner, Barry
Gerrard, Neil
Gilroy, Linda
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Hendrick, Mark
Hesford, Stephen
Heyes, David
Hinchliffe, David
Hodge, Margaret
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Iranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Keeble, Ms Sally
Kemp, Fraser
Khabra, Piara S.
Kidney, David
Killoyle, Peter
King, Ms Oona *(Bethnal Green & Bow)*
Kirkwood, Sir Archy
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
Lucas, Ian *(Wrexham)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
McDonnell, John
McIsaac, Shona
McKenna, Rosemary
Mackinlay, Andrew
McNulty, Tony
Macteggart, Fiona
McWalter, Tony
Malliaber, Judy
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Merron, Gillian
Michael, rh Alun
Miliband, David
Miller, Andrew
Moffat, Laura
Mole, Chris
Moore, Michael
Moran, Margaret
Mountford, Kali
Munn, Ms Meg
Murphy, Jim *(Eastwood)*

Naysmith, Dr. Doug
O'Brien, Bill *(Normanton)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Diana
Osborne, Sandra *(Ayr)*
Palmer, Dr. Nick
Perham, Linda
Pickthall, Colin
Plaskitt, James
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purnell, James
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Rooney, Terry
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Ryan, Joan *(Enfield N)*
Salmond, Alex
Salter, Martin
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Simon, Siôn *(B'ham Erdington)*
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ne & Kincardine)*
Soley, Clive
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Teather, Sarah
Thomas, Gareth *(Clwyd W)*
Todd, Mark *(S Derbyshire)*
Trickett, Jon
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Stephen *(Enfield)*
Tyler, Paul *(N Cornwall)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
White, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Younger-Ross, Richard

Tellers for the Ayes:
Derek Twigg and
Mr. John Heppell

NOES

Bacon, Richard
Bercow, John
Boswell, Tim
Cameron, David
Collins, Tim
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Flight, Howard
Flook, Adrian
Hammond, Philip
Hogg, rh Douglas
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Lewis, Dr. Julian *(New Forest E)*
Lidington, David
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Maclean, rh David
Murrison, Dr. Andrew
O'Brien, Stephen *(Eddisbury)*
Paice, James
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Selous, Andrew
Stanley, rh Sir John
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Sir Teddy
Watkinson, Angela
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*

Tellers for the Noes:
Mr. Mark Francois and
Mr. Geoffrey Clifton-Brown

Question accordingly agreed to.

HEALTH PROTECTION AGENCY BILL *[LORDS] [MONEY]*

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills),

That, for the purposes of any Act resulting from the Health Protection Agency Bill [*Lords*] it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred by the Secretary of State by virtue of the Act;

(b) any increase attributable to the Act in the sums so payable under any other enactment.—*[Mr. Ainger.]*

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

Registration, Evaluation And Authorisation Of Chemicals (REACH)

That this House takes note of European Union Document No.15409/03, draft Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency and amending Directive 1999/45/EC and Regulation (EC) [on Persistent Organic Pollutants]; and draft Directive amending Council Directive 67/548/EEC to adapt it to the proposed Regulation; and supports the Government's objectives of developing a fast, efficient and workable process to test and screen chemicals and tackle those of most concern first, whilst minimising animal testing and maintaining or enhancing the competitiveness of the chemicals industry and downstream users.—*[Mr. Ainger.]*

Question agreed to.

ESTIMATES

Motion made, and Question put forthwith, pursuant to Standing Order No. 145 (Liaison Committee),

That this House agrees with the Report [16th June] of the Liaison Committee.—*[Mr. Ainger.]*

Question agreed to.

SITTINGS OF THE HOUSE

Motion made, and Question put forthwith, pursuant to Standing Order No. 25 (Periodic adjournments),

That this House, at its rising on Thursday 22nd July, do adjourn till Tuesday 7th September 2004.—*[Mr. Ainger.]*

Question agreed to.

DRAFT GAMBLING BILL: REGIONAL CASINOS (JOINT COMMITTEE)

Ordered,

That the Lords message of 16th June relating to a Joint Committee of both Houses to consider and report on the Government's response to recommendations 79, 80, 81, 83, 84 and 85 of the report of the Joint Committee on the Draft Gambling Bill (Cm6253), which focus upon the definition, location and economic and other implications of the largest casinos, and on the further statement of Government policy on casinos published with Cm6253, be now considered.

That this House concurs with the Lords in their Resolution relating to the said Joint Committee.

That a Select Committee of eight honourable Members be appointed to join with the Committee appointed by the Lords for this purpose.

That the Committee shall have power:

(i) to send for persons, papers and records;

(ii) to sit notwithstanding any adjournment of the House;

(iii) to report from time to time;

(iv) to appoint specialist advisers;

(v) to adjourn from place to place within the United Kingdom; and

That the Committee shall report by 22nd July 2004.

That Janet Anderson, Mr Tony Banks, Jeff Ennis, Mr John Greenway, Mr Alan Meale, Mr Richard Page, Dr John Pugh, and Mr Anthony D. Wright be members of the Committee.

And that the Committee do meet with the Committee appointed by the Lords on Wednesday 23rd June at half past Nine o'clock in Committee Room 8.—*[Mr. Ainger.]*

Message to the Lords to acquaint them therewith.

Compulsory Voting

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Ainger.]*

8.22 pm

Huw Irranca-Davies (Ogmore) (Lab): May I say how glad I am to be in the House this evening with my colleagues, particularly following my recent travels? I would have liked to come to the Chamber this evening in the knowledge that fellow Members would hang on my every word. However, as I understand it, there is a game of football on tonight somewhere that colleagues feel an urgent desire to watch. As a Welshman, I am still dismayed that the Welsh team were scandalously deprived of their rightful place in the Euro tournament, but I will not detain the House overlong for fear of reprisals from some of the English fans lurking in these Corridors. I wish the England team good luck tonight.

I do not hold out false hopes this evening of changing Government policy, yet it would be a triumph if I could return to Ogmore to tell my constituents that their MP had effected a sea change in domestic politics and democratic government in the United Kingdom; that the Minister and I had reinvented civic society, fit for the 21st century; and that, together, we had re-established the direct and vital connection between those who govern and the governed. However, that will not happen tonight, unless I am mistaken, nor do I expect it to. I hope for a humbler victory than that. I hope this puts the Minister at ease.

Sometimes, it seems that being a supporter of compulsory voting has something in common with how Columbus would have felt when he returned home from the Americas and tried to persuade doubters that the world was indeed round, or as Galileo felt when arguing that our planet did orbit around the sun, and not the other way round. These were seminal arguments, based on challenging a whole way of thinking—challenging accepted and entrenched ways of thinking. The proponents of those ideas were branded mad, bad and dangerous to know—heretics, fools, blasphemers—but they were right.

The arguments on compulsory voting are no less revolutionary, and also no less valid. Columbus and Galileo argued that our understanding of the physical and celestial universe was wrong-headed. I, a number of Back Benchers and a growing number of Government revolutionaries argue that our understanding of the political universe is simply wrong-headed. With the former, considering even the scale of the misunderstanding of the earth or the universe, there would be no real danger of falling off the edge of the planet, or of the earth catapulting into the path of the sun, even if the fools had failed to persuade the wise men of the time. With the latter—with democracy—the dangers of misunderstanding our political universe are alarming as we look at declining turnout and despair.

All that I ask this evening—all that I hope for—is that the Minister opens his mind to the unthinkable and listens to the voice of those blasphemers on these Benches. We should not say, "We can't do that." At the risk of making a very tenuous link, I draw attention

to another "Kant"—the philosopher—who said, quite wisely, "You cannot stop an idea whose time has come."

Mark Tami (Alyn and Deeside) (Lab): I agree with everything my hon. Friend has said so far. Does he agree that during the last elections many people applauded the turnout, which averaged about 45 per cent., as though it were some great achievement? However, 55 per cent. of people did not take part in those elections. Is that not an important point? We cannot consider the last elections as in some way totally changing a problem that has been ongoing for a number of years.

Huw Irranca-Davies: Indeed, and I applaud my hon. Friend for his commitment to this cause of the blasphemers and heretics. He is certainly right. I strongly support the Government in what are quite splendid moves to increase turnout and I urge people not go to with those who have cast doubt on the experiments with, for example, postal voting. Despite problems with it, it has increased turnout. However, applauding the fact that less than one person out of every two turned out to vote is indeed testament to the scandal going on in our democracy.

The time has come to talk of compelling people to vote, but in the nicest possible way. We often and too easily talk of the right to vote, which we regard as a sacred part of this country's hard-earned democratic tradition. In various Reform Acts, we have rolled out the principle of suffrage and extended the right to vote so that it is no longer the exclusive preserve of the ruling classes. It has been extended to property owners, working men over 21, progressively to women and to all those over 18. Now we even talk about extending the right to vote to those who are 16 years and more.

Universal suffrage has been hard won over the centuries on democratic battlefields. Also, however, our commitment to preserving that right by destroying the threat of tyranny abroad has been shown on real battlefields and paid for with real lives. Indeed, we have recently paid tribute to those who participated in the D-day landings and did just that. The right to vote we all agree is sacrosanct, but what about the duty to vote, to engage and to give meaning to that which has been so hard won.

The right of universal suffrage is as nothing unless those rights are exercised. Democracy is only a word unless it is made real by the very act of voting.

When our predecessors deliberated over Reform Acts in this Chamber and in the other place, did they envisage, as my hon. Friend the Member for Alyn and Deeside (Mark Tami) has pointed out, that we would be celebrating a turnout of 45 per cent. in recent elections, or extolling the fact that less than one in two people have exercised their right to vote? Did they envisage that as we sought to hand power to all those who were entitled to vote, they would, in effect, hand it back to us, and that as we sought to progress from this country being governed and elected by a ruling minority class, a new ruling class would emerge, elected by a new self-selecting minority of the population?

Mark Tami: Does my hon. Friend also agree that there is a crucial point in relation to those registered to vote? A very large group of people are not even registered to vote, and cannot even get involved in the political process. We have all seen gaps on registers—we know that there are people there, but they are not on the register. Is it not strange that we are required to register, but we seem to do nothing about it if people do not, yet we are not required to vote?

Huw Irranca-Davies: My hon. Friend is absolutely right, and I know that the Minister has paid great attention to this issue. The greatest technical challenge to compulsory voting is that the integrity of our electoral registers can be questioned so severely. Before we move to compulsory voting, it is a great challenge to make sure that everybody is on the register, and that registers are accurately recorded and up to date.

Increasingly, there is a pattern whereby fewer people vote at a variety of elections, at all levels, which means that we are rolling back universal suffrage by stealth, or at least accepting the de facto rolling back of that suffrage. People who were once excluded from voting, and from taking part in the governance of their community, their council and their country, by class, age or sex, are now excluded because of new factors, not one of which relates to apathy. People want to vote—I know that—but we must equip them with the tools to do so: understanding of the importance of democratic engagements and of politics; reducing the fear of voting; making the process easier; showing people that politics really matters and not being afraid in the House or elsewhere to say that it matters; and working in schools with new generations of voters to increase the probability of their engagement. I applaud the Government for their excellent work on all those issues. The Government have been serious about turning round voter engagement. The recent election's increase in turnout is testament to this innovative work.

In taking a technocratic approach to increasing turnout, however, we are missing the fundamental point. We are missing Galileo's moment of madness and genius—the point is not the right to vote but the duty. What makes a democracy work is not the word but the action.

Let me put it in terms of the flat-earthers who doubted Columbus. As with those maps of the 14th and 15th century, we are advancing our skills of cartography, and painting ever more elaborate images of beasts that inhabit the oceans at the edge of the world, but in doing so we are failing to see that just beyond the horizon are whole new continents. The prize is great—full electoral engagement. That is a fine aspiration, and it is an even finer one for the Government who aim for full employment.

Having expounded the politico-philosophical basis for compulsory voting, let me tackle some of the myths that are often lined up as objections, so that the Minister and I can go home tonight with the feeling of a job well done. The first mythical beast is this: people must have the right to deny their vote to any and every candidate. That is because people think one of the following: "They are all the same anyway", "They are corrupt, venal and self-serving", "We never see them at elections", "I don't even want to see them at elections or at any other time", "Politics does not affect me, and I keep myself to myself", or "Any combination of the above or even more." How do we slay this mythical beast that says,

[Huw Irranca-Davies]

"They are all a waste of space." It is quite straightforward. We put a box on the ballot paper, which says, "None of the above." Not voting, and not taking part, does not send the same message at all.

In imitation of my previous point, not voting, like 55 per cent. of the population, could mean any of the following: "I've genuinely studied the candidates and the parties and none of them is worth my vote", "I don't know how to vote and I'd be scared of making a fool of myself", "I've never learnt enough about politics and democracy to understand what a difference a vote can make", "I disagree so much with the Government's policy on this and that that I cannot bring myself to vote for the progressive policies", or "There was a match on television, and I couldn't be bothered."

Therefore, what message does the absence of a vote send? It is a mixed one.

It cannot be taken lightly, but it is often completely misunderstood. It is always better to vote, and even to put a cross in a box that says, "None of the above." The Minister knows that in the countries where that is done, they do not have six out of 10 people putting a cross against the box saying, "None of the above". The figure is not five, four, three or two out of 10. On average, the evidence shows that one in 20 or one in 25 will do so.

Why? Because the act of compelling people to vote adds meaning to the whole process. It is taken seriously; politics is taken seriously; and democracy is taken seriously.

Suddenly, the differences between the parties and the candidates emerge as each voter realises the power of their vote. They can no longer opt out. They have the power to put bread in the mouth of a child in Africa by supporting a party with progressive policies on debt relief and fair trade. They have the power, if misused, to put in place a Government who will tolerate tyrants, or give succour to monsters. They have the power to give winter fuel payments, so no pensioner should die of cold in winter, or the power to take them away. They have the power to put people into work or into poverty.

The power of democracy is made real only by the act of voting. It is no longer a paper exercise carried out by "other people" while someone sits at home and pours scorn on the lot of them. Suddenly, every voter has real power, can make or break Governments, can help or harm their neighbour. That is why, when forced to vote in other countries, so few people will choose to abuse that duty by ticking, "None of the above". They treat their duty to vote with due gravity and intelligence, whereas, in this country, we treat our right to vote carelessly, not realising that, as we do so, we betray ourselves and our neighbours in this country and in the next. In effect, we walk on by on the other side.

In response to a debate secured by my hon. Friend the Member for Alyn and Deeside, the Under-Secretary of State for Constitutional Affairs, my hon. Friend the Member for Shipley (Mr. Leslie), stated:

> "I do not think that compulsory voting would necessarily force everyone to engage with the political process."—[*Official Report*, 24 March 2004; Vol. 419, c. 1034.]

I know that that view is commonly held but I contend that the absolute opposite is true, as is shown in some of the biggest, if you will excuse the phrase, Madam Deputy Speaker, pilot projects of compulsory voting. One could not get bigger pilot projects of compulsory voting than Australia, Greece and Belgium, and there are many others.

Mythical beast number two is that there is no evidence to show that compulsory voting would drive up turnout. What if, on the day of the next election, perhaps a general election, we were to see a total vote throughout the country of 86 per cent. of the electorate, as they do in Luxembourg, where compulsory voting is the norm? Would we cheer? I think we would. Would we throw a party for a vote of, say, 91 per cent., which is achieved in Belgium, another home of compulsory voting? We would do somersaults across the Floor of the House if we achieved a turnout of 95 per cent., as they do in Australia.

Mythical beast number three is that it is all our fault, because we do not speak the language that voters want to hear. Myth number four is that the media are dripping with cynicism and are turning people off voting: yes, yes, yes! We must as parliamentarians try harder to communicate our message to the electorate, and convince them that we are worth voting for. The media must try harder. I argue strongly that it is not my job simply to persuade voters to vote per se, although I have a key role in that. However, it is my job to persuade them to vote Labour. It is the job of Opposition Members to persuade them to vote Conservative or Liberal Democrat. It is not my job to persuade them to vote alone.

Andrew Mackinlay (Thurrock) (Lab): Has my hon. Friend experienced what I think all 659 of us have? A high proportion of the people who come to our surgeries and expect us to work miracles on their behalf have not voted. They are unaware that hon. Members have access to the marked register. We are generous souls, so we are often forgiving. We often work as hard, if not harder, for those folk, but there comes a point when we have to say to them that they are abusing the system. They are often the greatest complainants but the people who give least back in terms of commitment.

Huw Irranca-Davies: My hon. Friend is right. At the recent election, I had many instances of that. In Maesteg, I knocked on a door and a young lady answered with her baby in her arms. She said very politely, "I am not really interested in all this. I keep myself to myself. My family do not get involved with politics." My response was, "Okay, I am not going to persuade you on the door step. You never get involved and that is why we are here this evening, but when the street light has gone out and the council will not fix it, when you have a problem with the drains, or when you disagree with Government policy, come to my surgery on Commercial street and I will help you sort it out."

That is what we are failing to get across to people. We must return to the idea of a duty to vote, so that people understand how important their votes are, and that we represent every man and woman who votes—and all those who do not, as well.

There are many other myths surrounding compulsory voting, all of which can be roundly put to death by the Government's superb commitment to extending the franchise by educational and managerial means, combined with an acceptance that in a democracy such as ours it is not only a right to vote, but a duty.

If the Minister wanted a concluding argument, I would seriously wager with him, for powerful odds, that the majority of those who currently vote would support compulsory voting, because they see the value of a vote, and recognise the difference that their vote will make in so many ways. If the Minister announced a change in Government policy tonight and called a national referendum tomorrow, in a referendum based on the present "turn up if you want" system, the proportion of the electorate who already vote would vote for compulsory voting. I can give him a personal guarantee that he would win the referendum and cast himself as the hero of democracy.

I began by acknowledging that we were unlikely to effect a change in Government policy tonight. However, I ask the Minister at least to recognise that there is growing support for a fuller debate on compulsory voting among Back Benchers, and some Ministers. I, and many others, continue to raise the issue, write articles and make speeches, in the hope that Ministers will recognise that this growing band of men and women, this merry few, have some arguments to deploy. If he recognises that our arguments have some currency, I, and the many colleagues who have sustained such arguments over the years, can return to our lonely apartments tonight with the feeling of a job well done. I thank the Minister and other Members for their indulgence, and I hope for a sympathetic response.

8.41 pm

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): I hope that my hon. Friend the Member for Ogmore (Huw Irranca-Davies) can return to his apartment feeling that this is a job well done—the job of raising this important topic. Although we may feel—indeed I am sure that we will—during the course of my comments that there is some distance between us on the policy, I believe that he has made a thoughtful and detailed contribution on this exceptionally important subject.

There is no doubt—the Government certainly believe it—that participation in our electoral process is a matter of central concern in our democracy. Democracy needs active citizenship if those who are elected are to be able to speak with the authority of the public whom we represent.

However, I am afraid that unsurprisingly, as my hon. Friend suggests, I shall have to disappoint him and say that the Government do not now favour the introduction of compulsory voting. There are obvious attractions to removing any worries about electoral turnout at a stroke, but although I sympathise with the laudable intentions expressed by my hon. Friend, we are not convinced that compulsory voting is the answer, or that its advantages would outweigh some of the possible disadvantages.

Of course it would be legally possible to require people to attend a polling station or to vote in some other way, such as by post. However, there can be no guarantee that they would mark their ballot papers properly, or make a reasonable choice between candidates. Ultimately, voting is a matter for the free will of the elector, and rightly so. Democratic engagement is a right, and perhaps a duty—but in a free society, it should be open to citizens not to take part if they do not wish to do so.

There is also the issue of enforcement. Criminalisation of non-attendance at a polling station would be a very big step to take in British civil society. The immediate reaction to an introduction of compulsory voting here might be that considerable numbers of electors would mark their ballot papers at random, deliberately spoil them, or actively refuse either to vote or to pay any imposed fine for non-attendance. Enforcement would be a mammoth task, perhaps disproportionate to the nature of the offence.

Quite apart from the burden that that could place on the courts and the prison system, such protests could cast doubt on the fairness and validity of elections and the electoral process. What would it say about the mandate if more people spoiled their votes than voted for a candidate?

I hear my hon. Friend's comment that one possible solution would be to have an abstention box added at the bottom of the ballot paper, but I am afraid that there are also problems with the "none of the above" option that he advocates. Democracy is about choosing a direction of travel for society, not about descending into a void of indecision. What if the number of votes in that abstention box were greater than that in any of the others? Would we re-run the election, and how many times could an election be re-run? Would we elect the next best candidate, who obviously had little support? Those questions are not easy to answer, so we remain unconvinced about that idea.

It remains the Government's view that persuasion, in terms of engaging people in the act of voting, is better than coercion. It is difficult to see how, in this day and age, compulsory voting could be practical or enforceable. Nor is it by any means clear that it would be desirable to compel the electorate in that way. By way of analogy, schoolchildren can be forced to read Shakespeare or Dickens, or to go cross-country running, but they certainly cannot be made to enjoy those things. The long-term answer lies in persuading the unconvinced of the merits of those activities, to engage their interest and perhaps even their enthusiasm.

Compulsory voting could not solve the problem that faces us: a lack of engagement in conventional politics. We should not be forcing people to vote but making them want to vote because they see it as good and important. Political parties and politicians from all sides have a key role to play in that. If we engage with voters, inform them, interest them and show them that their views really count, they will turn out and participate.

My hon. Friend rightly raised the experience of other countries, and I understand that the independent Electoral Commission plans to review the literature on the international use of compulsory voting. We will be interested to see the results of that work, but there are a few obvious lessons to be learned from practice elsewhere.

First, compulsory voting is by no means widespread. In South America, three countries—Peru, Uruguay and Chile—have compulsory voting. Of course, Australia has famously had compulsory voting since the 1920s. In addition, three of our European neighbours use compulsory voting: Belgium, Luxembourg and Greece. Most commentators agree that although compulsory voting works well in Australia and regularly produces high turnouts, it would not be possible to introduce it

[Mr. Christopher Leslie]

there now had its people been voting voluntarily. There would be considerable public and political opposition. As for our European colleagues, turnout in Belgium and Luxembourg is, as my hon. Friend said, consistently high at around the 90 per cent. mark, including for the recent European elections. However, in those countries, as in Australia, the population tends to regard it as a civic duty to vote and is willing to be coerced. Conversely, however, in Greece, the recent election turnout was 62.8 per cent., despite compulsory voting, which is hardly a resounding endorsement of that system.

That helps to demonstrate that compulsory voting is possible where the population is willing to be coerced and where enforcement is effective, but the experience in Greece suggests that simply having a law in place is not enough. However, it will be interesting in due course to see the international facts and figures collated and marshalled by the Electoral Commission. I gather that it is due to report on that next spring.

There are other, preferable and better means by which we can raise turnout and encourage participation, such as working with schools, including in the citizenship education component of the national curriculum, to widen awareness of how decisions are made and who takes them. Reforming our electoral mechanisms could also help, for example, registration for those without conventional addresses, postal voting on demand and piloting of innovative voting methods, including all-postal voting.

The recent local and European elections on 10 June were always going to be of concern, given that the turnout in the 1999 European elections was 24 per cent. The Government were keen, therefore, to pilot new voting mechanisms on a wider scale, to test out whether all-postal voting would make an appreciable difference.

Judging by the turnout levels this time—though not, I admit, reaching the 90 per cent. mark—it is clear that the policy choices that we made did contribute to a substantially higher turnout than before, doubling that which occurred in the four pilot regions from the 1999 European elections and increasing turnout substantially, albeit to a lesser degree, in the non-pilot regions. It was a deliberate policy choice to combine the local and the European elections on the same day. While that did bring with it accusations of complexity from some quarters, in fact, it is clear that voters preferred to exercise their vote on the one occasion, rather than on separate occasions. They found it easier and more convenient, and it is clear that there are lessons there for the future.

The all-postal voting pilots are, of course, subject to a full evaluation by the Electoral Commission, and the Government will also be studying the lessons learned there too. But for the turnout levels to have more than doubled in the pilot regions compared with the 1999 European elections, does prove that these were worthwhile trials, and puts paid to many of those who said that the public would not engage with postal voting.

In my view, we must continue to focus on engagement, on making people want to vote, and on making it easy for them to vote. Turnout is not just about attendance at a polling station: political disengagement is the deeper problem, and failure to turn up to vote is merely a symptom of it. Nevertheless, we should not be too disheartened. It is surely encouraging that turnout on 10 June indicated that if sufficient information is available to help electors consider relevant issues and if voting is made easier for them—for example, by combination or postal voting—people will be more likely to vote. The recent elections are an indication that there may be other solutions available to raise participation levels, and the Government believe that we should continue to test those out. In the meantime, I pay tribute to my hon. Friend for securing yet another opportunity to debate his preferred alternative.

Question put and agreed to.

Adjourned accordingly at nine minutes to Nine o'clock.

House of Commons

Tuesday 22 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BICHARD INQUIRY REPORT

Resolved,

That an Humble Address be presented to Her Majesty, That she will be graciously pleased to give directions that there be laid before this House a Return of the Report on child protection procedures in Humberside Police and Cambridgeshire Constabulary, particularly the effectiveness of relevant intelligence-based record keeping, vetting practices since 1995 and information sharing with other agencies.—*[Ms Blears.]*

Oral Answers to Questions

TRANSPORT

The Secretary of State was asked—

Translink Busway (Dunstable/Luton)

1. **Andrew Selous** (South-West Bedfordshire) (Con): If he will make a statement on the Translink guided busway proposed between Dunstable and Luton. [179609]

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): Translink was given provisional approval for funding of up to £78.39 million in the 2004–05 local transport settlement, subject to statutory powers and planning approval being obtained. The scheme is now the subject of an application to the Secretary of State for approval under the Transport and Works Act 1992. It would not be appropriate therefore for me to comment on its merits, as doing so could prejudice our consideration of the application.

Andrew Selous: Yet again, the wishes of the people of south Bedfordshire, as expressed in every survey of public opinion undertaken, and the wishes of all their county and district councillors, irrespective of party, are being ignored. They resent having an unwanted, expensive and bad value for money scheme imposed on them. Will the Minister please, even at this late stage, agree to put on hold the plans for Translink until a full and proper evaluation is undertaken into an alternative light rail scheme with feeder bus services, which would save the Government about £70 million and win them the undying affection of the people of south Bedfordshire?

Mr. McNulty: The hon. Gentleman will know that I am not able to put a hold on a process that has started to unfold under the Transport and Works Act 1992, but I can assure him that heavy rail and light rail alternatives to Translink were thoroughly assessed by the Department. Patronage for such projects was shown to be insufficient, and the alternatives did not offer value for money, despite some of the projects included. If he is serious about heavy rail or light rail alternatives, he might have a word with his right hon. Friend the Member for West Dorset (Mr. Letwin) and explain to him what public expenditure means.

Mr. Kelvin Hopkins (Luton, North) (Lab): My constituency could be served by Translink, but, unfortunately, only really effectively if it is a guided busway because bus services offer flexibility. However, does my hon. Friend not agree that the whole scheme could be expanded to cover much longer distances and a much wider area, especially when housing between Luton and Milton Keynes is developed in future years? Will he continue his strong support for the Translink busway scheme, which we strongly support in Luton?

Mr. McNulty: I thank my hon. Friend for those comments. All I can say at this stage is that we will wait and see how the process under the Transport and Works Act develops for the Translink project, but I am sure that the Department will entertain any subsequent well-founded applications and treat them in the appropriate manner.

Travel Facilities (Disabled Access)

2. **Mr. Peter Pike** (Burnley) (Lab): What steps his Department is taking to ensure that better facilities for the disabled are provided on the (a) rail network and (b) underground systems. [179610]

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): Since 1999, we have required all new trains to be fully accessible. We have worked with industry and issued guidance on improving access to stations, as part of the implementation of the Disability Discrimination Act 1995. In addition, London Underground has a key network strategy to make more of its key stations accessible.

Mr. Pike: My hon. Friend will know that very few stations on the new underground map are marked as having disabled access. He will also know that travelling on the underground is a nightmare for many people who have disabilities. Even if they know that they can go to a station where they can get to the platform, they do not necessarily know whether the train will be at the right level to get on. Very often, they do not know what will await them at the other end of their journey. That is not acceptable for disabled people in 2004. When will the Government do more to ensure that we really meet the requirements of disabled people?

Mr. McNulty: I take the point that my hon. Friend makes. He will know that 40 underground stations are currently accessible without stairs or escalators. Given the peculiar difficulties associated with the age and infrastructure of much of London's underground,

Transport for London has developed a key network strategy to make about 100 stations accessible to disabled people. Stations outside that key network will be connected to it by fully accessible bus services. That is all fine and proper, but greater awareness and publicity is still needed when that network is in place to allow people to know not just where they can start their journeys, but where they can finish them with the same accessibility, as my hon. Friend suggests.

Mr. Archie Norman (Tunbridge Wells) (Con): The Minister may know that the Minister of State wrote to me on exactly this issue last month. I am grateful to him for his letter, which was constructive. Does the Minister agree that the Department's current position is that there will be some money, sometime—we do not know how much and we do not know when—to make railway stations disabled friendly? Will he give the House some idea whether there is any target for improving railway stations in that respect in the next few years and, if so, when that is likely to be delivered? What is the earliest possible date on which a very busy station, such as Tunbridge Wells in my constituency, can be made disabled friendly?

Mr. McNulty: I shall look into the specifics of Tunbridge Wells in more detail and get back to the hon. Gentleman. He will know, perhaps far more than others given his background in finance, that I am unlikely to make any commitment on a specific budget line for the overall rail budget when we are some weeks away from the spending review. However, I will write to him in the fullness of time specifically about disability access to stations.

David Taylor (North-West Leicestershire) (Lab/Co-op): Discussion about accessibility for people with disabilities is too often restricted to those with the more obvious disabilities that require wheelchair usage. Is the Minister content with the progress made in recent years on enabling those with hearing or sight difficulties to use station services more effectively? Does he agree that progress could be made on that as well?

Mr. McNulty: I strongly agree with my hon. Friend. Accessibility is not simply about wheelchair access, although we do need greater progress in that regard. There have been significant improvements throughout the rail network and the bus and tube network in London and elsewhere on the availability of real-time passenger information and the greater availability of assorted tactile, oral and other forms of information for those passengers with a degree of disability that is, perhaps, more hidden than other disabilities. The point that the issue is not simply about wheelchair use is strong and I take it on board.

Rev. Martin Smyth (Belfast, South) (UUP): Can the Minister tell us how many mainline stations have tactile facilities to allow those who are blind to purchase tickets? Such facilities have been in operation in stations in the far east for years. Surely, as we are modernising, we should be dealing with that. Does he also agree that there is a tendency to forget that people with disabilities have a right to move about freely?

Mr. McNulty: I certainly accept the second point. The whole purpose of accessibility, in its broadest dimension, in line with what my hon. Friend the Member for North-West Leicestershire (David Taylor) said, is about people's right to move around as freely as possible. I do not know the formal answer to how many mainline stations have that tactile dimension to ticket purchasing, but in researching further the wonder that is Tunbridge Wells station and disabled access to it, I shall also write to the hon. Gentleman in that regard, with a specific answer.

Blackpool Tramway

3. **Mr. Michael Jack** (Fylde) (Con): What investment his Department will be making in the refurbishment of Blackpool tramway. [179611]

The Minister of State, Department for Transport (Dr. Kim Howells): As I am sure the right hon. Gentleman will understand, there are many pressures on the transport programme and there are several major light rail schemes currently under consideration. We will announce a decision on Blackpool as soon as we can.

Mr. Jack: I thank the Minister for his reply. Will he confirm that all the Members of Parliament who represent the Fylde coast and who have an interest are in the Chamber? Will he also confirm that sustaining an existing transport system, like the Blackpool tramway, is compatible with Government policy? Does he recognise the importance of the project to the regeneration of Blackpool and the effect that it will have on the Fylde coast? This project, as it exists, should not be the subject of a determination using an optimism index. The system works and needs to be sustained. Can we have the Minister's support?

Dr. Howells: The right hon. Gentleman is well known for his optimism. I pay tribute to him and to my hon. Friends who have campaigned for the project for a long time. I must remind him, however, that a great deal of investment has gone into light rail. Indeed, the number of passengers carried on light rail has increased by 86 per cent. since 1996–97. We will certainly consider all the light rail schemes that have been proposed, including Blackpool. I hope that we can make an announcement on Blackpool in the short term rather than the long term.

Mr. Gordon Marsden (Blackpool, South) (Lab): My hon. Friend will be well aware from his previous incarnation in the tourism game that the Blackpool tram system is very well used and patronised, not just by tourists, but also by residents. Picking up the point made by the right hon. Member for Fylde (Mr. Jack), will my hon. Friend convey to his officials and those charged with making a final deliberation that, whether or not an optimism index is reasonable, it is not necessarily reasonable to apply the same optimism index to a blue-sky scheme as it is to one that is tried and tested, which has no nasty surprises in terms of rerouting utilities and things of that nature?

Dr. Howells: I can assure my hon. Friend that we are well aware of the nature of the scheme. It is long established. We know its strengths and limitations. I shall certainly pass on his observations to officials in my Department.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): To reinforce the point again about the importance of the Blackpool tramway, is my hon. Friend aware that it goes through Cleveleys all the way up to Fleetwood and is an existing service, used not just by tourists, but by local residents? My constituents in Fleetwood use the tramway to travel down into Blackpool to work and to get back home again. Equally, tourists in Blackpool use it to go up to Fleetwood to enjoy the facilities there. It is vital that the investment is put in to ensure that the tramway, which has been in existence for 100 years, continues for another 100 years.

Dr. Howells: I commend my hon. Friend on the case that she has made for the Blackpool tramway and on reminding the House that it is a working tramway that carries people to and from work in the centre of Blackpool. I can only repeat what I said to my hon. Friend the Member for Blackpool, South (Mr. Marsden)—we are well aware of the importance of the scheme, but we must consider it in the context of a number of other proposed schemes, all of which are regarded as important to their neighbourhoods.

British Transport Police

4. **Dr. Vincent Cable** (Twickenham) (LD): If he will make a statement on the funding arrangements for the British Transport police. [179612]

The Secretary of State for Transport (Mr. Alistair Darling): The British Transport police are funded primarily by the rail industry, and this year its budget of £162 million includes funding for 100 extra officers on the London underground.

Dr. Cable: Is it not fundamentally unsound that a key part of the British police service that not only enforces law and order on trains and at stations but conducts sophisticated anti-terrorist operations on the underground and at mainline stations should be dependent on grudging and capricious contributions from the private rail companies? Can the Minister not insist that those companies fund the British Transport police at the same level as the rest of the police force?

Mr. Darling: I do not think that it is wrong that the railway industry funds the British Transport police. The hon. Gentleman will be aware that, as the Government fund quite a lot of the railway, public money is going to the transport police one way or another. We have just set up a new police authority that will have the job of looking at the budget needed by the British Transport police, especially in light of the report by Her Majesty's inspectorate to be published tomorrow. It shows that certain aspects of the force need to be looked at, and it has the power to get money from the industry to the police. However, the budget has been increased by about £25 million, and the Government have funded £2 million-worth of expenditure on the anti-terrorism measures mentioned by the hon. Gentleman. Money is therefore going into the force, and force numbers have been increased.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The Secretary of State will nevertheless be aware that the increase in force numbers was needed because on the London underground and the overground trains British Transport police are being called on to do more to contribute to security. Will he insist that the new police authority tells the train companies that they must pay up and look cheerful, as they need those dedicated forces and had better get on and find the cash?

Mr. Darling: I agree with much of what my hon. Friend said.

Bob Russell (Colchester) (LD): Smile then.

Mr. Darling: How can one smile when talking about railway finances? Believe me, it is simply not possible. Every day, I go to the office and see a black cloud hanging above my desk, but I shall try to be cheerful. My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), however, is absolutely right—the British Transport police do a first-class job, and we are asking them to do more. In the current climate, we are likely to ask them to increase the amount of activity that they undertake, which is why it is important that the organisation is properly equipped and funded. I believe that that can and will be done, and we are looking at it in the context of the railway review.

Mr. Christopher Chope (Christchurch) (Con): Is the problem not whether the Secretary of State is cheerful but that he is complacent? There is more violent crime, fewer detections and, notwithstanding his remarks about increased numbers of transport police on the underground, there will be a reduction of 150 transport police on the overground as a result of the £40 million deficit in the British Transport police pension fund, which only last year Ministers assured us was in surplus. The running costs for the new police authority are six times higher than forecast, so why do the Government not apologise for that manifest failure?

Mr. Darling: The hon. Gentleman is wrong about police numbers—they will not be reduced. As for crime, yes, it has increased in some respects, but on the other hand theft on the London underground and criminal damage to railway carriages has been reduced. Detection rates for robbery have gone up. I am certainly not going to say to the House that there are not still problems and more that needs to be done, but the hon. Gentleman is quite wrong to claim that police numbers are to decrease. They are not. They will remain exactly as they are at present. As I said earlier, there will be 100 extra officers for the London underground.

Rail Freight Interchange Facilities

5. **Jim Dobbin** (Heywood and Middleton) (Lab/Co-op): What plans he has to increase the number of rail freight interchange facilities. [179613]

The Minister of State, Department for Transport (Dr. Kim Howells): The provision of rail freight interchanges is primarily a matter for the private sector rail freight industry and commercial property developers. The Strategic Rail Authority published its strategic rail freight interchange policy in March this year. The document aims to facilitate the development of a network of commercially viable rail freight interchanges by providing guidance for planning authorities and developers.

Jim Dobbin: My constituency lies midway between the M1 and the M6 and the ports of Hull and Liverpool. A huge industrial development is to take place at junction 21, called the Kingsway industrial development. A tremendous number of heavy goods vehicles run through and around that part of the north-west. Will my hon. Friend take into consideration the points that I have raised and give some guidance to the private sector developers who are developing freight terminals, when the Government come to designate and plan for the future?

Dr. Howells: I am prepared to talk to anyone who is interested in such developments, because the country needs them. I remind my hon. Friend that the railway is privatised and those developments are driven by the market, as they should be. I am sure that he has made a compelling case to the developers for the kind of facility that he mentions. We are keen to get as much freight as possible off the road and on to the railways.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): The Minister is aware that on average, 80 per cent. less carbon dioxide is emitted by one tonne of freight that travels by rail, rather than by road. Is he also aware that the logistics industry believes that rail freight should be a viable economic alternative to road haulage, but that will depend on the development of rail freight interchanges or rail freight villages? Given that such developments are both environmentally and economically desirable, what can the Government do to help the planning process, particularly in view of the failure of that for the west London freight village?

Dr. Howells: My right hon. Friend the Deputy Prime Minister has been conducting a major review of planning law and practice. In conjunction with the Strategic Rail Authority we are looking hard at how it might be possible to push projects forward. The hon. Gentleman knows that many considerations have to be taken into account. Those often entail environmentally sensitive areas, the prospect of noise for local residents and so on. That is always difficult: everyone is in favour of moving freight on to the railways for environmental reasons, but no one wants freight terminals at the bottom of their garden.

Mr. Bill O'Brien (Normanton) (Lab): My hon. Friend the Member for Heywood and Middleton (Jim Dobbin) referred to the east and west ports, Hull and Liverpool. One of the problems is the lack of a high-speed rail link between the east and the west. We have the links between north and south. Has my hon. Friend the Minister given any thought to the possibility of developing a high-speed rail link from the east ports to the west ports, which would be of tremendous value to those moving freight across from the west coast to the east coast and into Europe?

Dr. Howells: We are very much aware of the issue, but the huge sums that are currently being spent to upgrade the west coast main line will enormously increase the capacity for freight trains on that line. Also, we are doing a great deal of work to link the north–west via the west coast main line from the eastern ports, such as Felixstowe, which are major container ports. We will bring that traffic down, including 9 ft 6 in high boxes, which are essential, via the north London line, across on to the west coast main line and up to the north-west. There is a great deal of work going on, as we are anxious to achieve that. We are keen to see much faster transit of freight by rail from the east coast to the west coast.

Mr. John Taylor (Solihull) (Con): Is the Minister aware of a project recently considered in Solihull to link the Land Rover plant to the west coast main line? Surely, that would be compatible with the Government's policy of road on to rail. Would he care to give an indication that, if the Ford Motor Company were to revive that plan to connect the Land Rover plant to the west coast main line, the Government would approve and indicate their approval?

Dr. Howells: I have not seen any sign of that project yet, but we will certainly take a look at it. Of course, when Ford built its Bridgend plant many years ago, it paid part of the costs of rail connection on to the great western main line, which has proved very successful in moving products out of that plant. We would certainly be interested in the project, and we are very interested in what part the private sector can play in helping to fund such projects.

Railway Costs

6. **Mrs. Patsy Calton** (Cheadle) (LD): What steps are being taken to reduce costs within the railway industry. [179614]

The Secretary of State for Transport (Mr. Alistair Darling): We return to the cheery subject of railway costs.

As a result of the regulator's review, Network Rail is required to achieve efficiency gains of 31 per cent. over five years. The SRA is also working to reduce costs during the franchising process.

Mrs. Calton: I thank the Secretary of State for his answer. He will know that considerable costs have been incurred in the somewhat failed TCS or train control system on the west coast main line. Can he tell me whether the masts erected for the TCS system on the west coast main line are operational now for the purposes that we were led to believe they would fulfil? If they are not operational, when will they be?

Mr. Darling: The answer is that the masts are being tested at the moment. I shall certainly let the hon. Lady know when they come into operation.

Lawrie Quinn (Scarborough and Whitby) (Lab): Given the immense costs associated with infrastructure investment on the railway and the skill shortages across the industry, can the Secretary of State tell us what recent discussions his Department has had with Network Rail in trying to fill those voids of skill shortages in terms of engineers and the people who will be involved in rebuilding the railway?

Mr. Darling: We have had discussions with Network Rail about that issue. It is one of the reasons why costs have gone up. After many years of under-investment, considerable sums are now being spent not only on the west coast main line, but on upgrading the power supply for trains south of the River Thames. A whole lot of other work is also being carried out, which has an effect on labour costs. Network Rail is looking to see what it can do to improve the situation. Taking maintenance back in house has saved a substantial sum. Indeed, Network Rail is spending a lot less than it thought it would have to spend to get the same amount of work, simply because of the efficiency that it is driving through, having taken over from Railtrack what was a pretty shambolic situation.

Mr. John Redwood (Wokingham) (Con): Is anybody currently reviewing the optimal size of the network and thinking about closures of any portions of it? If so, will those involved consider conversion to busways or dedicated freight lorryways, rather than wasting those routes?

Mr. Darling: When I announced the review, I said that one of the things that we should be doing as a matter of course was keeping under review the new markets that were emerging for the railway, as well as the railway services that were not being so well used. The House will recall that, in January last year, when the SRA announced the removal of about 180 Virgin Cross Country services, many people were concerned. In fact, many of those services were not carrying many passengers. As a result of having taken them out, the reliability of Virgin Cross Country in respect of the remaining trains has improved, because the lines are less congested.

I have also said that passenger transport executives in particular need to ask themselves whether heavy rail is the right option and whether light rail or buses might be better. The cost of running heavy rail, especially if it is not carrying significant numbers of passengers, is substantial. The point that the right hon. Gentleman makes is one that I have dealt with previously. Provided that these matters are looked at sensibly, we might get a better deal for the travelling public in some areas.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I am sure that my right hon. Friend accepts that private investment is one way to reduce costs in the rail industry. Some of us were looking forward to the Central Railway project, which would have provided significant economic benefits to the north of England, not least to Tinsley in my constituency, where a major rail freight terminal was planned. Members of Parliament and local authorities in Manchester, Yorkshire and the east midlands support the scheme, and the company says that it cannot envisage a situation in which the project would require public funds. Will my right hon. Friend consider whether the project can go ahead, bearing in mind that the Government say that they cannot support the proposed private Bill?

Mr. Darling: Unfortunately, I cannot see a way forward for that project, which is a point that my hon. Friend the Minister of State made clear earlier in the year. I favour bringing private money into the railways—the Government spend about £77 million a week on the railways, and a similar amount comes in from the private sector—but I was not satisfied that sufficient private money was available to pay for the Central Railway project. I feared that, when the project was half built, the promoters would come to us and say, "We are awfully sorry, can you take it over?" On a number of occasions, I asked the promoters to guarantee that that would not happen, and they could not do so, which is why the Government made it clear that they could not make such a substantial commitment. I am keen to obtain private sector money, but if such private sector projects are to go ahead, we must be sure that they can be delivered.

Mr. Tim Yeo (South Suffolk) (Con): In a spirit of helpfulness, which is appropriate at this early stage of my relationship with the Secretary of State, I shall suggest how to dispel the black cloud that hangs in his office on the issue of railway finance. Will he confirm that the dual regulatory system imposed by the Labour Government has substantially increased the costs carried by the rail industry? Does he agree that the burden that those costs place on passengers and taxpayers could be cut at once if the Government admitted their mistakes and rationalised the operations of the Strategic Rail Authority and the Office of the Rail Regulator?

Mr. Darling: I am pleased to hear that the hon. Gentleman wants to have a close and cordial relationship. In that spirit, I point out to him that on 19 January this year, I announced a review of the railway industry, and that review is examining the structures that he complains about. The SRA does not add greatly to the cost of the railways, but the structure set up under privatisation, which includes numerous interfaces between private companies, is undoubtedly costly. We set up the review to control costs and to obtain a better organisation to run the railways. If the hon. Gentleman and I can agree on that point, our relationship will be fruitful, cordial and perhaps even lasting—I look forward to seeing him on the Opposition Front Bench for many years to come.

Speed Cameras

7. **Mr. David Rendel** (Newbury) (LD): What plans he has to change the number of speed cameras. [179615]

11. **Bob Russell** (Colchester) (LD): How many speed safety cameras have been removed in the past month because they did not comply with the siting criteria. [179620]

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): Decisions about increasing or decreasing the numbers of speed safety cameras are made locally by the safety camera partnerships, taking account of the handbook of rules and guidelines issued by my Department. At the beginning of the year, safety camera partnerships confirmed that all their camera sites fully met the deployment criteria. However, approximately 5 per cent. of cameras, although meeting the criteria for placement, may not reduce accidents, and we have asked local authorities and the police to examine other measures to reduce casualties.

Mr. Rendel: The Department for Transport's recent survey into speed camera sites shows welcome reductions in speeding and in the number of people who are killed and injured, including a 43 per cent. reduction in the Thames valley area. Will the Minister accept that he should brave the wrath of the selfish 20 per cent. of drivers who think it more important to avoid fines than to keep people safe on the roads? Will he examine those roads where there are still useful prospects for speed cameras, including, for example, the B4009 in my constituency, where the two fatal accidents in the past two years might well have been avoided if a speed camera had been in use?

Mr. Jamieson: I thank the hon. Gentleman for his comments on speed cameras, the presence of which has meant a substantial reduction in the number of people killed and seriously injured. One would hope to hear whether the hon. Member for Ashford (Mr. Green) has changed his view on the policy. I am sure that he will catch your eye, Mr. Speaker, if he can.

The hon. Member for Newbury (Mr. Rendel) makes an important point. Authorities of all political perspectives, including Tory authorities, have contacted the Department to ask us to relax our rules because they want the cameras put in other places. It is important, however, that such decisions are made locally by local authorities and local police—they understand the local issues best.

Bob Russell: Following the 95 per cent. success rate to which the Under-Secretary referred, I draw his attention to a true story that was published in the Colchester *Evening Gazette* last week, which stated:

"The number of people killed or seriously injured at sites where safety cameras are in use in north Essex has dramatically fallen."

I want to refer specifically to one of the 17 sites in my constituency. In the three years before safety cameras were installed in Cowdray avenue, there were five serious—some fatal—crashes. In the two subsequent years, there have been none. In the light of that, has the hon. Gentleman received any messages of apology or retraction from politicians who are apparently prepared to envisage death and injury continuing on our roads?

Mr. Jamieson: I have yet to hear from the hon. Member for Ashford in the House or after the correspondence on 29 January, when I wrote to him to ask whether he could tell us the location of the 4,000 sites at which cameras had been installed unnecessarily. When we opened the post this morning, there was still no response.

I acknowledge that there has been a substantial reduction in casualties in the area that the hon. Member for Colchester (Bob Russell) represents. We all know about the misery that death causes but should reflect on the misery caused by serious injuries that include lacerations, crushed or broken limbs, brain injury and sometimes permanent paralysis. I am sure that the new shadow Secretary of State wants to revoke any policy to remove the cameras that are successfully driving down casualties.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): I am sure that my hon. Friend the Under-Secretary knows that the press sometimes reports examples of speed cameras being vandalised, presumably by irate drivers. Are there statistics for the number of cameras that have been vandalised in the past couple of years? What is the Department doing to ensure that such vandalism is kept to a minimum?

Mr. Jamieson: Those who vandalise cameras put people's lives at risk. They must answer a question: if a camera is vandalised and out of operation for a period of time, how many people have consequently been killed or injured? I have not got to hand the figures for the number of cameras that have been vandalised but it has happened to only a few and a minority of people are responsible. I hope that Conservative Members would not support such people—a minority who are determined to continue speeding and put people's lives at risk. I am sure that the overwhelming majority of motorists would reject that idea and such action.

Jim Sheridan (West Renfrewshire) (Lab): On the assumption that speed cameras are designed to save lives in all our communities, is my hon. Friend the Under-Secretary aware of the perception that there is a far higher proportion of drivers who speed in more affluent than in less affluent areas? Will he assure hon. Members that the cameras are located for genuine reasons, not by postcode?

Mr. Jamieson: The decisions about where to place the cameras are made locally by local authorities and the police. In the past three years, child casualties have fallen rapidly. In particular, the casualty rate among child pedestrians, who are mainly in the built-up areas of our cities, has fallen by approximately 33 per cent. That must be welcome and is another statistic on which Conservative Members should reflect. I hope that the hon. Member for Ashford will be successful in catching your eye so that he can tell us his current policy on the matter.

Sir Nicholas Winterton (Macclesfield) (Con): Although there is clearly an important role for speed cameras, which anyone of sense and reason would accept, does the Under-Secretary agree that the general public must be persuaded that the siting of the cameras is appropriate? Does he accept that some limitation might be placed on the power of cars that are available to young people to prevent over-powered cars from being in the hands of young, irresponsible drivers?

Mr. Jamieson: I am not sure whether the hon. Gentleman is suggesting that his own Front-Bench colleagues have not shown sense and reason on this

matter, but I shall leave the House to reflect on that. It is important that the cameras are placed where there have been high numbers of casualties. The Department set out those rules very clearly, and the response from the partnerships throughout the country was that the sites met those criteria. In all those areas, the vast majority of cameras are now reducing the number of deaths and injuries on the road.

We have looked at the type of vehicles driven by younger drivers. Unfortunately, even some of the smaller vehicles are very high-powered and are certainly able to go at well above 30 mph; some can do well above 100 mph. The issue here is proper training for drivers, and proper enforcement of the law.

Kevin Brennan (Cardiff, West) (Lab): Did my hon. Friend see the recent case of the pensioner who was prosecuted for taking his hands off the steering wheel to make a gesture at a speed camera? May I encourage my hon. Friend to make exactly the same gesture at all those who call on him to reduce the number of speed cameras, and who put the rights of people who break the law before the saving of lives?

Mr. Jamieson: As I understand the case, the person who was prosecuted had both hands off the steering wheel, which I would not commend to anyone. In the light of the independent report on safety cameras, I look forward to hearing from the hon. Member for Ashford on this issue. After six months of asking him to withdraw his allegation about the 4,000 cameras, I hope that he will now take back what he said then and put safety ahead of opportunism.

Mr. Damian Green (Ashford) (Con): I am delighted that, this morning, on his own admission, the Minister has withdrawn the absurd claim that he made when he wrote to me in January, that 100 per cent. of the cameras were in the right place. Even he has now admitted that only 95 per cent. are in the right place. He is, however, missing a serious point made in the report that the Government produced last week, which is that there are 384 camera sites at which the number of serious or fatal accidents has increased since the camera went in. If the Minister wants to take the credit for a reduction in accidents at the places where that has happened, he must also take responsibility for the increase in accidents at those 384 sites. Has he told the camera partnerships to take down the cameras that are making our roads more dangerous, and if not, why not?

Mr. Jamieson: The hon. Gentleman is now wriggling. What I asserted back in January was that we had been told by the partnerships—many of which are led by Conservative authorities—that all the cameras were in places that met the Department's criteria. The independent report that we commissioned and published has shown that about 5 per cent. of the cameras—*[Interruption.]* If the hon. Gentleman would be quiet for a moment, he would be able to hear what I am saying. The report has shown that, although the cameras are in the right place and meet the criteria, 5 per cent. of them are not having the effect that we want them to achieve. But does that not mean that 95 per cent. of them are having the effect that we want? The hon. Gentleman should now go back and reconsider his policy of taking cameras away because they are ineffective. It seems that the only person on whom that policy has been imposed is the former shadow Secretary of State, the right hon. Member for Maidenhead (Mrs. May).

Kent Rail Franchise

8. **Jonathan Shaw** (Chatham and Aylesford) (Lab): What assessment he has made of the Strategic Rail Authority's proposed Integrated Kent Rail Franchise. [179616]

The Minister of State, Department for Transport (Dr. Kim Howells): The Strategic Rail Authority's consultation on service patterns for the Integrated Kent Rail Franchise ended on 23 April. It is assessing responses before finalising the specification of services.

Jonathan Shaw: Is my hon. Friend aware that the last time that the Kent rail timetable was reviewed was in 1963? What concerns me is that that coincides with another event of 1963, namely the great train robbery. We in Medway are concerned that the SRA will propose a reduction in commuter services. While we welcome the channel tunnel rail link domestic services stopping in the Medway towns, we have always argued that this should involve additional rail services, particularly given the 5 per cent. growth in the Thames gateway area. Will the Minister confirm that we need additional rail services rather than a reduction in peak commuter services into London, given the predicted growth?

Dr. Howells: May I remind my hon. Friend that railways in this country are not a free good? They cost a lot of money. We have built the first new railway for a hundred years, through Kent, which will benefit enormously the people of Kent, as it will benefit the rest of the country. His question about those services being entirely additional to those already existing raises a number of issues. Some of the domestic services will have to have pathways cleared in the existing timetable if they are to run and if people are to get into the centre of London more quickly—

Mr. Eric Forth (Bromley and Chislehurst) (Con): Is that a no?

Dr. Howells: I hear the call from the Tories that they do not want any of this. That is fine. If they are reflecting what their constituents feel, and they do not want channel tunnel rail link domestic services into the centre of London, they should be honest enough to come out and say so. We will try to make sure that there is the maximum capacity in terms of passengers being able to access central London, both on the existing network and on the new network.

Hugh Robertson (Faversham and Mid-Kent) (Con): Under the Strategic Rail Authority's proposals, villages such as Hollingbourne, Harrietsham and Lenham in my constituency stand to lose all their rail services in the middle of the day and at weekends. Given that those are exactly the same villages that were decimated by the channel tunnel rail link workings in the mid-1990s, will

the Minister undertake today to honour the commitments given at that time to ensure that rail services are improved?

Dr. Howells: I understand that the SRA has had 4,200 responses to its consultation. It is going through those responses, and I am sure that the hon. Gentleman responded on behalf of his constituents. I assume that he would agree that the proper way forward is for the SRA to make the judgment as to how best to ensure that existing capacity is maintained and improved wherever possible, and that people can get from Kent into London more quickly. Those people's jobs depend on it, and many of the services provided in the economy of London depend on people from Kent being able to get easily into London.

Mr. Michael Jabez Foster (Hastings and Rye) (Lab): Does my hon. Friend agree that the high-speed link is for the benefit of the whole country? In that case, should it not be top-sliced in respect of its cost, so that the SRA does not take that into account in determining what moneys are available to support the franchise?

Dr. Howells: I am not quite sure what system of payment my hon. Friend is proposing. All I know is that it must still be paid for, and that in the end, the Government pay for it.

Mr. Damian Green (Ashford) (Con): The Minister will be aware that the overwhelming majority of those 4,000 responses to the Strategic Rail Authority were hostile—*[Interruption.]*

Mr. Speaker: Order. The hon. Member for Bexhill and Battle (Gregory Barker) seems to get in an awful state when he is not called. I must tell him that those on the Front Bench put in a request, and it is not my fault when that happens. When he does not get called, he should take it in good spirit. That is important.

Mr. Green: Thank you, Mr. Speaker. I hope that I will also represent the views of my hon. Friend the Member for Bexhill and Battle (Gregory Barker), who, I understand, feels strongly about this issue. The Minister will know, as he has referred to the 4,000 responses, that the overwhelming hostility to the SRA's proposals for the Kent franchise, which he also hears from his Back Benchers, is precisely because the SRA proposes cutting services to many smaller stations around Kent. Can he assure the House that we will not see a perverse effect from the billions of pounds that he has said have been invested in the channel tunnel rail link? As things stand, overall rail services in Kent will get worse. It seems a colossal waste of taxpayers' money to invest money in a new railway, and to have, as a direct result, worse rail services.

Dr. Howells: I sympathise with the hon. Gentleman's hon. Friend the Member for Bexhill and Battle because I am sure that he could have put that question a bit better, as we have had this question time and again. I say to the Front-Bench spokesman that the industry is privatised, and that his party privatised it. The days of the Government being able to intervene on the railways, in the way that he describes, are long gone, and he knows that full well. What he is doing is making a cheap political point, and his constituents will understand it.

Bus Quality Contract Scheme

9. **Mr. Colin Challen** (Morley and Rothwell) (Lab): When he intends to publish the results of the consultation on reducing the 21-month minimum waiting period for implementing a bus quality contract scheme. [179617]

The Secretary of State for Transport (Mr. Alistair Darling): We are considering the responses to the consultation, and we will be announcing its outcome shortly.

Mr. Challen: I thank my right hon. Friend for that reply, because anything that brings closer the day when we have better bus services will be very welcome. Is he aware that I often receive complaints from my constituents, in unparliamentary language, about the quality of some of our local bus services, particularly in my local villages? Recently, one bus service was removed to improve the service to another village—robbing Peter to pay Paul. We need to investigate how to improve bus services. Will my right hon. Friend be willing to meet me when I have completed my local bus transport survey, to discuss its results?

Mr. Darling: My hon. Friend and other Members on both sides will agree that bus services are working quite well in some areas, where we have seen an increase in patronage and the services are satisfactory. In other areas, however, there have been difficulties. As I have said before, we are looking at those matters and will come forward with proposals in due course. I am firmly of the view that we should try to build on what works, then make adjustments to deal with aspects that do not work, rather than go back to the drawing board.

CABINET OFFICE

The Minister was asked—

Internet

20. **Mr. Anthony D. Wright** (Great Yarmouth) (Lab): How people who cannot use the internet will be able to benefit from the Directgov approach to service delivery. [179601]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): Directgov, which was launched earlier this year, is available not just on the internet but to 7 million homes with interactive TV. Cabinet Office officials are looking at other channels, such as mobile telephones, to make sure that Directgov is available to as many people as possible.

For those who do not have the skills or ready access to these technologies at home or at work, the Government have established 6,000 UK Online centres, which offer

free or low-cost access and deliver online learning to help and encourage people to enjoy the benefits of information and communications technology.

Mr. Wright: I thank the Minister for that response. I have visited the Directgov site and found it extremely useful, and I imagine that many of my constituents will find it useful. The many online centres in my constituency, including at Greenacre school, Breydon middle school and Great Yarmouth high school, have worked extremely well for the community. However, there are still many people, such as the elderly and disabled, who cannot access those online centres and find it difficult to fund digital television or personal computers. What assistance can my hon. Friend offer to my constituents in Great Yarmouth who cannot access those centres but would find it extremely useful to go online to the Directgov site?

Mr. Alexander: I am grateful to my hon. Friend for his question, which raises several important issues. He is right to identify that there are a number of UK Online centres in his constituency—nine in Great Yarmouth and a further 13 within a 15-mile radius. The challenge of getting the United Kingdom online is one that the Government have embraced, although there are some specific barriers, which my hon. Friend identifies. Income continues to affect internet access: 12 per cent. of the lowest income groups have home internet access compared with 86 per cent. of the highest income groups. That is why the Government continue to pursue their anti-poverty strategy. The age gap is also considerable in terms of those who use online services. It is more difficult to get older people to use UK Online centres, so last year we ran the "Get Started" campaign, which specifically targeted the elderly community, among other groups, to make sure that we gave every advice and assistance to people who wanted to become silver surfers. I shall be happy to write to my hon. Friend to set out the strategy that the Government are adopting in relation to his constituency.

Mr. Richard Allan (Sheffield, Hallam) (LD): I congratulate the Government on the clear interface of the new Directgov website, which serves to highlight the inadequacy and complexity of many of the other Government websites to which it leads. Will the new head of e-Government who has recently been appointed have the authority to insist that other Departments use improved web standards to make them as clear as the Directgov site?

Mr. Alexander: I thank the hon. Gentleman for that typically charitable question. We of course take great pride in the Directgov site, which is a significant improvement on its predecessor, UK Online. We are receiving extremely positive customer feedback about the site. On the substantive point that the hon. Gentleman raises, when Ian Watmore takes up his new position in the Cabinet Office in September, one of his tasks will be to work effectively with other people in a range of Departments to ensure that our offering has consistently high standards. We believe that he will take to that task with relish, which is consistent with the whole drive towards e-Government that we have advanced during this Parliament.

Mr. Michael Jabez Foster (Hastings and Rye) (Lab): Does my hon. Friend agree that one of the most effective ways of Government interfacing with the public is through services provided by post offices? Does he also agree that we should do everything possible to maintain a comprehensive post office network through which we can have a real interface between the Government, IT services and the public?

Mr. Alexander: My hon. Friend has asked an important question about the future of post offices and I will happily communicate his point to the Secretary of State for Trade and Industry. I would say, however, that if we reflect on the capacity for post offices to use banking services and, in particular, to drive profitability—we should not lose sight of the fact that the Post Office continues to be the largest retail network in the UK—the electronic offering of banking services from a range of post offices is entirely consistent with the good work being undertaken by Post Office management to ensure that the units are commercially viable wherever they exist in the country.

Mr. Oliver Heald (North-East Hertfordshire) (Con): I welcome the Minister back and congratulate him on the birth of his daughter.

Recent American research has shown by a huge margin that the public would rather deal with the Government through other methods rather than the web. Low public take-up of e-government in this country seems to confirm that. Why, then, has the Minister ordered that all external public services should be web-based? Has he not seen the misery caused to pensioners by scrapping the pension order book? Is he now going to force them to apply for other services online and, if so, what is the timetable?

Mr. Alexander: I hardly know where to begin in answering that question. First, pensioners will, of course, continue to be able to receive cash over the counter at their post offices, despite the scaremongering of Opposition politicians. Secondly, it is a characteristically Luddite position of the Conservative party to suggest that the Government should not match other sectors in society in providing web-based offerings of its services. Thirdly, I would point out that considerable progress has been made in getting the UK online under the present Government. On broadband access, for example, considerable progress has been made, and both the public and private sector have worked effectively to drive up the take-up level, so it ill behoves the hon. Gentleman to suggest that his constituents would not want access to those services.

Public Appointments

21. **Mr. Malcolm Savidge** (Aberdeen, North) (Lab): What action is being taken to open up public appointments to groups who have traditionally been under-represented. [179602]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): The Government want boards of public bodies to be both appointed on merit and representative of society as a whole. The 2003 publication "Delivering Diversity in

Public Appointments" outlines the action being taken by each Department of Government to increase diversity on the boards of their public bodies, and the targets that have been set for 2006.

Mr. Savidge: While welcoming the targets for diversity, which my hon. Friend has outlined, will he provide some practical examples of what the Government are doing to achieve them? Would one of my constituents from an under-represented group, for example, receive any practical assistance from the Government?

Mr. Alexander: I am particularly grateful to my hon. Friend for that question, because it highlights the point that I sought to make in my previous answer. A new website is now available from the Cabinet Office—www.publicappts-vacs.gov.uk—in which available public vacancies are set out. Anyone wanting to access those opportunities to serve on a public body will now be able to do so in the north-east of Scotland and the south-west of England. There are a range of different ways in which those who do not have access to the web can obtain information—a newsletter is also provided—and I want to ensure that my hon. Friend is made aware of those opportunities so that he can, in turn, communicate them to his constituents.

Mr. Eric Forth (Bromley and Chislehurst) (Con): I suppose that we should be modestly grateful that the Minister mentioned merit, but can he give us a guarantee that, in the matter of public appointments, merit will never be undermined or compromised by an obsession with so-called diversity?

Mr. Alexander: If I recollect correctly, that is not the first time that the right hon. Gentleman has put that point to me. It is fundamentally the case, as I have set out previously from the Dispatch Box, that there is no inconsistency whatever between appointments on merit and appointments on representational aspirations. I believe that we should aspire to make our public bodies reflect the diverse nature of modern Britain. In that sense, I see no inconsistency between ensuring appointment on the basis of merit and making sure that we have diverse public bodies.

Mr. Andrew Dismore (Hendon) (Lab): Does my hon. Friend agree that one of the best ways of attempting to achieve that would be to pass the Crown Employment (Nationality) Bill, which is currently being blocked by the right hon. Member for Bromley and Chislehurst (Mr. Forth)? That measure would ensure proper appointment to the civil service on merit rather than through long-out-of-date rules on nationality. Is it not time that the civil service reflected the society in which we live, rather than the society that the right hon. Gentleman thinks exists, but may never have existed outside his own rather peculiar imagination?

Mr. Alexander: I am cautious about intruding on a private argument but, like many colleagues, I was disappointed at the failure last week to make progress on that Bill. My hon. Friend makes his point well: we must make sure that the civil service is genuinely updated in terms of its ability to ensure that diversity is achieved.

Policy Development

22. **Dr. Alan Whitehead** (Southampton, Test) (Lab): What guidance he has issued to regulatory offices concerning policy development in their areas of regulation. [179603]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): The Government have recommended that all Departments and regulators follow the Cabinet Office guidance entitled "Better Policy Making: A Guide to Regulatory Impact Assessments". That guidance is available on the Cabinet Office website, and in the Library of the House.

Dr. Whitehead: Does my hon. Friend accept that it is important to maintain the distinction between the policy-making function—that is, the steering function—of the Government and legislature, and the implementing function of regulatory bodies? What steps does he intend to take to ensure that legislation that amends or changes the nature of regulatory bodies maintains that distinction?

Mr. Alexander: I spoke at the recent conference of independent regulators, at which we addressed the specific challenge involved in recognising the distinctive role of regulators in the area of policy making. I also point out that the Government accepted the 14 recommendations in respect of independent regulators contained in the report from the Better Regulation Task Force entitled "Independent Regulators." I shall ensure that my hon. Friend receives a full copy of that report, and of the Government's response to it.

Unpaid Advisers

23. **Norman Baker** (Lewes) (LD): If he will take steps to increase the accountability of unpaid advisers working (a) within his Department and (b) across Government. [179604]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): In its response to the ninth report of the Committee on Standards in Public Life, the Government agreed to amend the ministerial code to make it clear that Ministers are accountable for the management and discipline of their unpaid advisers. This amendment will be incorporated into the next version of the ministerial code.

Norman Baker: Does the Minister accept that, although the model contract for special advisers provides some tenuous accountability for them, paragraph 51 of the ministerial codes states that there is no contractual relationship between unpaid advisers and the Department involved? Does that not mean that there is therefore no accountability in respect of people such as Lord Birt and Lord Levy?

Mr. Alexander: I simply do not accept that characterisation, and I refer the hon. Gentleman to my initial answer. We have accepted that the ministerial code needs to be amended, and the relevant precedent suggests that that should happen at the beginning of a

new Parliament. The ninth report by the Committee on Standards in Public Life was published in April 2003, and the Government's response to it was published in September of that year. It may be of assistance if I share with the House the substance of that response. As I have said, the Government accepted the case for amending the next version of the ministerial code to make it clear that Ministers are personally accountable for the management and discipline of their unpaid advisers. Further, the code will make it clear that Ministers must provide a level of information about unpaid advisers similar to that provided for special advisers. That information will include numbers, names and details of particular expertise, if appropriate. Finally, the letter of appointment for unpaid advisers will be amended so that it includes the requirement to uphold the political impartiality of civil servants, and the requirement not to use official resources for party political activity.

I understand the concern expressed by the hon. Member for Lewes (Norman Baker), but the Government have already gone a long way towards addressing it.

Bichard Inquiry Report

12.32 pm

The Secretary of State for the Home Department (Mr. David Blunkett): With permission, Mr Speaker, I wish to make a statement on the Bichard inquiry report.

Last December, following Ian Huntley's conviction, I asked Sir Michael Bichard to conduct an inquiry into the events leading up to the murder of Jessica Chapman and Holly Wells. I am publishing his report in full today. The families have shown great courage and dignity. We extend again today our most heartfelt sympathy to them.

I am grateful to Sir Michael for the speed and thoroughness of his inquiry. We have accepted his critique. In doing so, we must not forget that, as he states,

"Huntley alone was responsible for these most awful murders. None of the actions or failures of any of the witnesses or the institutions they represented led to the deaths of the girls."

Sir Michael's report uncovers serious failures in recording and managing information. These failures include local systems for recording, retaining and accessing data. They include national frameworks for inspection and information exchange, and the systems that underpin them.

As a consequence, the report is wide ranging in its recommendations. These apply to a range of public services and Government Departments. I am therefore responding on behalf of the Government as a whole.

We are, in principle, accepting Sir Michael's main recommendations and will act on them immediately.

It is the Government's task to ensure clear national standards as well as providing strong leadership. But other national bodies and local agencies also have a key role in strengthening the system.

Let me turn to the specific recommendations. Sir Michael recommends the introduction of a national intelligence system. Information collected should be shared and acted upon before an individual is employed in a sensitive post. Let me describe how this will operate. The police national computer is the cornerstone of police information systems, but its task is to register recorded crime. It holds basic information—for example, names and addresses of offenders. We are working with forces to improve the quality and timeliness of data. It is necessary for it to keep up with the growing and changing demands on the police service.

But the police national computer does not hold intelligence information—for example, where someone has been questioned in relation to repeated allegations of sexual assault. Until now, all 43 forces in England and Wales have operated individual systems for handling this kind of information. This should no longer be the case. As Sir Michael puts it, we cannot have a situation in which—and I quote—

"local accountability will be used to defend ineffective local systems when a national system would be more appropriate".

This report marks a watershed in how police forces and authorities will work together to procure the intelligence and information systems needed to do the job properly. No longer can the historical justification of operational independence take precedence over the imperative of being able to track and deal with offenders effectively.

We are therefore now introducing the first national police intelligence computer system—entitled "Impact". "Impact" will ensure that all forces use the same system to manage and share intelligence information. As an interim measure, we are bringing forward the nationwide introduction of the police local exchange—PLX. It will begin this autumn and be complete by next spring. It will provide an easily searchable index of all those on whom any police force holds information. Sir Michael commends this.

But systems are only as good as the information that they hold. In this case, because records were handled so badly and deleted, a national intelligence system could not have identified the concerns. Sir Michael therefore concludes that the police need clearer, more soundly based rules, for recording, retaining and reviewing, as well as deleting information.

Before the inquiry was established, the Data Protection Act 1998 was criticised as a contributory factor. While it is no doubt complex, it embodies important principles. Sir Michael concludes that the loss of intelligence cannot be blamed on the Act. He does not believe that radical revisions are necessary. It is crucial that rules on managing information are clearly understood. I am therefore introducing, by the end of this year, a statutory code of practice on police information handling. All 43 forces will deal with intelligence information in the same way. This will be backed up by detailed operational guidance. Effective training, management and inspection will ensure that it is fully understood and consistently applied.

The code of practice will link closely to the police national intelligence model. This sets out how forces should collect and handle intelligence. It is already providing a more consistent structure. The code will ensure that all forces are required to make the most effective use of this structure. Those few forces still not operating this model must do so now.

But those recommendations apply substantially beyond policing. The report recommends that social services should routinely notify the police when a crime against a child is committed or suspected. Sir Michael concludes that that is not always the case. The social services database needs to hold details of all alleged sexual offenders involved with named children, and should be easily searchable. My right hon. Friend the Secretary of State for Education and Skills is working urgently on that. The Department will shortly receive a serious case review report from Sir Christopher Kelly on other specific lessons for social services.

Sir Michael has highlighted the importance of robust selection and recruitment. He has recommended that those recruiting staff in schools must be properly trained in safeguarding children. My right hon. Friends the Secretary of State and the Minister for Children have agreed that selection panels should contain at least one panel member properly trained in that work. Sir Michael also calls for stronger, more consistent vetting and a new system for registering those working with children and vulnerable adults. We will therefore urgently consider his recommendation that a register be created to bring together all the relevant information

held on individuals in a way that is easily accessible. We need to consider how that fits with and enhances the service already provided by the Criminal Records Bureau. We will also need to make the link to proposals for identity cards.

Let me now turn to concerns about the two forces involved in this tragic incident. Sir Michael highlights deficiencies by Cambridgeshire on the checks into Ian Huntley's suitability. Sir Ronnie Flanagan's parallel report for Her Majesty's inspectorate of constabulary into the investigation, which is being published today, also highlights concerns about processes and the actions of individuals. However, Ian Huntley is behind bars. Cambridgeshire acted effectively to achieve that. It also asked the Metropolitan police to review its procedures at the time of the investigation. Failings were neither systemic nor corporate. I should also add that mistakes have been fully acknowledged and actions have been taken to ensure they do not recur.

But much graver concerns are raised about the senior management of Humberside. There were, to quote the report, "very serious failings", some of which the chief constable only became aware of when hearing evidence to the inquiry. Sir Michael finds the lack of awareness of the scale of those failings over such a long period of time to be "deeply shocking". It is Sir Michael's view that the

"final responsibility for these serious failures rests with Chief Constable David Westwood".

It is difficult to disagree with that. Paragraph 2.94 could not be clearer. It says of Mr Westwood that

"he was chief constable from March 1999 and, as such, became ultimately responsible for information management and IT systems. The wide-ranging and systemic failures ... existed in March 1999 and therefore predated him becoming Chief Constable. However, they were not identified and continued for a considerable period thereafter. Chief Constable Westwood must take personal responsibility for the continuation of those failures. From 1 September 1997, he had been Deputy Chief Constable, the second most senior officer on the force".

The role of any chief constable has to be one in which the public have confidence. In the face of serious criticism, it is my responsibility as Home Secretary to question whether people in Humberside can continue to have that confidence. Mindful of our duty of care, I asked Her Majesty's chief inspector of constabulary, Sir Keith Povey, to discuss Sir Michael's findings with the chief constable yesterday. The strength of the report's criticism of him has led me to conclude that, using the powers available to me under the Police Act 1996, as amended by the Police Reform Act 2002, I should require Humberside police authority to suspend Mr. Westwood as chief constable forthwith.

I have also invited the police authority to consider what steps it should take, having regard to its statutory duty under section 6 of the 1996 Act to maintain an efficient and effective force. I have asked it to report to me by 6 July. I also asked Sir Keith to ensure that the professional judgment of Her Majesty's inspectorate is available to the police authority. When I receive the authority's report I will decide whether to initiate the process that could lead to the retirement or resignation of the chief constable.

Finally, let me repeat my thanks to Sir Michael for his work. I believe he is right to suggest the discipline of reconvening his inquiry in six months.

Mr. Speaker, we know that this must, once again, be a terrible time for the families of Jessica and Holly. We owe it to them to make substantial progress as rapidly as possible in ensuring that these failures are not repeated ever again. I commend Sir Michael's report to the House.

David Davis (Haltemprice and Howden) (Con): I start by thanking the Home Secretary for giving me unusually early sight of the report and the statement. That is not just the normal courtesy we show on such occasions; his action reflects the fact that this is a question of public safety, and that will be recognised in my response.

I wholeheartedly endorse the Home Secretary's remarks about the dignity shown by the families of Holly and Jessica. I am sure that that is true for everybody in the House.

I welcome almost everything that the Home Secretary said today and I also welcome the report of Sir Michael Bichard. It is exhaustive and I agree with most of it. I consider his decision to reconvene in six months' time to review progress not just a good idea but something that should become standard practice for reports such as this in future.

The report makes it clear that Cambridgeshire criminal records bureau was so focused on the introduction of new systems that it failed to carry out crucial checks into Ian Huntley's background. We must ensure that such failures never happen again, and much that the Home Secretary said about that will do just that. However, Sir Michael says that even if Cambridgeshire had got it right, Ian Huntley's record would still have been missed because of other failures in the system, most notably in Humberside police.

In my view, there were two failures in Humberside policing. One relates to information technology, but the other relates to the handling of the Huntley case. Even before any weeding took place, Ian Huntley's record of behaviour should have led police to act. Consider the following: there was an allegation of unlawful sex with a 15-year-old in August 1995; there was an allegation of unlawful sex with another 15-year-old in May 1996; and there was an allegation of unlawful sex with a 13-year-old, also in May 1996. That was not an IT failure; it was a failure of policing.

Those offences were known at exactly the same time, before there was any opportunity for them to be weeded by Humberside police, so it is no wonder that PC Harding in his report, which is reproduced on page 52, in section 1.229 of the Bichard report, said:

"It is quite clear that Huntley is a serial sex attacker and is at liberty to continue his activities."

Sir Michael says that no one thing could have prevented what happened. In fact, if the police had acted on that sequence of events, Ian Huntley would presumably have been locked up. Incidentally, that failure preceded the current chief constable's arrival in post. His failures relate to the failures of the IT system and the consequences that flow from that. In view of the fact that the Home Secretary has, in effect, today initiated a quasi-judicial process under the Police Reform Act 2002 in respect of David Westwood, which I do not wish to prejudice, I shall say no more today about his direct role.

[David Davis]

The report states that social services should report incidents of sex with minors to the police. I agree. However, the report also says that there are "exceptional circumstances" when the police should not be notified. What exactly are those exceptional circumstances? When an adult is engaged in a sexual relationship with a child, I believe that there are no circumstances where the police should not be informed. We now know that, in 1995, social services knew of an allegation that Huntley was having sex with a 15-year-old girl, but apparently—it is not entirely clear—chose not to inform the police. That was at exactly the same time as the cases that I cited a moment ago. The social services were not, and could not be, in possession of all the facts relating to public safety. Therefore, they should not make that decision. So will the Home Secretary review that specific aspect and consider the option of making the requirement to notify the police of such offences absolute?

Much of the report focuses properly on the failure of information handling, primarily by Humberside police but also by the Cambridge criminal records bureau, and generic failures by the Police Information Technology Organisation, the Association of Chief Police Officers, Her Majesty's inspectorate of constabulary and the Home Office. The report properly criticises Humberside police's IT practices, and it criticises the lack of a national police IT system. It calls for the introduction of such a system as soon as possible. It does not say whether the problems of Humberside are replicated in other forces, although I suspect that they may be. Neither does the report deal with a problem that we all know about: Whitehall in general and the Home Office in particular have a very poor track record of implementing computer systems.

I welcome the Home Secretary's comments on the police local exchange system—the PLX system. I also welcome his announcement about the police national computer system—the so-called Impact system—but may I make two suggestions? First, will he commission Sir Michael Bichard in the next six months to review all the IT systems in the 43 forces, to establish the extent of the problem? Secondly, to minimise the risk of another computer disaster, will the forces use either the best practice that he identifies, or the already operational Scottish system, as the basis for the new national system?

The failure to implement a system should have been identified much sooner. Sir Michael Bichard states in his report:

"HMIC could and should have been more proactive. Information systems are of obvious importance to policing, and they could have been inspected effectively with relative ease."

Has the Home Secretary any proposal to reform or improve the capability of Her Majesty's inspectorate in that respect?

Sir Michael recommends a registration system for all those working with children. Will the Home Secretary tell us whether such a system would apply to people who work in charities and voluntary groups—volunteers, rather than employees—because they often add great value and enjoyment to children's lives? Although child protection is clearly paramount, there is a balance of justice to be established. A series of false allegations can effectively destroy a career, as was recently the case with a teacher, ironically, in Humberside—the Jonathan Dunning-Davies case that I have discussed privately with the Home Secretary before.

Sir Michael envisages an

"appeal process for applicants who were refused registration."

Sir Michael is absolutely right, but how does the Home Secretary believe that the appeals system would work? Would people know who is making the allegation against them, and if not, how could it be challenged? Who would decide what information is held on record, and how could that be challenged? Would the process be judicial? I recognise that those are difficult issues, but they need to be addressed. The Home Secretary, I know, recognises the burden that would be placed on the police. Humberside police, to take the example that we are dealing with, will process 50,000 information requests this year. That implies about 2 million for England and Wales. How does he intend to progress that issue?

I also welcome the Home Secretary's proposals for a code on the Data Protection Act 1998. Of course, the Bichard report properly dismissed the Humberside policy authority's excuses in that respect, but this is not the only case of serious misunderstandings with that Act, so I welcome his review and the writing of a statutory code.

It is not just Humberside and Cambridgeshire police who should read the report today. Every police force and social services department in the country should read and learn the lessons of the report because, if we fail, it will be a catastrophe measured in human tragedies.

Mr. Blunkett: I welcome the shadow Home Secretary's measured tones and approach, which are appropriate on this occasion, and in reciprocation, I wish to share with him and the Liberal Democrats the opportunity to get such aspects right in the months ahead. The right hon. Gentleman is right to draw attention to the fact that it was not simply that an information system went wrong, but that a recording did not take place so a record was not available. It was inevitable that such a failure would lead to critical information being missed. I take the point entirely in relation to the information that the right hon. Gentleman gave me earlier today about a local case, which I shall come to in a minute.

Regrettably, the system of "weeding out", as it is described in Sir Michael's report, is almost a bizarre experience in Humberside. I draw hon. Members' attention—if they are prepared to look through the report—to paragraph 2.58, which describes a system in Humberside that was so dysfunctional that there was no clarity whatsoever in what was meant by the words "delete", "weed" or "eliminate", or in the way in which officers were to go about their business of deciding what should be held or deleted from the system.

Of course, that led to the situation, which the right hon. Gentleman described, whereby incidents in which Ian Huntley was involved with young girls before those tragic events were missed time after time. The right hon. Gentleman is right to say that the examples that he gave predated David Westwood's appointment as either deputy or subsequently chief constable. Regrettably,

there were 11 incidents in total. Nine of them were of a sexual nature and all of them related to incidents—some in a very short time, to which the right hon. Gentleman referred—that should clearly have been picked up by those involved, as well as by the systems, which were clearly inadequate or not in place.

Obviously, it is absolutely crucial that we learn the lessons. The right hon. Gentleman asked me what was meant by the phrase "exceptional cases", where automatic referral by social services or other agencies to the police would not take place. Clearly, those incidents would not have been exceptional, so the kind of incident that Huntley was involved in while in Humberside should have been, and must be in any future circumstance, referred to the police and the information held properly, not deleted.

The exceptions that Michael Bichard was referring to take us back to the sex offenders and sex offences legislation, when we had a delicate debate about how to deal with those around the age of 15 and 16 who are experimenting with their sexuality and, as we retained the law as it was, how to implement it sensitively and not be run ragged by those organisations that wanted us to change it dramatically. So we are back to the use of common sense.

Regrettably—I think the right hon. Gentleman referred to this, and we are mindful of it—if common sense had prevailed, of course, we would not be here this afternoon discussing the report. Common sense would have led people to understand the relationship between one act and another, and to put two and two together. So those incidents were not exceptions and there can be no absolute guarantee of anything, but we can pick up the lessons in the report and use them effectively.

The right hon. Gentleman asked about the new systems. He is right to say that the Government do not have a good record on the implementation of national information technology. That is partly why there was such a reluctance to get engaged at an earlier stage and to implement the national intelligence model before putting the national computer in place. That decision was taken by a board consisting of the three partners—the Association of Chief Police Officers, the Association of Police Authorities and the Government—back in 2000.

At the time of the White paper in 2001, I allocated £11 million to the initial establishment of such a system, again under the old tripartite approach, operated and led not by the Home Office, but by the services themselves. We have now taken responsibility, which, as I said, we need to do. My right hon. Friend the Secretary of State for Education and Skills, who was in the Home Office, will recall the necessity of sometimes knocking heads together. When 43 forces operate entirely different information technology systems, in a world that demands something very different, there must be a national system.

The right hon. Gentleman asked me two specific questions, one of which was on the follow-through and whether Sir Michael Bichard should be engaged to do that job. I have spoken to Sir Michael. Other than reviewing what he has done, he is not keen to get engaged in being the arbiter on, or even the arm for, implementation. The right hon. Gentleman also asked the sensible question about what will happen if Sir Michael does not want that job. It will, of course, be the job of Her Majesty's inspectorate of constabulary, and we need to work with Sir Keith Povey to ensure that it can draw on and use outside expertise in the assessment and review of information technology systems at a local level, where the inspectors—understandably in terms of their histories—might not have access to that expertise themselves. We also need to learn from Scotland, which, with two very large police forces and six very small ones, managed to get its act together simultaneously with the introduction of the national intelligence model. There is much to learn from that, which we should do.

Registration systems are a difficult matter. My right hon. Friends the Secretary of State for Education and Skills and the Minister for Children will look at the recommendation of enhanced disclosure for all staff working in schools and similar educational establishments. We are extremely sympathetic to achieving that. There is, however, a danger, to which the right hon. Gentleman referred, of wrongdoings as a result of accusations that are made against people.

Although we will examine a non-bureaucratic light-touch way of providing an appeal, we must also exercise judgment on how people are dealt with in those circumstances. I am reluctant to have a system in which people have to register in advance of any thought of taking a job in order simply to work with children. When they do work with children, whether they are employed or volunteers in the voluntary and community sector, they have to be checked out through the Criminal Records Bureau. The question that arises again is whether it should be a normal or enhanced disclosure.

Let me confirm the right hon. Gentleman's sensible conclusion to his contribution. The report is not for Humberside and Cambridgeshire forces alone; it goes right across the board for services dealing with children at local and national levels, for the Government and local government, and for the police and social services. Above all, it is to be taken seriously and implemented by all of us who care about ensuring that never again will we have to stand here dealing with the tragic death of a Jessica or a Holly.

Mr. Mark Oaten (Winchester) (LD): I am sure that the whole House will feel let down by the series of mistakes involved in the case. Although the report does not blame any individual for what happened, there will remain for ever a doubt that perhaps something could have been done to avoid the tragic death of those two young girls.

I thank the Home Secretary for advance notice of his statement and warmly welcome his speedy response to the Bichard recommendations. However, he needs to explain in more detail why the Government abandoned plans to create a national database, which was, after all, recommended 10 years ago. He now plans to establish that database. Will he set out the time scale involved in putting in place the Impact system? Will he also explain what role he sees for the Criminal Records Bureau in the future? Does he share my concern that, with improved police data, the Criminal Records Bureau could become the weak link in the system? Does he have plans to review the Criminal Records Bureau or, indeed, replace it with a new system?

Sir Michael talks about new systems for registering those working with children—perhaps making them carry a card with biometric details on it. Does the Home

[Mr. Mark Oaten]

Secretary support that? If so, how would it work? Does he share my concern that that would mean schools, scout clubs and church groups having to buy expensive equipment to read those cards? Finally, will he confirm whether he or the police authority has the final decision on the future of the chief constable for Humberside?

Mr. Blunkett: I was not entirely sure from the hon. Gentleman's opening gambit whether he accepts, as we have, the overall thrust of the Bichard inquiry. However, I accept the tone in which he delivered his questions.

The hon. Gentleman asked why the initial proposal for the national intelligence system was abandoned. Plans were considered by the board, which was part of the tripartite approach that I described, in 2000. The decision was taken in relation to implementation of the national intelligence model, to be followed by the technology and the development of the system to ensure that once that was in place, it could be implemented. As I said, the decision was taken in Scotland to do the two things simultaneously. That is much easier in Scotland, with a population of 5 million, than in England and Wales, but nevertheless doing the two things together must have been a fine decision.

I have been careful not to open up any party political issues in the statement, and I shall continue to take that line. However, people must reflect on the pressure that Governments of all persuasions have been under, and central Governments have not—although Oppositions tend to take a contrary view of this—interfered with, or changed the balance of, the tripartite approach and, therefore, the decentralised autonomy and operational responsibility of police services across the country. At the time, the decisions lay with a non-professional ACPO leadership, which now has a full-time presidency. As a result of the decisions on local autonomy, the mechanisms did not exist for ACPO or the Home Office to go ahead.

I am spelling this out as gently as I can. In terms of what has been demanded of me since I have been Home Secretary, I have not got into—although I could easily do so—the issue of leaving the police service alone to develop the sharing of information and their IT capacity. I have spelt out that we accept that there will have to be a sea change in terms of leading that change, while working with ACPO, police authorities and local forces.

On Impact, we think that it may well take two years to get the system up and running. We intend to build on the police local exchange system, which will be in place by next spring, to do that. It will provide access to information held across the forces. We do not believe, and nor does Sir Michael, either in his report or in his press conference at 12 noon today, that the Criminal Records Bureau is at fault. He believes that with enhanced disclosures and the disclosure of information currently not available to the Criminal Records Bureau, the system will work better.

In my response to the shadow Home Secretary, I referred to disclosure—namely, what is it about someone's behaviour that constitutes that information being held and exposed to other people? We need to reflect on that, in terms not of rejecting the proposal, but of getting the balance right. I am often criticised for doing the opposite, so today I am being cautious about protecting individuals from wrongful accusation or from information being exchanged which has no basis in fact. Four million disclosures have been dealt with by the Criminal Records Bureau, which is now working effectively. I want to ensure that we do not disrupt it and make matters worse. Of course, it did not exist at the time, and even if it had it could not have helped, given that the information was not held and was so badly handled—that includes the issue of whether Cambridgeshire made the appropriate approaches to Humberside—that it would have made no difference.

The hon. Gentleman asked me about the card, which we are going to investigate. We share the concern that there should not be a massive bureaucracy. It will obviously be easier to deal with the matter if biometric ID cards are introduced and a database is available, but we want to discuss how that would work in the House and in Committee when we introduce substantive legislation. Again, people will want to test our proposals and make sure that action is proportionate. Overall, I hope that we can all work together to make sure that the sensible suggestions that have been made can be implemented as speedily as possible.

Shona McIsaac (Cleethorpes) (Lab): Does my right hon. Friend appreciate the sense of disbelief in Ian Huntley's former hunting grounds of Grimsby, Cleethorpes and Immingham, when his past was revealed after his conviction? I am sorry to say that that has left public confidence in Humberside police at rock bottom. Given that the record that described Ian Huntley as a serial sex attacker was deleted, does my right hon. Friend share Chief Constable Westwood's view, as expressed on 17 December, that that had to be done for data protection purposes, or does he believe that it was because of the wide-ranging and systemic failures detailed in this shocking report?

Mr. Blunkett: I am sure that my hon. Friend and other Members representing the area covered by the Humberside force, including the shadow Home Secretary, the right hon. Member for Haltemprice and Howden (David Davis), will share my determination to restore and enhance the force's credibility and people's confidence in its efficiency and effectiveness. Like the right hon. Gentleman, I will be cautious in what I say because of the process agreed by the House, which was affirmed in a protocol of the Association of Chief Police Officers, and because of the national negotiating machinery that came into force on 1 June this year to deal with these cases fairly. All that I can say is that Sir Michael's report—we share his view—demonstrates absolutely that the Data Protection Act 1998 was not responsible for the deletion or for the failures. It was unfortunate, to say the least, that six months ago, the chief constable sought to demonstrate that it was.

Mr. James Paice (South-East Cambridgeshire) (Con): May I thank the Home Secretary very much indeed for allowing me to see the report a day early, thus enabling me to read it carefully? I add my thanks to Sir Michael Bichard for his robust report, which details, as the Home Secretary said, a catalogue of shortcomings

by many individuals, forces and agencies involved in the case. The report will obviously be read in my constituency with great concern and care, and there will be close examination of the proposals for change.

In particular, the report lists the failures of the IT systems used by the police and the failure to develop and integrate them. I therefore strongly welcome the Home Secretary's commitment to a PLX system, the code of practice and the future development of the Impact system. For my constituents in Soham, nothing can undo the tragedy that befell us. While there will undoubtedly be demands for calls for retribution or scapegoats, the overriding desire is to know how that evil man could walk the streets of Soham, and to ensure that such things never happen again. Although there were a few failings by the school and by Cambridgeshire police, it is clear that when Huntley applied for the job at the school, the die was already cast. His records had gone and, most staggering of all, he had not been prosecuted, despite, as we have heard, being described by the police as a serial sex attacker. Pages 89 to 92 of the report describe an astonishing sequence of events from which Huntley appeared to escape unscathed. My constituents and, I believe, the whole country will be horrified to learn that so many offences could take place almost simultaneously without the police and social services being able to co-ordinate their activities and protect the public from such a man.

What action is the Home Secretary taking to look not just at those specific failings, but at the way in which sex offences are prosecuted? In particular, Sir Michael makes some trenchant comments about prosecutions where there is an admission of under-age sex by the perpetrator, even if the victim does not wish to pursue the matter in court. Can the Home Secretary say something more about Sir Ronnie Flanagan's review of the investigation of the offence by Cambridgeshire police? He said that the report has been published, but is that the whole report? Does he accept that unless my constituents are fully informed, sadly, the speculation about the conduct of the investigation will continue? When does he expect the Kelly report into social services to be published, and will the relevant Secretary of State make a statement?

As the Member of Parliament for Soham, I very much hope that this is the last occasion when this dreadful crime not only comes before this House but is the subject of more media coverage. While the names of Holly and Jessica will live on in Soham's history, my constituents, including, I believe, the families, never want to hear the names of Huntley and Carr again. May I thank you, Mr. Speaker, for your personal concern and interest in my constituents' welfare during this awful case?

Mr. Blunkett: I think that everyone in the House shares entirely the sentiments and emotions that the hon. Gentleman just described, and I thank him for the way in which he has liaised with the families, making it possible for us to work with them and keep them informed to ensure that they knew what was happening and when. While that did not bring comfort, at least it ensured that they had confidence that we were acting properly.

Sir Christopher Kelly has been encouraged to publish his report as quickly as possible. It is important in my view, and that of the Secretary of State for Health and the Minister for Children, that we have that report so that we can act on its recommendations in tandem with our work on the Bichard report. The hon. Gentleman asked about Ronnie Flanagan's report, which I am publishing today. It deals with the way in which the initial days were handled, including whether the force should have presumed immediately that it was dealing with an abduction and potential murder rather than missing children, but it also commends the force, when it recognised the enormity of events, on the speed and effectiveness of its action. Again, I concur entirely with the hon. Gentleman in accepting that people in the locality will want to know that Sir Ronnie's recommendations or observations are introduced urgently and implemented.

Mr. Austin Mitchell (Great Grimsby) (Lab): May I welcome the speedy action by my right hon. Friend, particularly the measures that he announced today, which will reassure many people? I emphasise the importance of his comments on a statutory code on intelligence, and about the PLX and Impact systems, all of which are most welcome. However, it is not enough just to dump everything on Chief Constable Westwood, because the report highlights failings in my right hon. Friend's Department. It says, first, that Her Majesty's inspectors failed to identify the computer mess in Humberside, make recommendations, or do anything about the problem until 2003. Secondly, the Home Office failed to set rules and conditions, or to provide a national code of practice on intelligence services, including what was to be added, deleted and so on from records, which was partly responsible for the confusion in Humberside. Thirdly, our national computer system was inadequate, so that forces were unable to access records held by other forces, and the system could not even flag up the fact that information was held by other forces. Those, too, are failings. I hope that they will be investigated with the same thoroughness and that my right hon. Friend can tell us why our police are so much less adequate in respect of national computer records than the police in Scotland.

Mr. Blunkett: I do not demur in any way from the view that responsibility for getting matters right rests across the board. I am seeking not to dump on anyone. I am using powers laid out in the Police Act 1996 and the Police Reform Act 2002 commensurate with the protocol that came into force on 1 June and was agreed with chief constables. If ever there were a case, after a thoroughgoing report and given the language used by Sir Michael Bichard, for the implementation of that protocol, it is now. The authority itself and the subsequent representations of Chief Constable Westwood will be part of that process.

I fully accept that there should have been codes of practice and intervention earlier. That is why, as my hon. Friend will remember, the 2002 Act provided for regulation, codes and directions, which were not available previously. It is also why we set up the national centre for policing excellence, and why I indicated today that the tripartite approach and decentralised autonomy are not acceptable in the context of national information exchange. I have already explained why, in Scotland, the chief constables decided to go ahead

[Mr. Blunkett]

simultaneously with their national intelligence model and their computer system, whereas in England those taking part in the decision making chose to do the first, and then to follow with the second.

From 2001, when I allocated the £11 million, and from 2003, when we issued the code, and following the steps that we have taken to develop the PLX and the Impact systems, the new £500 million Airwave communication system and the new national database for DNA, and the investment that we have put into the Criminal Records Bureau over the past three years, we have invested more than ever before. That, complemented by the £600 million that we allocated from 2002 to the whole criminal justice information technology system to join up, as Sir Michael recommends, the courts with the policing and social services systems, is something of which I shall be proud.

Mr. Speaker: Order. May I inform the House that I allowed the constituency Member of Parliament to ask several supplementaries for good reason, but from now I expect only one supplementary to be put to the Home Secretary.

Charles Hendry (Wealden) (Con): Does the Home Secretary accept that there is a gap in the existing legislation, in that people coming from abroad to work in schools are not subject to CRB checks? Does he agree that it seems unfair that whereas people of many years' standing in this country cannot take up a position in a school until they have been checked by the CRB, someone coming from abroad about whom we know nothing can start on day one? In the interests of child protection, should not the same checking criteria apply to everybody?

Mr. Blunkett: There is a checking system, including through the agencies and bodies from which the recommendation came. It applies primarily to supply teachers and to the recruitment of teachers on a temporary basis from overseas, but it could apply to others. I accept, and Sir Michael makes the point, that we need to be more thorough in carrying out checks. That challenge has been accepted more generally and it will be possible to meet it by means of the ID card database, where we will have to do a check back as part of the process of checking an individual's true identity. We will therefore be more easily able to check with the police forces and authorities in the country of origin.

Ms Debra Shipley (Stourbridge) (Lab): I very much welcome the report, which is extremely important, and my right hon. Friend's response to it. It is ludicrous that the police have not been automatically required to share information across forces. Hon. Members on both sides of the House have said that they do not want such a failing to occur ever again, but in my view it will happen again. Since my Protection of Children Act 1999, I have repeatedly drawn to the attention of my right hon. Friend the Home Secretary, my right hon. Friend the Minister for Children and my hon. Friend the Minister for Crime Reduction, Policing and Community Safety, who are present, the need for the retrospective checking of people who are in position. Prior to the establishment of the Criminal Records Bureau, many of them were not required to be checked. They remain in position and some are known paedophiles. There is a vital need for retrospective checking to take place. It needs to be phased in so that it does not overwhelm the system, but it must happen. The responses that I have received so far from Ministers and the Secretary of State suggest to me that it is not in the Government's programme to do so.

Mr. Blunkett: Sir Michael touches on that. I commend my hon. Friend on her tenacity and commitment to that important cause. First, whenever someone changes job, checks are automatically undertaken for the new employer. Secondly—Sir Michael touches on this—we need to consider introducing a review process for those who have not been checked but are working with children. I merely ask—this is not ducking the issue—for time to do that, if we are not to dislocate once again the system for the thoroughgoing checks that are currently being made on anyone who applies for the first time to work with, be with or volunteer to take part in activities alongside children, so that what it is feasible to implement is balanced against the necessity to provide protection through a checking process on a national basis, with the thoroughness that did not exist three years ago.

Mr. Keith Simpson (Mid-Norfolk) (Con): The Home Secretary outlined and acknowledged the failures in the Cambridgeshire police and the Humberside police relating both to systems and to policing, which my right hon. Friend the Member for Haltemprice and Howden (David Davis) also emphasised. May I pick up on one point that the hon. Member for Great Grimsby (Mr. Mitchell) made? Going back several years, those police forces were inspected by Her Majesty's inspectorate of constabulary. Did HMIC at any time flag up those weaknesses to the Home Office? If so, what action was taken, and if not, why not?

Mr. Blunkett: I have already acknowledged that that is a fair and sensible point, and it is one that Sir Michael makes with regard to HMIC's capability and the thoroughness of its activity in this area. The shadow Home Secretary made the point succinctly, and I have accepted that HMIC must raise its game in this area and needs expertise to do the job. It had certainly reported on the Humberside and Cambridgeshire forces, because regrettably we know where those forces have lain in all other national assessments, including, in the case of Humberside, the recent baseline assessment. What was not clearly emphasised and therefore not appreciated was the enormity of the failure of information systems. That is something that I want to put right.

Mrs. Anne Campbell (Cambridge) (Lab): I welcome my right hon. Friend's statement and the report from Sir Michael Bichard. This appalling murder case uncovered weaknesses in some parts of the system and in some police forces. I know that Cambridgeshire police will take the recommendations very seriously and will already have considered the implications. Despite the fact that a national database will be in place, will my

right hon. Friend issue a statement to all police forces asking them to review urgently their current procedures for storing and retrieving information?

Mr. Blunkett: Yes, the code that we are issuing under the Police Reform Act 2002 will do precisely that. The inspection process will be critical in making sure that it happens.

Mr. Andrew Turner (Isle of Wight) (Con): In the Home Secretary's very welcome statement, he referred to the need for social services databases to hold details of all alleged sexual offenders involved with named children. Does he realise the particular vulnerability of those who work with children on a day-to-day professional basis—I am speaking, of course, of schoolteachers—to unjust and unfounded allegations? In the very delicate balance of risk that he has to strike, will he take care to ensure that teachers in particular are protected from unjustified allegations destroying their careers and, in some cases, their lives?

Mr. Blunkett: I accept entirely that it is a very delicate and sensitive balance, which is why we have not rushed in today and made any bombastic statements or indications of unprecedented action. We need to try to get this right, reflecting on what Sir Michael rightly indicates is a mismatch between the holding of convictions and the holding of information, which, taken together, would have led to a conviction in the case of Ian Huntley. We need to do so precisely for the reasons enunciated—there are people who become vulnerable to unwarranted accusations that can destroy their professional well-being and livelihood. With regard to the teaching profession, my right hon. Friends in the Department for Education and Skills are examining how we can ensure a faster process of dealing with such allegations in order to meet the challenge of investigating them thoroughly, but not destroying the lives of those who are accused of taking the actions.

Mr. Ian Cawsey (Brigg and Goole) (Lab): For four years before entering this House, I had the great honour of being the chairman of the Humberside police authority. I saw at first hand the great skill and professionalism of the serving officers, who will be devastated by the report, which comes on the back of a recent poor performance assessment. There is no point in denying what is in front of us. Will my right hon. Friend assure the House that he will work as quickly as possible with the Humberside police authority to resolve these management issues and let Humberside police rebuild their reputation as a modern, efficient force, as the people of Humberside will wish and as the actions of a great majority of their serving officers deserve?

Mr. Blunkett: I appreciate my hon. Friend's experience and knowledge. I have made it clear through my officials to the chairman of the police authority, Colin Inglis, that we are prepared, and that the inspectorate and outside services will be drawn on, to give whatever help and support are needed to the deputy who will be acting chief constable for the weeks ahead, and to the police authority. I appeal to them to take up that help. In the end, the service that is provided to the people of Humberside is the sole concern of the police authority and those who work for the service. Confidence in the effectiveness and efficiency of that service is paramount in all our minds.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): In 1997, my right hon. Friend's Department undertook widespread consultation before the introduction of the Data Protection Act 1998, which Sir Michael said does not need radical revision. Will my right hon. Friend consider undertaking the same process in developing the code of practice? I think that there is widespread expertise out there and in the House that will aid in getting that right and in ensuring that improvements occur across the board.

Mr. Blunkett: I am very happy to draw on expertise and experience in terms of the code. It would be right to do so. The difficulty that we have—we should be honest about it—is that we swing like a pendulum from one extreme to the other. A terrible incident occurs and people want to ensure that the maximum information is shared and is available. The next moment, there is real fear of intrusion into people's lives and danger of damaging the privacy of individuals and risking their exposure. Getting this right means having a code of practice that, in the cold of light of day, balances those two opposites.

Vera Baird (Redcar) (Lab): I congratulate my right hon. Friend on his speedy action in appointing Sir Michael and on his firm decision taking on receipt of the report. However, it is no wonder that the conviction rate for serious sexual offences is only 5.7 per cent. of complaints, as is clear when one looks at the catalogue of sexual complaints made by young women against the same person which are not investigated and prosecuted to court by this one police force to which we have been referring. Steps have been taken since the nineties that should make the investigation of sexual offences better, but will my right hon. Friend ask the police inspectorate to look most carefully into and report on the way in which those incidents were investigated, so that we may be sure that we learn the lessons of all the Soham-related failures?

Mr. Blunkett: My hon. and learned Friend raises much wider issues. In the case of Ian Huntley, the incidents were reported. As the shadow Home Secretary indicated, they were known about, but they were not collated, no relationships were established and they were not held on the database and therefore not drawn on and acted on. I agree entirely that there needs to be a system, as the report recommends, that joins up not only what is found by social services, but what is referred by other agencies or individuals, and that deals with how that information is collated and held; in which circumstances it is deleted; and, above all, how one incident can be put together with another to build up a case and a picture of behaviour that allows us to intervene to save others from being sexually molested. That is what went so sadly amiss in the Huntley case.

Mrs. Ann Cryer (Keighley) (Lab): Can my right hon. Friend confirm that, owing to recent police and criminal evidence legislation, both the Crown Prosecution Service and the police can now, in certain circumstances,

[Mrs. Ann Cryer]

accept hearsay evidence from parents regarding underage sex? This is playing an important part in my constituency as far as Operation Parsonage is concerned. If the legislation had been in place earlier, it might have helped the police in relation to Huntley.

Mr. Blunkett: The Criminal Justice Act 2003 permits the use of such evidence in circumstances in which the young person themselves, while having given details and evidence, is not prepared to do so in court. That measure will be of assistance if it is sensitively applied, with the checks that Parliament rightly built in on the use of such evidence, including in writing.

Helen Jones (Warrington, North) (Lab): I welcome the speedy action that my right hon. Friend has taken following the publication of the report, and especially what he has said about the need for someone on each interviewing panel to be trained in the protection of children, since there would be no use in having the best system in the world if those on the ground were not trained to operate it. From his discussions with his right hon. Friend the Secretary of State for Education and Skills, can he tell the House how quickly he thinks such a system of training can be put in place? Does he envisage joint training for those in education, social services and the police so that everyone is working to the same agenda and on the same priorities?

Mr. Blunkett: The Minister for Children is determined to move as quickly as possible, but we have to bear it in mind that in preparing lead governors in 24,000 schools, with the necessary consultation with all the elements of the education service and training providers, will take a little while. We need to find a way of identifying those at a local level who are available and will be in a position to provide such light-touch training very quickly, so that we can draw on the expertise that exists. My right hon. Friends will be examining that matter. The last thing that we want is to set up some tremendous bureaucratic system that would take years to implement and would probably be out of date by the time people accessed it.

Food in Schools

1.39 pm

Mr. David Kidney (Stafford): I beg to move,

That leave be given to bring in a Bill to require all schools in England to have a food policy; to provide support for schools in drawing up, implementing and developing food policies; to make permanent the scheme for free fruit in schools and to extend it; to extend entitlement to free school meals, including to breakfasts; to amend the law relating to the nutritional values of school meals; and for connected purposes.

I expect that, before the mass production of motor cars and television sets, most people took regular exercise, and those who could afford to do so enjoyed a balanced diet. Today, cars and TV, whatever their benefits, play their part in stoking up obesity on a scale that has not been seen before. According to news reports, the Health Committee, the Consumers Association and the chief medical officer, we are witnessing a mass outbreak of obesity.

Populating our streets with overweight individuals is not only an aesthetic disaster; obesity is a major risk factor for serious, life-threatening conditions such as diabetes and heart disease. Individuals will die younger and society will pay more for the extra demands on our national health service. The antidote to that threat, which the CMO has described as a "health time bomb", remains the same prescription as before—regular exercise and a balanced diet.

My Bill focuses on diet. If we can instil healthy eating habits in young people while they are young, there is a good chance that those good habits will stay with them for life. Better still, if schools involve their students' parents in the enterprise, schools and parents in partnership will mutually reinforce the same messages on diet.

Many positive initiatives have been taken in schools in recent years. Labour has reintroduced compulsory nutritional standards for school lunches—a previous Government abolished such standards in 1980. All pupils aged five, six and seven now get free fruit in school, a wonderful development that makes fruit a popular choice among children. The Department for Education and Skills and the Department of Health have worked together on trialling a new national healthy schools standard. I want to go further, not towards a nanny state where the Government know best and tell people what they can and cannot eat, but towards empowering people to make the right choices for themselves. For that, we all need relevant information and the understanding to make our own judgments.

My Bill has five components. First, every school should have a food policy. For example, I want schools to decide the extent of formal teaching about balanced diets and safe levels of salt, fat and sugar. I should like students to learn from their experiences that a healthy diet can be fun. Food consumed in schools includes school lunches, the contents of lunchboxes brought from home and commercial products purchased from vending machines—schools should examine the contents of those vending machines. Some products are fine, but others are junk food and fizzy drinks. School governors should decide whether the extra income for the school is worth the possible harm to our children's

health. My hon. Friend the Member for Stourbridge (Ms Shipley) is taking on the related issue of food and drink advertising that aims a hard sell at our children.

Children should be equipped with basic food skills, so that they can prepare healthy, safe meals, know how food is produced and marketed, and understand what labels mean. I saw a good example of a whole-school approach to learning about food at Silkmore primary school in Stafford, which held a week of lessons and activities on the theme of food. Students themselves think that those matters are important. When I met the members of the school council at Stafford's Weston Road high school last Friday, they told me, unprompted, of their plan to reduce sales outlets for fizzy drinks and increase access to drinking water.

Of course, school communities, including unpaid school governors, are already very busy, and I do not want to add new burdens. My second provision is that the Government and local education authorities must support schools in developing food policies and making them effective. I discussed that point with Melanie Swanwick, the head of Staffordshire's successful school meals service. She has sufficient confidence in the quality of meals in Staffordshire's schools to suggest that Ofsted inspections should extend to schools' food policies. That is why I asked at the last Education Question Time for Ofsted to be involved in policing minimum nutritional standards set by the Government.

My third proposal concerns the entitlement to free school meals. According to the Local Authority Caterers Association, school meals are big business. In England alone, 3.25 million meals are served to pupils every day, 100,000 people are employed in the industry, and total expenditure by parents and LEAs is nearly £1 billion a year. In secondary schools in England, one in seven pupils is eligible for free school meals, but one quarter of those pupils do not receive their entitlement. My hon. Friend the Member for Warrington, North (Helen Jones) made constructive suggestions to improve that situation in her Adjournment debate on 4 February 2004.

My suggestion in this Bill is to extend the eligibility for free school lunches to include free school breakfasts. Just less than half of secondary schools now offer school breakfasts, and I argue that it is equitable that the existing free school meals scheme should cover school breakfasts in the same way in which it covers school lunches. In Hull, the LEA plans to pilot a scheme to offer all primary school pupils free school lunches in an effort to link education and health. That experiment is interesting, and the future evaluation of its effects on health and learning should be studied closely.

My fourth idea highlights the success of the free fruit scheme for all five, six and seven-year-old pupils, which is already popular in primary schools. Last Friday, I visited St. Patrick's Roman Catholic primary school in Stafford, where the school meals staff told me that the scheme is changing attitudes, because pupils increasingly choose fresh fruit and raw vegetables with their school lunches. The current scheme excludes LEAs' stand-alone nurseries, and I would rectify that omission.

My fifth and final proposal is to raise the nutritional standards of school meals. The Government have restored minimum nutritional standards, but many children's meals still read like fast food menus and include few fruits and vegetables. Children should have a choice of healthy meals in an environment that makes healthy choices enjoyable. We should adopt the nutrient-based standards, which experts still recommend, in the 1999 Education and Employment Committee report. I also hope that a greater emphasis on fresh foods will benefit local farmers, who can best supply freshness while keeping food miles low.

My Bill is well timed. Last month, the Government closed their consultation, "Choosing Health?", on action to improve people's health. As part of that consultation, the public were asked what key actions are needed to help people maintain a healthy weight. What better place to start than in schools? Let us educate young people about food quality, a balanced diet and health consequences. We must act to get young people into the habit of eating a balanced diet and finding out that it is enjoyable. Through schools, we can also engage pupils' parents in that aspect of their children's education. By doing so, we may encourage more families to reinforce at home the positive messages given in school.

Shakespeare scholars may recall Julius Caesar's line:

"Let me have men about me that are fat".

Today, I call for the opposite: with apologies to the Bard's fans for my poor imitation of his prose, let me have people about me whose bellies hang not over their waistbands; exercise and balanced diet will keep them more years from grim reaper's hands. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Kidney, Mrs. Janet Dean, Ms Julia Drown, Dr. Ian Gibson, Helen Jones, Mr. Stephen McCabe, Laura Moffatt, Mr. Kevin McNamara, Linda Perham, Bob Russell, Ms Joan Walley and David Wright.

Food in Schools

Mr. Kidney accordingly presented a Bill to require all schools in England to have a food policy; to provide support for schools in drawing up, implementing and developing food policies; to make permanent the scheme for free fruit in schools and to extend it; to extend entitlement to free school meals, including to breakfasts; to amend the law relating to the nutritional values of school meals; and for connected purpose: And the same was read the First time; and ordered to be read a Second time on Friday 16 July, and to be printed [Bill 122].

Opposition Day

[13TH ALLOTTED DAY]

Electoral System

[Relevant document: The Seventh Report from the Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee, Session 2003–04, HC 400-I, on Postal Voting.]

Mr. Deputy Speaker (Sir Alan Haselhurst): We now come to the first debate on an Opposition motion. Mr. Speaker has selected the amendment in the name of the Prime Minister. There will be a 12-minute limit on speeches by Back Benchers.

1.49 pm

Mr. Alan Duncan (Rutland and Melton) (Con): I beg to move,

That this House notes the constitutional importance of the forthcoming referendums on the Government's proposed regional assemblies; expresses grave concern at the threat to the integrity of the British electoral system through the Government's ill-conceived widespread extension of exclusively all-postal voting in the recent elections against the advice of the Electoral Commission and in the face of opposition from across the political spectrum; notes the public concern over reported instances of fraud, corruption and electoral malpractice; believes that the fragmentation of voting systems and methods under this Government is confusing and off-putting to the electorate; expresses concern that the integrity of the electoral roll is becoming undermined; and calls on the Government to restore a person's right to vote in a secret ballot at a polling station should they so choose.

All hon. Members have confidence in the process whereby we have arrived here. I hope that we all appreciate and believe that faith in any system of election is essential for the proper working of democracy. Conservative Members feel ever more strongly that the process whereby representatives in this country are being chosen is becoming contaminated by excessive upheaval, irresponsible experimentation and tinkering for its own sake.

Government by upheaval is the hallmark of new Labour's approach to almost every aspect of constitutional change. The Government invariably end up making a mess of things, wishing they had never started but not being prepared to admit that they have made a complete Horlicks of it. A system that, until recently, enjoyed the unquestioning trust of all its participants, be they voters or candidates, has become open to abuse and unfathomably complicated and has lost the universal trust of those that it serves. The debate that we must hold is neither party political nor trivial. It addresses a fundamental challenge to the legitimacy on which the structure of government at all levels relies.

In the election 12 days ago, all-postal voting, which was forced on people, attracted widespread disdain and derision. Far from being a long-term solution to democratic participation, it has sown additional seeds of political disaffection among the electorate.

David Taylor (North-West Leicestershire) (Lab/Co-op): Does the hon. Gentleman agree that the depth of disdain and derision was so shallow in the east midlands that turnout in the European elections doubled relative to those in 1999? How does he account for that?

Mr. Duncan: The hon. Gentleman should go back to school and study statistics because there is no point in comparisons unless one compares like with like. The experiment in all-postal voting has become a thoroughly counter-productive exercise, which, in the long-term, will be a cause of political alienation, not a solution to it.

I am well aware of the Government's opinion of the merits of increased turnout, but turnout is the altar at which they worship to the apparent exclusion of any other standard of measuring a voting system's effectiveness. Falling turnout is but one factor in a more deeply rooted trend away from mainstream political involvement, but the Government have resorted to a simplistic approach to a complicated issue.

Mr. Andrew Robathan (Blaby) (Con): Does my hon. Friend know that more than 1 million people in this country claim to have two addresses and that the Government showed in a written answer to me that they have no idea of the number of people who are registered in more than one place? I suspect that almost all Members of Parliament are registered in London and in their constituencies. Postal voting greatly exacerbates a small problem. What am I to do with the two extra ballot papers that I am holding? I got postal votes in London and the east midlands and I could easily have voted in both places because there was no mechanism to show that I had cast my European vote in London, where I was voting in the mayoral elections.

Mr. Duncan: I saw the Minister's answer to my hon. Friend's question and my hon. Friend has a valid point, which I shall tackle in more detail shortly. It is becoming increasingly clear to anyone who stops to think about it that the disadvantages of malpractice and disaffection more than offset any marginal increase in turnout in all-postal-voting areas.

Joyce Quin (Gateshead, East and Washington, West) (Lab): A moment ago, the hon. Gentleman said that we should compare like with like. In my local authority area, we have had three successive years of all-postal voting without any problems. The only difficulties arose with delays and the introduction of unhelpful obstacles, such as the witness requirement, which was introduced this time and led to reduced turnout. When comparing like with like, it is surely effrontery for the hon. Gentleman to castigate the Government when the cynical delaying tactics in the House and in the other place and the introduction of bureaucratic obstacles that had not been in place previously in my area caused the problems.

Mr. Duncan: Gateshead experimented with all-postal votes early. Subsequent experiments show that turnout has decreased comparatively. The right hon. Lady has experienced no end of problems in her seat and I shall deal with them shortly. I want to tackle all such matters because the disillusion and confusion that now attaches to voting methods, systems and rules and the composition of the electoral roll are becoming a serious cancer in the body politic. They are switching people off.

The Minister's previous complacency should be replaced by a sense of contrition and an admission of concern. It will not do for him to intone his earlier answers to questions put to him before the elections. He simply assured us then that everything was running smoothly and that all-postal voting was a triumph for democracy. Clearly, in the eyes of most voters, it was not. To be satisfied that all is well in the voting world, the Minister must establish the extent to which voter participation has permanently increased, ensure that there is no extra scope for corruption or cause for discontent and that the foundation of the entire edifice—the electoral roll—is a pure and perfect construct. He cannot do that.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): My hon. Friend has drawn attention to two disadvantages but there is another. People have to vote early in a postal ballot and therefore might not be affected by events during the campaign. Let us consider the Spanish election. Although one might regret the action of the Spanish electorate, the fact that they could take action as a result of something that happened during the campaign is surely part of democracy.

Mr. Duncan: My right hon. and learned Friend is absolutely right. One of the problems of all-postal voting is that it destroys the process of any genuine election campaign and puts an end to polling day as judgment day in our British democracy.

Andrew Bennett (Denton and Reddish) (Lab): It is a mistake to make a fuss about all-postal voting. The hon. Gentleman should examine postal voting in principle. Perhaps he could remind hon. Members that the Conservative Government extended postal voting to holidays and that neither the Conservative party nor the Liberal party objected when the House extended postal voting on demand to other groups. If there is a problem, it is not all-postal voting but postal voting generally.

Mr. Duncan: There is a clear distinction between postal votes that are specifically requested and those that are scattered willy-nilly, as if from the skies, over the entire country. An enforced system of all-postal voting entails a massive conceptual shift in the manner that we manage our elections. Instead of saying that a voter must go to a polling station in person and, from a setting of secrecy, immediately put the ballot paper into a secure box, which goes straight to be counted, or specifically requesting, as the hon. Gentleman described, a postal vote, the whole country now receives a confetti shower of charged, loaded, undetonated ballot papers that are designed to provoke higher returns but are open to all manner of maldistribution and malpractice on the way to being counted. *[Interruption.]* If the Minister wants to sneer, he should apply some basic common sense to the way in which a ballot paper goes from A to B to C to D and back to being counted.

The Minister for Local and Regional Government (Mr. Nick Raynsford): Will the hon. Gentleman give way?

Mr. Duncan: I should love to.

Mr. Raynsford: Why does the hon. Gentleman believe that the Electoral Commission recommended, in its evaluation of the 2003 pilots, that we should move towards a presumption in favour of all-postal voting in all local government elections?

Mr. Duncan: Again, I shall deal with that point shortly. Frankly, I do not care what the Electoral Commission said. I disagree and believe that experience is showing that the system is open to fraud and that the recent all-postal voting experiment is a dangerous backward step for democracy. Voters can more easily be impersonated and ballot papers can be intercepted or even bought and sold more easily under the new system. There is no similar scope for illegal practice when one votes *in* person at a polling station.

Several hon. Members *rose—*

Mr. Duncan: I shall give way shortly. The Minister uttered one piece of good sense on 27 May when he said:

> "No unexpected issues have been reported to my Department in those parts of the country where voting will occur through conventional means."—[*Official Report*, 27 May 2004; Vol. 421, c. 1735.]

Indeed. Voting through conventional means works.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): My hon. Friend the Member for Denton and Reddish (Andrew Bennett) asked what specific issues of fraud or lack of security applied to an all-postal ballot as opposed to postal voting in general in an ordinary election. The hon. Gentleman replied with a general diatribe. Will he revert to the question and state what specific problem of fraud or lack of security applies to an all-postal ballot but would not apply to postal voting in a normal election?

Mr. Duncan: In a nutshell, when a postal vote is specifically requested, it goes directly to an individual person who wishes to participate in the ballot. That is not the case in all-postal ballots. Indeed, scattering ballot papers all over the place is a process that is almost impossible to police. One person found that their vote was up for auction on the eBay website—*[Interruption.]* It may be illegal, but that is just the visible malpractice. There has been talk of children selling ballot papers in return for a packet of cigarettes, and of people selling a whole batch of ballot papers for a fiver. At this rate, we will soon have a futures market in ballot papers, or a swaps market. Move over, stock exchange; soon, we will have a vote exchange. David Dimbleby's election reports will have to take on a new guise. He will be telling us: "Voting prices have collapsed today in a Blair market." Or perhaps the Prime Minister will only be happy when they are selling short.

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): The hon. Gentleman is making some very strong comments. He has made these allegations, but has he reported this information to the police?

Mr. Duncan: The whole point is that these practices are almost undetectable, but they destroy confidence. Let us consider the basic administrative problems—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman, but I want to hear less shouting from a sedentary position. One or two hon. Members should know from their own experience of chairing that they should not be engaging in that practice.

Mr. Duncan: Thank you, Mr. Deputy Speaker. Shouting abuse is the only argument that they have.

Even before there was any suggestion of illegitimate practice, the simple administrative problems were enormous. Printing and distribution was a nightmare. Many ballot papers were delivered late and not printed properly. Barcodes did not work. Ballot papers arrived behind schedule. Emergency polling booths had to be opened in Bolton, for instance, after 6,000 ballot papers were never delivered, which I suppose gives another meaning to the name "Bolton Wanderers". In Gateshead, the constituency of the right hon. Member for Gateshead, East and Washington, West (Joyce Quin), they had to put collection boxes in the town's 18 libraries because ballot papers were delivered late. More than 1,000 voters in Wigan had to go to the town hall after another distribution blunder. I suppose those ballot papers just went over the end of the pier.

Instructions were not clear, and there was massive confusion about which bits to put into which envelope. To split or not to split: that was the question. It was a sort of nationwide test in origami. Some packs were missing either envelopes or ballot papers. Some people received two EU ballot papers and no local one, while others received two local ones, and none for the European election. Some ballot papers got ripped in half during the count, or on opening, and the system was totally bemusing to blind people.

Mr. Raynsford *indicated dissent.*

Mr. Duncan: The Minister shakes his head, but the Royal National Institute for the Blind has cautioned, in a mood of some justified indignation, that many blind and partially-sighted voters were offered no provision whatever to assist their impairment. That was entirely the fault of the Government, and nothing whatever to do with the returning officer.

There was also a widespread problem involving the duplication of mailing lists, as my hon. Friend the Member for Blaby (Mr. Robathan) has pointed out. New all-postal and existing postal lists were in some cases not scanned for duplicate distribution, so both sets were sent out. Some people were simply caught in a downpour of ballot papers, all addressed to them. In one case that has come to my attention, someone received four, which I have here. Here is one; here is another; here is a third; and, rather like on "Blue Peter", here is one I prepared earlier. With a bit more sticky-backed plastic, we could pretty well take over the whole country.

Returning officers up and down the country despaired at the process. Frankly, in the circumstances, they have all done remarkably well. They are to be congratulated for making the best of a bad job, but let us not pretend for a moment that they would ever embark on the same exercise again with any enthusiasm. They would not. Let us be absolutely clear whose fault this was. The Select Committee that looked into this issue just as the Government were bulldozing everything through Parliament, against the wishes of the upper House and the Electoral Commission, said that it was

"concerned by the Government's poor management of the arrangements for the pilots".

It had good cause to be so.

David Taylor: Would the hon. Gentleman accept that the litany of problems that he is describing was not at all evident in any part of the region that he and I partially represent, the east midlands, not least because there were few local elections? Is not the main problem the shortness of time that was available because of his colleagues in the other place delaying the legislation?

Mr. Duncan: That is not the reason at all. If the hon. Gentleman is in touch with his constituents, as I know that he is, he will have come across the widespread discontent of people being forced to vote by post.

Mr. Patrick McLoughlin (West Derbyshire) (Con): It really is nonsense for the Government—or even their Back Benchers—to blame the lateness of the determination of the Commons and the Lords on the Bill in question. We have known since before Christmas that the Government were going to combine the two elections. They had plenty of time in the parliamentary timetable to allow these things to be arranged. It was the Government leaving the legislation late because they could not make up their mind that led to this problem; it was nothing to do with the Lords and the Commons.

Mr. Duncan: My hon. Friend is absolutely right. The Government also refused to accept the clear advice of the Electoral Commission on this matter, and proceeded in defiance of it.

Another aspect of the current voting system that is becoming a massive turn-off for anyone contemplating doing their bit at the polls is that, quite simply, it is all becoming too complicated, and people are getting fed up with the way it works. They almost need a PhD in political science to get to grips with all the different systems of voting, counting, and casting their vote. Voters cannot be expected to know their STV from their SV from their FPTP, and they are becoming increasingly confused about their preferences.

One of merits of the traditional British electoral system has been its simplicity and transparency, yet the proliferation of voting systems and voting methods under this Government has become a voter's nightmare. It risks hindering, not helping, democratic participation. Let us take the London elections. The public faced the confusing prospect of casting five different votes under three different voting systems: one vote for a regional party list in the European elections; two votes for the Assembly via the additional member system; and two preferences for Mayor via the supplementary vote, an electoral system so obscure that it is only otherwise used in Sri Lanka. It is no wonder that, in the Assembly elections, a worrying 6 per cent. of all constituency votes were rejected, as were 3 per cent. of all list votes.

In the vote for the Mayor, 60,000 voters had their first preference rejected, and while some people admittedly would have chosen not to express a second preference, 330,000 second preference votes were still labelled as rejected. Yet, lo and behold, here is another fiddle: those rejected votes were all counted towards the overall level of turnout. This creative counting gives a profoundly misleading impression about the real levels of democratic participation, and is yet another sign of the spin behind the arguments.

Claire Ward (Watford) (Lab): Surely it is part of anyone's democratic right to go along to the polling station and to participate by spoiling their ballot paper, if they wish. That is democracy, and those votes should be counted towards the turnout level because those people have participated. They may not have voted for the hon. Gentleman's party or for mine, but they have still participated.

Mr. Duncan: One of the problems is that many people could not go along to a polling station, although they could in London. No doubt, if people scribbled "I hate Claire Ward" all over their ballot paper, they would know that they were registering a protest and that their vote would be rejected. However, it is clear from the process that we saw 12 days ago that many people simply did not understand the system and did not register a proper vote.

One of the main advantages of the first-past-the-post system is that it is clean and simple. People understand it, they trust it and they accept it. Perhaps that is why it is the world's most widely used system. But now, with all this variety, people often do not understand the system, and do not trust it. We seriously risk them eventually not accepting its results.

Mr. Betts: I actually agree with what the hon. Gentleman says about first past the post, but would he accept that one of the biggest causes of confusion in the all-postal ballots, certainly in my constituency, was the requirement for a witness statement that was imposed on the process by the Tories and the Liberals in the House of Lords at the last minute, against the advice of the Electoral Commission, which said that it would add nothing to voting security?

Mr. Duncan: When there is so much scope for fraud already, removing the requirement to have a witness statement would merely compound that problem and lead to an even greater lack of confidence in the system that the Government have forced on the British people.

The greatest problem with all-postal ballots lies in the loss of confidence caused by the massive scope that exists for electoral malpractice. Under the traditional system, there was perhaps a minor chance that someone would be able to impersonate someone else, and exercise another person's right to vote. Under all-postal voting, there is massive scope for fraud and undue influence. It is, at every turn, open to fiddles. So much can go amiss between the ballot paper being sent out by the returning officer and it coming back to him. Votes can be gathered up when lying on the doorstep or in flats. They can be pinched, transferred, chucked over a hedge or fished out of dustbins.

Andrew Bennett: If the hon. Gentleman is so concerned about the postal vote issue, what recommendations will he give to Tory candidates in the next general election? Will he recommend that they should encourage people to have postal votes, or, given his concern about possible fraud, will he recommend that they have nothing to do with encouraging the electorate to have postal votes?

Mr. Duncan: It is a matter of choice. People should be able to ask for a postal vote, but it should not be universally forced on them and sent to them out of the sky.

Mr. Robathan: While my hon. Friend is talking about choice, one thing that seems to be ignored, particularly on the Labour Benches, is that many couples do not vote in the same way. We hear a lot about domestic violence, and many women do not wish their husbands to know which way they vote. When it comes to a postal vote, however, they are of necessity likely to cast their vote in the presence of their husband. That is something about which many women feel strongly, and which they do not wish to do.

Mr. Duncan: My hon. Friend is absolutely right. In fact, there have been fairly widespread reports of household intimidation. There can be intimidation in households and in the workplace, as was reported in Bradford. The Minister may want to speak to someone on his Benches who has often been brave on this matter. The hon. Member for Keighley (Mrs. Cryer) has argued that voters can be subjected to what she calls, delicately and politely, "community pressure". I suggest that he looks behind him instead of barracking the Opposition about the dangers that can be involved in the system.

Then there is the so-called harvesting of votes, with party activists pressuring people on the doorstep to hand over their vote—a practice recklessly encouraged by the Labour party in its official postal voting guide and document, the Labour party postal vote handbook 2004, with its sinister advice to

"have a ballot box for people to put their votes in which you can then deliver . . . if your volunteers are wearing Labour stickers or rosettes it is unlikely that supporters of other parties will give you their votes."

If there is many a slip twixt cup and lip, it takes only the Labour party to turn it into an art form. In the face of that, our position is clear—no one should be forced to vote by post.

No doubt, in response to all this, the Minister will simply say that we should await the inquiry due to be undertaken by the Electoral Commission. I can just see the Minister sitting there satisfied already that he will be able to stand up in a couple of months and assert to the House that there have been few if any proven cases of malpractice. The Minister seems to share that view. That, if I may say so, is exactly the problem.

The whole point about the malpractice that can so obviously take place in an all-postal ballot is that it is almost impossible to detect, and even more so to prove. People are not stupid. They can see it, and they do not like what they see. They suspect that many elements of the process are like a series of unreported crimes—we know that they are happening, but there is no chance of

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prosecution, so why bother reporting them. But it undermines their confidence. People will be utterly incredulous about the Government's absurd assertion in their amendment to today's motion that

"there is currently no evidence to show that all-postal ballots are more susceptible to fraud than traditional elections".

The Minister says that that is correct. Even someone with limited common sense, or a five-year-old, can work out that they are most definitely susceptible. There are probably a few five-year-olds who have doubled their pocket money proving it. All that matters for the system to be undermined, and for people to lose confidence in it, is that all these abuses are able to take place. One would think that a Government who bang on about perception would have worked that out.

If the Minister announces to the House in the autumn that the Electoral Commission has found no systematic evidence of malpractice, that is no defence whatever of a system that is so obviously open to it. It is not even as if the Electoral Commission has been at all in evidence walking the streets of Britain over the last few weeks to see things for itself. It is not in any way equipped to conduct such an inquiry.

The Government cannot get away with just bleating on about turnout. Even the headline figure is not what it seems to be. In the past, the number of rejected ballot papers has been so insignificant that it has hardly mattered. But when it reaches the level of say, 1 per cent. or 2 per cent., it begins to matter. That is not just because it might be thought to have an effect on the result of marginal contests, but because when subtracted from apparent total turnout, it shows that increased participation is not quite what is claimed. *[Interruption.]* The Minister says that that is nonsense, but it is basic arithmetic. No one is therefore surprised that the Government have insisted on including rejected ballot papers in the turnout figure. It makes the increase in all-postal areas look bigger than it really is.

We cannot concur with the rosy ministerial statement issued yesterday proclaiming that what the Government call the "multichannel approach" is a "positive result" for "electoral modernisation". The fact that all-postal voting leads to more votes in the ballot box is not in dispute. The key test is whether the integrity of the electoral system is compromised as a result. The Government's claims of doubling turnout, as one Member mentioned, are a statistical sleight of hand. Turnout in the pilot regions was a mere 5 per cent. higher than in non-pilot regions. Turnout rose because the European and local elections occurred on the same day; contests in which all councillors were up for re-election due to boundary changes increased campaign activity; people wanted to protest against the Government's plans for a European superstate; and paradoxically, the controversy about all-postal voting itself gave front-page coverage to what was being dubbed "Super Thursday".

The Government use the base year of June 1999 to make comparisons, which saw a turnout of just 20 per cent. in the pilot regions. They omit to make comparisons with the last set of local elections, which always have a higher turnout than European ones. Indeed, in areas that have had all-postal local elections for many years, turnout fell. It was down 3 per cent. in Newcastle, 7 per cent. in Sunderland and Gateshead, and 7 per cent. in Trafford.

The Government point to the anti-fraud measure of witness statements as the cause—some Labour Members even want to abolish it. Yet this fall is a continuation of a long-term trend. As the Electoral Commission reported last year, in its review of 2003 pilots, examining areas that also had all-postal voting in 2002, the novelty value had worn off, and turnout was beginning to decline again. That pattern has continued, it would appear, in the elections that we have just had.

Let us just imagine the scope that there would be for even greater fraud were there no requirement for some sort of witness statement. Is that really what Ministers would now like to see? Do they wish to abolish the witness statement? I offer them the chance to say so now, at the beginning of the debate.

Mr. Raynsford: Perhaps the hon. Gentleman will recognise that the Electoral Commission has recommended that. Does he agree with the Electoral Commission's proposal?

Mr. Duncan: I do not agree with the abolition of the witness statement, because there would then be far too much scope for increased malpractice.

Mr. Graham Brady (Altrincham and Sale, West) (Con): It is important that my hon. Friend should recognise that the Electoral Commission, in accepting that the witness statement could go, also made it clear that the postal ballot should not have been extended as widely as it was without individual voter registration. If Ministers are going to pray in aid the Electoral Commission, they should be honest and straightforward and promise that individual registration will be in place before we ever have another such experiment.

Mr. Duncan: My hon. Friend is right, and that is exactly the point that I want to come to. Another ingredient that severely contaminates the dubious process of all-postal ballots is the composition of the electoral roll on which it is based. My hon. Friend the Member for Broxbourne (Dame Marion Roe) has become the commander, if I may say so, of that issue. As she pointed out in her debate on 5 May, there are thousands upon thousands of names on the electoral roll of people who are not entitled to vote. In Portsmouth, where the registration process was cleaned up, more than 11,000 ineligible names had to be removed—a whopping 15 per cent. of those on the list. Should my hon. Friend catch your eye, Mr. Deputy Speaker, she will be able to elaborate on that. It has severe implications not just for voting but for the setting of constituency boundaries and hence the very composition of this House.

With all-postal voting, we start with a highly questionable list, especially for those student flats and homes of multiple occupancy in which the risk of malpractice is at its worst, and we compound that situation by bombarding all those electors—and, it would seem, non-electors—with ballot papers. Unless all that is addressed, perhaps by the individual registration for which my hon. Friend the Member for

Altrincham and Sale, West (Mr. Brady) called, and unless that happens quickly, people will feel that the entire process has become rotten.

The Government's reckless fiddling with the electoral system has raised widespread public concern about the integrity of the country's electoral process. The electoral practices of the 18th and early 19th centuries, such as intimidation and fraud, risk becoming the hallmarks of the 21st. The system that we have allowed to emerge needs tightening up, not loosening up.

We will lead a cross-party campaign in both Houses to challenge the Government's plans to hold the forthcoming regional assembly referendums by a compulsory all-postal ballot system. We will also resist plans to use such ballots in any European referendum or across all local elections. This Government have a clear agenda to throw away the ballot box and force all-postal voting on the British public, irrespective of their wishes. We will protect people's right to vote in person and in secret. They should be able to choose the ballot box over the letter box. We are the defenders of democracy; this Government most clearly are not.

2.23 pm

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): I beg to move, leave out from "House" to end and add

"recognises that the all-postal pilots in June 2004 were part of a process of testing alternative voting mechanisms for the benefit of making voting easier and more convenient for electors; further recognises that turnout in European elections had fallen to its lowest ever level in 1999 and that all-postal pilots assisted in making the 2004 European election turnout the UK's highest ever; welcomes the fact that voter participation for the European elections in the pilot regions more than doubled in 2004 compared with 1999; believes that allegations of fraud have been reported disproportionately and that there is currently no evidence to show that all-postal ballots are more susceptible to fraud than traditional elections; recognises that further reforms will be necessary to widen participation and engagement in the electoral system; and further believes that the integrity of elections and referendums, including the proposed referendums on elected regional assemblies, is adversely affected by declining turnout which puts in jeopardy the democratic mandate."

What a pity that the hon. Member for Rutland and Melton (Mr. Duncan) took such a completely over-the-top attitude. How sad the official Opposition have become that they now resort to this. In its desperation to attack the Government, the Conservative party will try to seize on any story or rumour and, by extrapolating from those anecdotes, spin a yarn that the totality of our institutions and the world is crumbling and being brought to its knees, and that everything is a failure—that everything is wrong and a disaster. That is the myth that they are trying to peddle.

Both the Tories and, to a certain extent, the Liberal Democrats have systematically and persistently tried to undermine the elections and their outcomes throughout the process. They throw dust in the air to cloud the true picture, and they want to focus on the negative at the expense of anything positive. They deliberately seek to present matters out of perspective.

Thankfully, the reality is quite different from the Opposition's myths. We have every reason to be proud of our system of governance in this country. Our institutions are strong and improving, and are being reformed. Despite difficulties that occur from time to time, we have a democracy that is successful and leads the world. That is the reality, whatever the Opposition say to undermine it. Yes, there are real issues that need to be addressed, but our electoral administrators and returning officers have done a fantastic job in seeing through a challenging combined European and local election, with new systems in some areas designed to make voting easier and more convenient. That is why we put them in place.

The European Parliamentary and Local Elections (Pilots) Act 2004 was passed with the explicit intention of testing out whether different forms of voting could engage a larger number of electors who had not voted in previous elections. It did that. More people took part this time than last time, especially where all-postal voting was tried out.

Mr. Andrew Turner (Isle of Wight) (Con): The hon. Gentleman says that the system engaged more electors than before. The question that people are concerned about, however, is whether the people who cast the votes were indeed the electors to whom the voting papers were addressed.

Mr. Leslie: If the hon. Gentleman has any evidence that those who cast the votes were not those people, he should deal with that and pass the information to the relevant authorities. If he is seriously suggesting that the increase in turnout of millions more people was somehow fraudulently arrived at, he is living in a different world and does not have anything to substantiate the comment that he has dreamed up.

David Hamilton (Midlothian) (Lab): Is the Minister as puzzled as I by the Conservative party's conversion to opposing the present system? Was it not that party that made the proposals for trade union ballots to take place by postal voting systems? I come from a union that had 80 to 90 per cent. of members voting through the ballot box but now has 60 per cent. voting through the postal voting system, with no checks being done. Is that not a U-turn?

Mr. Leslie: Absolutely. The fact is that the Conservative party itself has encouraged people to vote by post, for example on its website, which has various literature about encouraging people to vote. Interestingly, the Association of Electoral Administrators was quite critical of the Conservative party process for garnering postal votes, because it said that they were not returned in time to returning officers. However, we should look at that on another occasion.

We have been trying to make it easier and more convenient for people to vote—that is the sin of which the Opposition accuse us. Millions more people found postal voting more convenient. Millions who would not go to conventional polling stations preferred to cast their vote by post. That is the truth about the recent elections.

Mr. Tim Boswell (Daventry) (Con): On the specific point that the Minister has just raised, my village is approximately 18 miles from the assistance and delivery point—the only one in my local registration district. If there were a blind person in the village who had difficulty using or accessing a template at home, would

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they have to go to the local delivery point to receive assistance, and could that be seen in any possible way as more convenient than the system that has been replaced?

Mr. Leslie: There was a fail-safe arrangement in place whereby returning officers went to visit anyone who requested assistance, whether because of visual impairment or other disability. The reports that we have received show that that worked for large numbers of people. If the hon. Gentleman's local authority—I think that it is Conservative—had chosen to have more assistance and delivery points than the one that the legislation required, it would have been perfectly free to do so.

Joyce Quin: Was my hon. Friend puzzled, as I was, by the repeated reference of the hon. Member for Rutland and Melton (Mr. Duncan) to people's being forced to vote by postal ballot? Certainly in my area, in the three years for which we had successful experiments, it was still possible to put a vote in at the civic centre or at a designated location. People were not forced to vote by postal ballot, although most of them welcomed the opportunity to do so.

Mr. Leslie: That is absolutely correct, and my right hon. Friend rightly gets rid of the myth that the ballot box has somehow been abolished. People had the choice to go and use the polling booth in the conventional way at those assistance and delivery points if they so chose. We provided for there to be at least one in every local authority, and most local authorities decided to provide more than that.

Mr. Bernard Jenkin (North Essex) (Con): If that really is just a myth got up by the Opposition parties, why did the hon. Member for Bradford, West (Mr. Singh) describe the Minister's statement issued yesterday as ludicrous and claim that all-postal pilots led to a "cash-and-carry democracy" in his constituency? Why has the hon. Member for Bradford, North (Mr. Rooney) described the statement as nonsense and called for a root-and-branch reform of the system? Why have Labour council leaders up and down the land been voicing concern about the system? Why have 12 of the Minister's colleagues signed early-day motion 1338, which draws attention to the allegations of cheating and stealing votes and calls on the Government to review the system? Are those people all Tory stooges?

Mr. Leslie: The hon. Gentleman will have to talk to whichever hon. Member he sees fit to talk to, but if he has specific evidence—I hope that we conduct our debates in the Chamber on the basis of fact and hard evidence rather than rumour and supposition—he should produce it. He should produce it, furthermore, not just for the House, but for the relevant authorities so that they can investigate it; otherwise, I cannot see the validity of the hon. Gentleman's point.

The fact remains that, in recent years, people have been less inclined to participate in local elections and if anything damages the integrity of our democracy—partly the long title of today's debate—it is the problem of dwindling involvement, minority participation, and the consequent weakening of the mandates of those elected supposedly to "represent" the public in taking decisions. How, then, should we respond to that particular problem? Should we simply ignore it and hope that it goes away—that seems to be the approach of Conservative Members—or should we try to look for ideas and solutions to see whether we can re-engage people in a way that removes barriers and obstacles to their participation? That is exactly what we have tried to do.

The Government and this Parliament have been keen to try out new ideas, to test new ways of raising interest and involvement in democracy and elections. Not everything is the fault of the mechanisms of the electoral system, but it would surely be foolish not to look to see whether improvements might make some difference.

Mr. Hogg: It is obviously a legitimate aspiration of the Government to drive up voting. That is correct and I agree with it. At the same time, however, it is important that people perceive the result of an election to be fair. There is a widespread view, held in most parts of the country, that the possibilities for fraud are so great as to undermine the outcome of many of the ballots.

Mr. Leslie: The right hon. and learned Gentleman talks about a perception, which has been perpetuated by his Front-Bench colleagues, but I believe that it is indeed a perception rather than a true depiction of the reality of the position. I am glad that he accepts that it is right to explore different voting methods and technologies. We should be looking into whether it is possible to give electors the choice and convenience in voting that they would expect from other activities such as shopping or banking.

Claire Ward: I believe that my hon. Friend is right to pursue as many alternatives as possible to encourage voter participation. Four years ago in Watford, there was a pilot scheme whereby people voted for a whole weekend. Our elections were held over three days with postal and ballot boxes being placed in supermarkets. Our turnout actually fell as a result, but it has not discouraged me from looking to find other ways of increasing participation. It is clear that postal ballots help to achieve that, so I hope that my hon. Friend will continue to pursue the option of all-postal ballots.

Mr. Leslie: It is most gratifying to see that my hon. Friend has an open mind to try to find new ways of engaging with her constituents and to make voting easier and more convenient. The fact that some Conservative Members are circling to pounce at any opportunity on a pilot scheme whose outcome they do not like is most disappointing. It is right to test these options out; they were pilots, after all, and we learn lessons from them. We must also ensure that the pilots are as secure as possible and that we put extra security safeguards into pilots and trials, as we have every time that we have tested these initiatives out.

Mr. Bill Tynan (Hamilton, South) (Lab): My hon. Friend will be aware that in Scotland we would have been delighted to have an all-postal vote in the European elections. Does he share my concern that the allegations made that huge swaths of the population are

dishonest when it comes to voting are a serious matter? If the Opposition could substantiate those allegations, I would like to hear that substantiation.

Mr. Leslie: Quite right. The question of fraud and malpractice has not only excited the Opposition, but garnered many column inches in the press. However, I do not believe that the allegations have been fully scrutinised to assess whether they stand up, so I welcome the opportunity once and for all to deal with this important issue. The various media reports of a small number of voters being bullied or put under duress to cast their ballot continued throughout the last week of the election. It is vital for elections both to be secure and to be seen to be secure, and for any evidence of malpractice to be reported to the police straight away.

As I said earlier, if the hon. Member for Rutland and Melton has any evidence of wrongdoing, I hope that he will produce that information and ensure that it is taken to the relevant authorities immediately. However, I have to say that, contrary to many of the reports that he and the media have perpetuated, the regional returning officers—the true experts in the field—to whom I have spoken have not reported any greater incidence of fraud or malpractice than that which typically occurs in every election campaign. They reported negligible local difficulties, and they doubted very much that any substantial problems were sufficient to jeopardise the elections.

The only reports that I have of actual arrests are of three individuals in Oldham, with no arrests reported by regional returning officers elsewhere in the north-west, in Yorkshire and the Humber, in the east midlands, or in the north-east. It is regrettable that hearsay and rumour created misconceptions about the all-postal pilots, when the reality is that they do not appear to have generated anything other than the normal level of charges or prosecutions typical to all elections. To quote a joint statement by the north-west regional returning officer, Sir Howard Bernstein, and the Greater Manchester Police:

"Our research shows that in Greater Manchester, the scale of allegations of fraud and malpractice is broadly similar to previous years. While the nature of allegations has changed this year, the scale has not increased—if anything, it has lessened."

Much has been made of technical difficulties experienced within some pilot local authorities.

Mr. Brady: Before the Minister moves on, I am pleased to hear that he accepts that it is essential to make improvements to ensure security, so will he give an undertaking now that individual voter registration will be put in place, as recommended both by the Electoral Commission and the Select Committee in its May report, before any further all-postal votes take place?

Mr. Leslie: Unlike the hon. Member for Rutland and Melton, I do care what the Electoral Commission says and I believe that it is important for us to listen to it. Ultimately, it advises and we take the decisions. The hon. Gentleman also has the right not to listen to its advice. Currently, the Electoral Commission advises that it prefers individual registration and we are certainly minded to continue to reflect on that advice. Bringing that about would require a change in the law. The Electoral Commission also recommends that, on the next occasion, it wants all-postal referendums and we will be in discussion over the coming months about that.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): I am pleased that my hon. Friend picked up on the comments of the hon. Member for Rutland and Melton (Mr. Duncan). Did he note that the hon. Gentleman said that he did not care what the Electoral Commission said, but then, on at least three occasions, he prayed in aid what he alleged the Commission did say?

Mr. Leslie: My hon. Friend is looking for consistency from the hon. Member for Rutland and Melton, but his expectations are set a little too high in that respect.

I made it clear when I gave a statement to the House on 27 May that, although problems and delays were encountered in some of the technical preparation for the ballot process, proper contingency measures were put in place and the elections continued to run successfully. Despite some of the more lurid headlines that were printed, of the 14.1 million ballot packs, more than 99 per cent. were issued by returning officers by the deadline of midnight on 1 June. The few remaining packs were issued by 5.10 the following morning. Royal Mail treated them as if they had been received at midnight. It provided an outstanding service in supporting the administrators and suppliers and ensuring that their role in the process was delivered effectively. That is a tribute to the hard work of returning officers, suppliers and the Royal Mail, each of whom showed dedication and adaptability in overcoming the difficulties that were experienced. It also shows that the allegations of "chaos" and "shambles" levelled at the returning officers were severely overblown.

Mr. Jenkin: May I return the hon. Gentleman to the possibility of all-postal referendums? We know of the Government's intentions for the regional referendums in the autumn, but will the Minister give an assurance that there is no question of holding the referendum on the European constitution by all-postal ballots? Will that be conducted through the ballot box, not the letterbox?

Mr. Leslie: Any decisions about future referendums must be taken on a case-by-case basis. I am certainly not going to box in at this stage how such referendums should take place.

I turn now to the accusations that there was complexity in the voting system. It was alleged that both the all-postal pilots and the combination ballots involved a degree of extra complexity. The evidence of a significant increase in turnout shows that we must keep that in perspective.

In the pilots, local authorities ran helplines as well as assistance and delivery points to cater for those who needed help. People who wanted to cast their vote in the tradition way at a polling booth were able to do so at one of the ADPs. Returning officers were also able to provide assistance in the home for people with disabilities or visual impairment.

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A great deal of advertising aimed at explaining the elections was also produced, and the Electoral Commission provided assistance on its website and by means of its own helpline. It is clear that support was available for those people who required it.

Mr. Mark Francois (Rayleigh) (Con): In 1999, the turnout in the European elections was higher both in the regions where there was all-postal voting, and where the more traditional system was in operation. That happened not because of the method of voting but because electors had strong views about European matters and therefore wanted to cast a ballot. That was the real driver behind higher turnout under both systems. Following the point raised by my hon. Friend the Member for North Essex (Mr. Jenkin) about the referendum on the European constitution, will the Minister accept that the opinion polls are more than two to one against the Government on this matter? If there is any suggestion that the Government are trying to use an electoral device to fiddle the outcome of that referendum, there will be tremendous anger throughout the UK.

Mr. Leslie: I have already answered the latter point. The hon. Gentleman compares the European elections of 1999 and 2004. I know that Opposition Members are devoid of facts, so I shall give them some. In the pilot regions, the 1999 turnout was 20.2 per cent., and in 2004 it was 42.6 per cent. In the non-pilot regions, turnout was 25.9 per cent. in 1999, and 37.2 per cent. in 2004. The figures are clearly higher for both categories, but the rise is lower in the non-pilot regions. The rise is considerably greater in the pilot regions, where there was an appreciable and significant uplift in turnout.

In the pilot regions, many electors expressed concerns about the witness signature requirement on the declaration of identity form. Both the Government and the Electoral Commission had reservations about that requirement, and I am afraid to say that it was almost certainly a factor in limiting turnout even more. In order to limit the number of votes rejected as a result of incorrectly completed declarations, the pilot schemes required returning officers, where possible, to return wrongly filled out forms to allow them to be corrected. Early indications are that that operation was successful, but of course we await the Electoral Commission's evaluation.

Mr. Jenkin: Will the Minister point out the legislative authority for that operation?

Mr. Leslie: I shall certainly do that. As I understand it, the matter is clearly covered by regulation. If the hon. Gentleman does not have a copy of the relevant regulations, I shall ensure that a copy of them is sent to his office. The proposal always was that returning officers should be able to help make sure that declarations of identity could be returned if they had been completed incorrectly. The same option was included in the guidance that we issued.

Mr. Hogg: The Minister is making it clear that he has doubts about the witness attestation procedure. Does he accept that almost every important document that people have to complete requires a witness attestation? That is true for passport applications, for example, as it is for wills and most credit agreements. The point is that, when a person signs an important document, it is rather important that that person is able to prove his or her identity.

Mr. Leslie: The Electoral Commission has said that better security arrangements can be developed. Opposition Front-Bench Members may not care for what the commission has to say, but the Government intend to follow its advice.

Claire Ward: Will my hon. Friend give way?

Mr. Leslie: I will, but I have just recalled the provision about which the hon. Member for North Essex (Mr. Jenkin) inquired. The authority for the action taken by returning officers is given by article 45(1) of the European Parliamentary and Local Elections (All-Postal) Pilot Order 2004. I give way to my hon. Friend the Member for Watford (Claire Ward).

Claire Ward: No doubt my hon. Friend the Minister will be aware that, even in the non-pilot postal areas, people who applied for a postal vote were required to get that witnessed. In Watford, various allegations were made to the effect that, when the envelopes were opened before election day, a number of Liberal Democrat activists were seen to note the details of witnesses' names and addresses. We sought clarification on that matter from the returning officer, who did not seem sure whether that was a breach of the law. Will the Minister ask the Electoral Commission whether it is acceptable for observers to take down details of who has witnessed a person's vote? Surely that cannot be right.

Mr. Leslie: The occurrence reported by my hon. Friend happened in a non-pilot region, but it is important that we look into any worries about the declaration of identity. Those worries have caused the Electoral Commission to be uncertain about continuing with the declaration. The system has been in place since 1918, but the commission believes that better security arrangements are possible.

The Electoral Commission is due to report on the pilots in September. I have no doubt that its evaluation will be both thorough and balanced, and we look forward to studying it in depth. Lessons learned will be incorporated into the Government's wider plans for electoral modernisation. Those plans include both traditional methods of voting and alternatives such as postal balloting and electronic voting.

We will continue to find ways of increasing convenience and choice for electors in the future. The next staging post for our electoral system is due this autumn with the referendums on the establishment of elected regional assemblies in the three northern regions of England. Those referendums are clearly different from elections in that there are no candidates, but even so it must be easy and convenient for electors to express their opinion. It remains the intention to hold the referendums on an all-postal basis—something that has previously been welcomed by the Electoral Commission, which for the first time is due to run the administration of these referendums. However, some of

the parliamentary regulations and orders relating to the referendums will need to be taken through Parliament in advance of the Electoral Commission's evaluation of all-postal voting. We understand that that may not be available until mid-September.

We cannot leave the regulations and orders until after that time for the following reasons. First, we gave commitments that there would be a 10-week campaigning period in advance of the referendums. Secondly, before that campaign period, public information literature explaining the referendum process would have to be sent to every household. In practice, that means distributing leaflets over the summer.

Moreover, delaying the referendum regulation orders until after the commission has reported would prevent us from honouring the commitment to that timetable. It could mean putting the referendums back into the winter months, when campaigning would be more difficult, voters would be less inclined to participate and there could be a clash with the Christmas post, for instance. We will therefore bring the orders before Parliament over the next few weeks, so as to keep to the original timetable. However, given that for the first time the referendums will be run by the Electoral Commission, the orders will rest on the proviso that, if the commission's September evaluation were to conclude that it was unsafe to proceed as planned, we would be prepared to recommend to Parliament amending the approach for these referendums, even though that would almost certainly delay the referendum date.

I trust that this commitment demonstrates the seriousness with which we take the Electoral Commission's evaluation, but also our hope to keep to the commitments that we gave Parliament during the passage of the Regional Assemblies (Preparations) Act 2003.

After the referendums, there will be other local and national elections and by-elections at which we will need to consider employing new voting mechanisms. The Office of the Deputy Prime Minister, which oversees local elections in England and Wales, will continue its policy of innovation to test innovative voting techniques, including telephone voting and electronic voting. The ODPM will work in co-operation with the Electoral Commission.

Mr. Jenkin: The Minister has made a significant announcement. He has acknowledged, implicitly, that there are potential problems with all-postal ballots. It remains to be seen whether the Electoral Commission can be the independent arbiter of those problems, given that it has already succumbed to Government pressure over which regions took part in the pilot. In addition, the Minister has also put in question the whole future of the regional referendums. A large number of Labour Members would like those referendums to be abandoned. What does the Minister have to say to them?

Mr. Leslie: The hon. Gentleman should not get his hopes up too much. We do not see any reason why the elections should be regarded as unsafe, but it would be unreasonable were we to disregard the evaluation by the Electoral Commission. We have to pay respect to the timetable. The commission will report in mid-September. I have given the reasons why we need to proceed with some of the paving regulations and orders at this stage. I have set out our approach in the unlikely eventuality that the Electoral Commission will conclude that it would be unsafe to proceed on an all-postal basis. We do not anticipate that, but I felt that it would be useful to set out our approach to the House.

For the time being, we can be satisfied that all-postal ballots boosted participation. In the regions where all-postal voting was held—the north-east, east midlands, Yorkshire and the north-west—more than twice as many people voted in the European elections as did in 1999. That was an increase of almost 3 million voters. The non-pilot regions also saw increases in turnout, albeit to a lesser degree. The combined effect meant that more voters participated in the elections to the European Parliament in this country than ever before. While just 24 per cent. of people participated in 1999, this year that figure rose to 38 per cent. That equates to about 6.5 million additional votes.

So, judged by our goal of raising participation and turnout, we have now proved that all-postal voting on a wider basis is clearly one way of successfully engaging more of the public in our electoral system. With the Electoral Commission advising that all future elections should take place on an all-postal basis, it was surely right to increase the scale on which we tested out the system, and the initiative has proved its worth.

Tackling low voter turnout is neither easy nor straightforward. The reasons for not voting are complex and varied. I believe that the course that we have struck is the right one. Pilots generate evidence and teach us lessons for the future. Steps are taken to minimise any risks and this year, as previously, things overall have gone well.

Mr. David Clelland (Tyne Bridge) (Lab): My hon. Friend will have heard the Opposition Front-Bench spokesman rubbish the Electoral Commission on the question of extending all-postal votes to local government elections. He derided the Electoral Commission on the question of witness statements. Yet the Opposition motion invites the House to criticise the Government for acting against the advice of the Electoral Commission. Does that not demonstrate the nonsense of the motion and the usual doublespeak of the hon. Member for Rutland and Melton (Mr. Duncan)?

Mr. Leslie: I would never accuse the hon. Gentleman directly of hypocrisy, but he has had difficulty with consistency in his arguments. I think that he tripped up about 10 minutes into his speech and fell into saying that he did not really care what the Electoral Commission said. I have a feeling that that quotation will be around his neck for some time.

Mr. Alan Duncan *rose—*

Mr. Leslie: If the hon. Gentleman would like to elaborate or perhaps dig himself out of that one, I will give him the chance.

Mr. Duncan: May I invite the Minister, for the sake of honesty in this debate, to desist from the comparison

[Mr. Duncan]

between absolute turnout this year and absolute turnout four or five years ago? The only statistical comparison that is valid is the differential turnout between areas that were all-postal and those that were not.

Mr. Leslie: Turnout did increase in the non-pilot regions by about 50 per cent; in the pilot regions it rose by more than 100 per cent. That is pretty convincing. All democrats should welcome the improvement in turnout. A derisory turnout, which gives politicians a questionable mandate and means that the views of only a small minority are represented, is surely the greater threat to our electoral system.

For our part, we will continue to try and find better ways of making it easier for people to vote. That is evidently in contrast to the Opposition parties, who seem devoid of ideas. They offer no solutions or reforms, but they constantly and opportunistically chip away at public confidence in the efforts of others to make improvements. As I said earlier, it is a great pity that, rather than addressing the real issues of reform, they choose to carp and criticise, using abuse of new ideas as a proxy for political attack. The real threat to our electoral system is the constant undermining that comes from the Opposition parties. They are perpetuating the cynicism and corrosiveness within our democracy, and will themselves be the worse for it in the long run.

2.54 pm

Mr. Paul Tyler (North Cornwall) (LD): First, I agree with the Minister that the whole House should pay tribute to the returning officers and all those who administered the electoral process for heroically dealing with the most difficult circumstances. That applies not only to the areas where the pilots took place but to all areas.

I agree with the Minister on another point. There is an urgent need to re-establish the authority and independence of the Electoral Commission. I regret very much the comments made by the Conservative spokesman. We have been consistent in our support of the Electoral Commission and I hope that the Government will take the opportunity to say that they, too, regret the extent to which they have undermined the authority of that independent commission.

My notes say that I should refer to the written statement from the PUSS at DCAF—I think that that is the Parliamentary Under-Secretary of State at the Department for Constitutional Affairs—but first and foremost I should say that I regret the extent to which he has overblown his case. A more moderate response in his statement yesterday would have been helpful. His claims were ridiculous and overblown.

Of course we are all interested in increasing the turnout, and that is not just on party political grounds. When the Bill was being debated, my party was attacked for being against the extension of the pilot to four regions because it was said that the Liberal Democrats thought that it would damage our chances. In those four regions, we did exceptionally well in the local government elections. We achieved spectacular results on 10 June in Leeds, Manchester, Liverpool, Gateshead, Bolton, Sheffield, Rochdale and Newcastle. We also got two additional MEPs. So our opposition was not partisan. My criticisms and comments are on principle.

I agree with the Minister that worthwhile and important reassessment has to take place of the effect on turnout. I look to the Electoral Commission to analyse the elections carefully. But anyone who pretends that the increase in turnout was solely down to the all-postal pilots is dangerously disingenuous. There were other factors, and the hon. Member for Rutland and Melton (Mr. Duncan) has referred to them.

The Minister spoils his case by referring to the turnout in the terms that he did in his statement. He said that in all four postal regions overall turnout in the European parliamentary elections was more than double that in 1999. That sounds dramatic, but the figure in the pilot regions was 42.6 per cent. and in the non-pilot regions was 37.2 per cent.—a very small margin. It is important that the Minister does not overstate his case before the Electoral Commission has done a proper analysis. We should recognise that those figures are not a ringing endorsement of all-postal voting and that such voting is not a magic wand to reverse the decline in turnout.

Moreover, the turnout came up from a lower base in the pilot regions presumably because those parts of the country were previously fiefdoms of one-party rule—especially Labour party rule. In safe seats, voters often consider that there is no point in voting. Turnout in those four regions was behind the others in 1999 because there were so many rock solid Labour majorities. That situation has changed. I gave the example of the Liberal Democrat advances. That demonstrates how the situation has changed. Clearly, the persuasive factor is not the method of voting but the impact of voting.

In the meantime, it is plainly arrogant and ignorant for the Government to ignore the evidence of confusion and potential corruption.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I accept the hon. Gentleman's point that the variation between the turnout in the all-postal areas and the non-all postal areas was not that great, but he has failed to assess correctly the impact of the increased availability of postal votes even in areas where their use was not compulsory. The hon. Gentleman will see that, partly as a result of the publicity given to the experiment and partly due to the increased awareness of the all-party machine, turnout was higher due to an increase in postal voting even in areas where it was not compulsory. So my hon. Friend the Minister's underlying argument about the impact of postal voting still holds firm in spite of the points that the hon. Gentleman made.

Mr. Tyler: The hon. Gentleman has almost made his speech, which may be a good way to get in on this debate. I do not want to encourage other hon. Members to make interventions of that length, but it may be the only way. I understand the point that the hon. Gentleman makes, but the Minister's statement referred to "all-postal pilots". That is the perception. The insistence on compulsory postal voting, the removal of choice and—as my hon. Friend the Member for Colchester (Bob Russell) reminded me—the extent to which it has undermined the secrecy of the ballot are important disadvantages that must be set against the advantage.

If people think that no serious corruption took place, I draw the House's attention to the comments made by Sir Albert Bore, the Labour leader of Birmingham city council, who warned that the law was not specific enough to tackle postal vote fraud. Of course, Birmingham was not one of the pilot areas, but the Minister will acknowledge that making compulsory a faulty system, which at present applies only to the minority, will make things worse. Sir Albert said:

"At present, in relation to the handling of postal ballot papers, the law is so general that almost anything is legal."

The *Birmingham Evening Mail* reported, on 10 June:

"City Labour leader Sir Albert Bore today called for a national rethink on postal voting after a candidate was found with a bag of completed ballot papers in a late-night police swoop."

That followed a high profile incident when a number of Labour candidates and activists in Birmingham were witnessed taking voters' ballot papers out of the party office to a deserted cul-de-sac in an industrial estate near spaghetti junction to "sort them out". If that can happen when postal votes are a minority, imagine what could happen when they are compulsory and 100 per cent. of the votes cast.

Andrew Bennett: Will the hon. Gentleman remind us what happened when his party and the Conservatives voted on the extension of postal votes on demand? Did they vote against that?

Mr. Tyler: No, we did not. However, we have insisted over recent months that the intention to defraud should be more carefully pinned down. That is why the witness statement has been introduced. I know that the Electoral Commission has some misgivings about it and we must look at the evidence in due course to see how we may improve the integrity of the system.

A flood of complaints has come in about possible fraud and electoral malpractice from the four regions involved. Of course the Electoral Commission and the police should examine those. It is outrageous to attempt to prejudge their conclusions, as both previous contributors seemed to do, because we should wait and see the facts. However, it would be just as dangerous for the Minister to ignore those allegations as it would for him to accept that they are all likely to be true.

The Government do not seem to understand the reluctance of many electors to give up completely their right to vote in person, in secrecy and in the polling booth, with only the non-partisan presiding officer in attendance.

Mr. Betts: I return the hon. Gentleman to the criticisms he made of the hon. Member for Rutland and Melton (Mr. Duncan) for not accepting the recommendations of the Electoral Commission. Surely the hon. Gentleman is aware that the Electoral Commission said to the Select Committee that it had no more concerns about the security of voting in an all-postal ballot than it did about postal voting on demand. That is the opposite of what he said a few moments ago. Does he agree with the Electoral Commission on that issue or not?

Mr. Tyler: I have just said—the hon. Gentleman could not have been listening—that I am prepared to wait to hear what the Electoral Commission says in response to the pilot. The whole point of a pilot is to take advantage of the opportunity to learn the lessons from it. I am prepared to wait for that.

This is a timely debate, because the threats to the integrity of the electoral system do not solely occur in relation to all-postal ballots. There is also the interesting issue of the publication of opinion polls during the much longer period—in all-postal ballots—in which people are voting. It can be anything up to 15 days, instead of just one. In that time, greater emphasis can be given to the so-called evidence of the polls, and the way in which they are reported. Their value and validity is under scrutiny again, not least because they seem to have been more misleading or more influential than in recent elections.

In Business questions last week, I mentioned YouGov, but all the pollsters have a responsibility to consider how their results are reported. All the pollsters are undermined by the way in which the media present their findings at the moment. For example, one newspaper reported that YouGov's reputation for accuracy rested in part on its forecast of the outcome of last year's Conservative party leadership contest. Since none took place, I was not persuaded by that argument.

More seriously, the *Evening Standard* headlined the Livingstone-Norris contest as being "Neck-and-Neck", when the first round vote showed them to be on 35.7 per cent. and 28.2 per cent. respectively. That is hardly neck-and-neck. It may be that the prominence of that front-page report, from a uniquely well-read paper in London, caused more people to vote to keep the Conservative candidate out. It may well have squeezed the vote of the Liberal Democrat candidate, my hon. Friend the Member for Southwark, North and Bermondsey (Simon Hughes). The evidence of that is that the party vote for the Assembly was rather higher than his vote. Either way, it would be ironic if Mr. Livingstone owed his margin of success to a Conservative newspaper. It was equally ironic that Conservative campaigners used the "Neck-and-Neck" headlines in leaflets, and that may have frightened voters to go the other way.

Similarly, the substantial haemorrhage of Conservative voters to UKIP could be the direct result of huge coverage of the alleged rise in support for the party, almost certainly over-emphasised by a rogue YouGov poll in—of all papers—*The Daily Telegraph*. By focusing almost exclusively on the "certain to vote" figures, it forecast on 24 May an 18 per cent. UKIP vote, and then on 29 May an increase to 20 per cent. The actual result, after those misleading boosts to its chances, was of course some 16.1 per cent. I suspect that that will not make *The Daily Telegraph* very popular with the Conservative leadership.

Nor will the *Standard* be top of the Tory pops. Its eve-of-poll report of the YouGov poll put UKIP equal with the Conservatives on 22 per cent. The UKIP press release read:

"UKIP level with the Tories in last minute poll".

That very day the Conservatives secured 26.7 per cent., more than 10 per cent. more than UKIP. They were not level at all. Even its exit poll seems to have been wrong.

In its defence, YouGov has said that the problem is how its reports are reported and that other polls are just as bad. Two wrongs do not make a right. The whole

[Mr. Tyler]

industry must now acknowledge that it is under the spotlight, especially from commercial clients. If YouGov's accuracy on political questions is at fault, commercial clients may also doubt its accuracy.

Mr. Jenkin: Am I really listening to a Liberal Democrat? The hon. Gentleman's party are the past masters at issuing false polls in the run-up to an election in every one I have ever seen them contest. The last-minute leaflet always has a graph showing the Liberal Democrat just about to catch up. Has he changed his mind? Does he agree with me that such leaflets can be unethical?

Mr. Tyler: All I am saying—*[Laughter.]* Well, it is a good crack. However, there is a difference between a so-called reputable public opinion poll and—[HON. MEMBERS: "Hear, hear!"] Wait a minute for the punch line. There is a difference if such a poll is published in an allegedly reputable newspaper and that is then repeated in a leaflet, as happened in London. That is a legitimate way to provide information to the public. However, the pollsters have a responsibility for the reporting of their results.

I shall give another example. *The Times* is being investigated for having published an opinion poll, purporting to show how people had voted in the all-postal vote regions, before the polls closed. Apparently that is illegal. We must examine how such polls are presented, because they do have an impact. It is important that we consider that issue.

The pollsters are as much victims as villains in this situation. The main culprits are those in the media who often have their own agenda and choose how to interpret and report poll findings. I am sure that representatives of the Conservative party will have a quiet discussion with *The Daily Telegraph* on that issue, after the haemorrhage of its vote to UKIP. It is significant that the newspapers that gave most prominence to those misleading figures of support for UKIP were those with a bitterly anti-European, obsessive agenda.

Mr. Harry Barnes (North-East Derbyshire) (Lab): On integrity, why did the Liberal Democrat party put out advertisements in the *Evening Standard* stating that the London mayoral election was neck and neck between Ken Livingstone on 51 per cent. and Simon Hughes on 49 per cent? What was the basis for that information?

Mr. Tyler: I have it here—in the *Evening Standard* report of a poll. I shall give it to the hon. Gentleman later if he wants to see it. If there had been a run-off, that would have been the result—*[Interruption.]* It was true. Indeed, the results showed that the Conservative candidate could not beat Ken Livingstone but that the Liberal Democrat could. I shall give the hon. Gentleman the report immediately after the debate.

Sir Patrick Cormack (South Staffordshire) (Con): Will the hon. Gentleman give way?

Mr. Tyler: I want to try to make progress, as I am conscious that there will be only limited time for Back Benchers.

I regret the fact that the Prime Minister indicated last week that he thought these were entirely matters for the parties. I do not think they are matters for the parties and I have said that to the chairman of my party. I do not believe that political parties can deal impartially with such issues. The Electoral Commission should be asked to examine the reliability and influence of reported opinion polls and their potential to undermine the integrity of the electoral process.

The Electoral Commission is extremely important to the whole subject of the debate. As I said earlier, I regret the attack made on it by the hon. Member for Rutland and Melton. It would be folly to ignore the damage to the reputation of the Electoral Commission that the Government's unilateral decision to extend the postal votes pilot has created. I had hoped to hear an unequivocal statement from the Minister that that will not be repeated, and that the Commission's authority will be reinforced.

It is clearly desirable for the Commission to be permitted to experiment with other pilot projects to increase turnout. If the convenience of the electorate is the sole or main criterion, why not switch one year's poll to a weekend—Saturday or Sunday, or both? As we heard from the hon. Member for Watford (Claire Ward), it may not be ideal but it should at least be considered. It is helpful to hold different elections on the same day and we supported the Government on that. It is also helpful to hold elections in June rather than in May, due to the interruption in campaigning at Easter and, indeed, the weather earlier in the year. We should look into that.

It is apparent, however, that the principal motivation for improving turnout is for people to have the perception that their vote will "make a difference". There is a close correlation between what seems to be a foregone conclusion and low turnout.

Average figures can be misleading. The worst experience in the 2001 general election was in seats that were thought to be so safe that it would not be worth bothering to go to the poll—Liverpool, Riverside being the worst example, with only 34 per cent. voting. On the very same day, however, my hon. Friend the Member for Winchester (Mr. Oaten) managed to achieve a turnout of 72 per cent., because the result at the previous general election had been very close—the majority was only two—and it was perceived that it might be close again.

I can offer a personal example. When I was first elected to the House in 1974, my very clever electors in Bodmin knew that the result would be absurdly close and that I would have a majority of only nine, so 83 per cent. of them voted. By 2001, however, in my present seat, the equally clever electorate realised that it would not be quite such a close thing—the majority was well over 9,000—so I am afraid that turnout dropped to 63 per cent.

First past the post undoubtedly depresses the extent to which most voters in most seats perceive that their vote counts. It does not "make the difference" in most seats. In 2001, only 18 per cent. of those entitled to vote actually affected the outcome. Forty-one per cent. did not vote—in the circumstances, who can blame them?—and another 41 per cent. voted either for losing

candidates or for those who had excess votes already and did not need those votes. Only 18 per cent. actually affected the outcome.

Before anyone tells me that regional lists do not work, I acknowledge immediately that closed regional lists are equally depressing for turnout. They are not the answer, and we are against them, but at least under the closed regional list system for the European Parliament every vote can be of reasonably equal value.

On the other hand, the single transferable vote system is much more effective on all counts. The Electoral Commission will need to examine carefully the experience of STV in local council elections in Scotland to see whether it would assist in dealing with the turnout problems in other parts of the country. I understand that at least one London council—Lewisham—wanted to run an STV pilot to see if there would be an improvement. Such a pilot would be extremely helpful. Where every vote is seen to count, it makes a difference to people's motivation to turn out, as we saw in the several northern cities to which I referred earlier.

If the Electoral Commission is to regain its authority, based on a reputation for impartiality and integrity, it must be empowered to examine the defects of the whole electoral system. The Government are about to embark on an internal examination of the various voting systems currently in place—in Scotland and Wales, in London, in Northern Ireland and for the European Parliament. They are also honour-bound to revisit the conclusions and recommendations of the Jenkins commission—a firm manifesto commitment at the last general election.

It would be an unmitigated disaster if the same partisan approach displayed by the Deputy Prime Minister before the recent elections were allowed to dominate the Government's review. The review must be open and transparent; it must bring in all parties and be completely independent of the Government, avoiding any suggestion of yet more gerrymandering.

My colleagues and I acknowledge that the Government are in a dilemma in relation to the coming referendums on regional assemblies, although it is a dilemma somewhat of their own making. If they wait for the Electoral Commission to report in September, it may be too late to complete the necessary legislation. Perhaps the commission could be asked to produce preliminary recommendations specifically on the regional assembly referendums. In the absence of such a report, my colleagues and I believe that, at least compared to local government polls, there may be a better, although not a perfect, case for compulsory all-postal voting in those referendums for the following reasons.

There would be less opportunity and less motivation for fraud, as there would be no individual candidates or over-enthusiastic supporters. The logistics would be more straightforward, with none of the printing, distribution or completion problems of complicated and confusing ballot papers that we experienced on 10 June. As long as we can still provide choice by insisting on enough locations in each area for the delivery of completed ballot papers, there may be a case for the system. I hope that the Minister can reassure us about that at the end of the debate.

Although it sounds like a maternity unit, the so-called assisted delivery point is extremely important. To have only one in Greenwich is fine, but in North Cornwall, where people might have to travel 40 miles to it, it is impossible. I noted from the evidence of the Electoral Commission and others to the Select Committee report, referred to on the Order Paper, that Government funding for those delivery points may be an important issue.

Mr. Jenkin: Will the hon. Gentleman give way?

Mr. Tyler: I am about to conclude my speech.

From all I have said, it follows that we believe that the Electoral Commission must play a critical role—the leading role—in bringing together the factual evidence on which the House and the country will take a decision on these important matters. Only then can Ministers repair the damage that they have done over the last few months.

Mr. Deputy Speaker: Order. I remind the House that the 12-minute limit on Back-Bench speeches starts to operate from now.

3.18 pm

Mr. Roger Godsiff (Birmingham, Sparkbrook and Small Heath) (Lab): As has been said, the integrity of the electoral system is an extremely serious issue. I regret the fact that some of the debate has been partisan in tone, because very serious lessons need to be learned from what happened in the last local and European elections. I listened to the Minister's opening remarks, but I should like to share with right hon. and hon. Members the reality of what happened during the recent elections in Birmingham. I suspect that what happened there was replicated in other multicultural inner-city areas.

I wish to make it perfectly clear that I am not talking all-postal ballots— Birmingham did not have an all-postal ballot—and that I support the Government's efforts to increase turnout and participation in elections. Although turnout increased in the area of inner-city Birmingham that I represent and in surrounding areas, in reality that had very little to do with an increased interest in the local or European elections. I deeply regret to say that the increase occurred because postal voting was turned into a political currency in those areas.

To give hon. Members an indication of what I am about to say, I shall quote the opening remarks of the front-page editorial in *The Birmingham Post*, to which my colleague, the hon. Member for North Cornwall (Mr. Tyler), referred. It was written the day after the election and headed, "Bribes, bullies and ballots". It reads:

"Those Brummies who could be bothered to participate in yesterday's city council elections should ask themselves a sobering question today.

Whatever happened to a polling system once praised as the cleanest in the world?

There is no point in being anything other than blunt: the 2004 Birmingham City Council elections were besmirched by a postal vote feeding frenzy.

[Mr. Roger Godsiff]

> Fights in the streets, postmen offered bribes for sacks of ballot forms, a post box torched, car chases, threats, bullying and intimidation and the unforgettable image of a . . . councillor 'sorting out' ballot papers in the shadows of a back street car park at midnight."

Sadly, the article is true. The reason why it is true is that, as I have said, postal votes became a currency, whereby a place on Birmingham city council, with a minimum salary of £9,000 and all the associated privileges, was the reward.

The Minister has said that the overall result of postal voting proves that it was a success. It may have been a success in all-postal areas, but I would strongly advise him to talk to John Owens, Birmingham city council's elections officer—together with his team, he did a magnificent job in difficult circumstances during the elections—and to West Midlands police to find out whether they thought postal voting was such a great success.

Let me tell hon. Members what happened in the reality of inner-city Birmingham. Birmingham has 40 wards, with electorates that range from approximately 17,000 to 20,000 people. Before the local and European election campaign, the highest numbers of registered postal votes were in wards such as Harborne, Quinton, Edgbaston and Sheldon—the Tory wards, traditionally, in the leafy suburbs. The highest number of postal votes registered was 1,616 in Quinton ward. However, by the end of the six-week campaign, the postal votes registered in some wards had increased. The number in Springfield went up from 812 to 3,796; the number in Lozells and East Handsworth went up from 529 to 3,998; in Sparkbrook, it went up from 1,067 to 4,483; in Aston, from 578 to 5,241; and in Washwood Heath, from 693 to 5,583.

All those wards are in the central area of the city and all are multicultural, with very large communities that originate from the Indian subcontinent, but what happened in them is as nothing compared with what happened in the Bordsley Green ward. That newly created ward has 19,715 electors, about 50 to 60 per cent. of whom are from a single cultural group. When the election began, 691 people in that ward were registered for postal votes. In fact, that ward had one of the lowest numbers of postal votes in the city—it was 12th out of 40—but, in week 1, the number increased to 768. In week 2, it went up to 1,750; in week 3, it went up to 2,495; in week 4, it went up to 5,124; and in week 5, it went up to 7,195. When a halt was called on 2 June at the close of postal vote applications, the figure had reached 8,488. I hesitate to think what would have happened had the election campaign gone on for another three weeks.

One would like to think that the dynamics of the campaign had galvanised more than 40 per cent. of the electorate in that ward to obtain their postal votes, but hon. Members can draw their own conclusions on why that happened. During campaigning in the ward, regular phone calls were made to the police by people complaining about the pressure that they were being put under. There was a fight between rival candidates' teams involving 200 people, which meant that a huge number of police from west midlands stations had to be brought into the area. A postman complained to his superiors that the brother of one of the candidates had offered him £500 for his sack of postal votes. That is the reality of what happened in an inner-city multicultural area.

You might think, Mr. Deputy Speaker, that what I have described is at least highly suspicious, if not downright illegal. Unfortunately, you would be wrong. The West Midlands police carried out a survey by a special team, which concluded that, as the law is deficient, no one did anything wrong. Indeed, as the hon. Member for North Cornwall said, Councillor Albert Bore had something to say about that. According to *The Birmingham Post*:

> "Albert Bore, the leader of Birmingham City Council, maintains he is allowed to apply for postal votes on electors' behalf, he can have forms delivered to his house, he can fill the forms in for other people and deliver them to the elections office."

The Birmingham Post then makes the point that that seems slipshod and unusual. It asked the Electoral Commission for its opinion and

> "a spokeswoman was adamant that it is 'unlawful' for a person to complete a postal ballot on behalf of another person unless that person has applied for a proxy vote."

However, the Electoral Commission then changed its mind. It phoned *The Birmingham Post* back, insisting that

> "it could not offer advice on the law and suggesting instead that only the returning officer for"

the city council, the

> "chief executive, could pronounce on such matters."

So hon. Members will pardon me if my views on the Electoral Commission are somewhat jaundiced.

Hon. Members will no doubt be appalled by some of what I have said, but I counsel caution against a knee-jerk reaction by Ministers. The reality is that in certain communities, the showing of completed postal votes to the candidate is a way of demonstrating loyalty. It will be difficult to frame a law that makes it illegal for a person voluntarily to show a completed postal vote to a candidate to prove their loyalty to that candidate.

I regret that time is running out and I cannot share with hon. Members some other comments that I wanted to make. We must revisit the whole issue of postal votes, because we have to ensure that the electoral system is fair and seen to be fair. I have always believed that voting in public elections is a civic duty. I also believe that we would be better going down the road of compulsory voting, as Australia has done. Whatever happens, however, more safeguards need to be put in place. For example, electoral officers in the recent election were not compelled to have a marked register for people who voted by post. Thankfully, the electoral officer in Birmingham had a marked register. When it comes out, I have not the slightest doubt that the cemetery vote will be high and that a large number of people who were not even in the country voted on the day. We are privileged to live in a democracy, the cornerstone of which is the electoral system. Anything that brings it into disrepute undermines our democracy, and we must never allow that to happen.

3.30 pm

Dame Marion Roe (Broxbourne) (Con): I welcome the opportunity to raise again in the House the issue of the integrity of the electoral register, because I continue

to be concerned that the system for the registration of voters in England, Scotland and Wales is not sound, and could lead to election fraud.

When I was appointed as an electoral scrutineer in the Seychelles on behalf of the Commonwealth, and in Angola on behalf of the United Nations, one of our first tasks was to decide who was entitled to vote, followed by a cleansing of the electoral roll. Only by setting down those important criteria could we acknowledge that a basic principle of free and fair elections had been met. I am sure we all accept that an accurate electoral register is a crucial cornerstone of any democracy. If it is corrupted or compromised in any way, the electoral process is undermined and the general public loses confidence in the integrity of the Administration.

Nine months ago, I became aware that the names of constituents of mine who were foreign nationals were appearing on the electoral register. I remind Members that it is an offence for a householder to fail to give the electoral returning officer information that will enable him to discharge his registration duties or to provide false information. There may be a number of reasons why ineligible voters are registered. First, a family may lack the knowledge, education or expertise to complete the registration form correctly. Children may even be added to the roll because of a misunderstanding of the system. Secondly, foreign nationals may have little grasp of the English language. When the registration form comes through their letter-box, the householder, who is under a duty to complete the form, may not understand the rules and add the name of everyone living in the accommodation.

Thirdly, foreign nationals know that they are not eligible to vote, and have no intention of doing so, but add their names to the register because it is extremely useful for obtaining credit cards, parking permits, loans, benefits and so on. Members will know that the electoral register is used as a database by many organisations to verify someone's residence. Fourthly, criminals may register false names to legitimise false identities and provide a cover for illegal activities such as benefit fraud. Fifthly, there may be an unfortunate and deliberate registering of people ineligible to vote, or of false names to corrupt the vote and enhance the chances of a particular candidate in local and general elections in marginal wards. Ballot rigging then becomes very easy indeed. Confusion is further increased by the fact that every electoral returning officer produces a different electoral register—they do not look alike, and there is no uniform presentation. In some parts of the country, they are in different languages to assist voters but, in all cases, many people find them complicated.

I had serious anxieties about the whole business when I discovered that, in general, comprehensive checks were not made on people who added their names on to the register. Even worse, I was told that, to investigate people whose names looked foreign could be deemed racist, and that there was no need to worry because the system was self-regulatory. When I made inquiries with the Electoral Commission, I was informed:

"If legislation required checks to be made by Electoral Registration Officers, it would be difficult to decide on what criteria these should be instigated and made . . . if such checks were done on the basis of the appearance or sound of names, such action could well be deemed to be racist and in breach of the law."

Furthermore, the electoral returning officer is unlikely to make inquiries unless there is an objection to the inclusion of a particular name. The creation of the rolling register system has made it harder for political parties to use the claims and objections procedure, as the Electoral Commission acknowledged in its report, "The Electoral Registration Process", noting that

"it is questionable whether the objection process really does have deterrent value . . . a more effective objection process is likely to be valuable in the prevention of fraud."

In answer to a written question to the Department for Constitutional Affairs on 9 March 2004, the House was given a list of 20 constituencies in which the highest number of registered electors have been lost from the parliamentary register between 2001 and 2003. I draw attention to the constituency at the top of that list, Brentford and Isleworth, where there was a decrease of 15,486 or 18.6 per cent., which the Minister acknowledged

"may be due to 'cleaning' of the registers rather than actual falls in the number of electors."—[*Official Report*, 9 March 2004; Vol. 418, c. 1417W.]

As my hon. Friend the Member for Rutland and Melton (Mr. Duncan) said, Portsmouth, South showed a decrease of 11,210 or 14.5 per cent. Edinburgh, South showed a decrease of 7,163 or 11.1 per cent.; Brent, East showed a decrease of 6,968 or 12 per cent.; Bolton, South-East showed a decrease of 6,882 or 10.1 per cent.; and Dulwich and West Norwood showed a decrease of 6,812 or 9.7 per cent. There are also major implications for the boundary commissioners' work, which have yet to be acknowledged and addressed when assessing ward and constituency boundaries. This clearly demonstrates the size of the problem that we face.

There is no doubt in my mind that the electoral register is being abused. The argument that cases of fraudulent registration rarely appear in the courts cannot support the view that there is no problem to solve. The reason that no prosecutions are taking place is that no checks are made and no evidence is exposed. I should like to read an extract from an article that appeared in the *Daily Mail* on 7 February 2004, which stated:

"The astonishing ease with which fraudsters are corrupting the electoral system is exposed today. As abuse increases, especially by benefit cheats and illegal immigrants, a Daily Mail investigation has highlighted a culture of inefficiency and political correctness within local councils.

It allowed us to register a fictitious student, called Gus Troobev, an anagram of 'bogus voter', on 31 Electoral Registers, within just a few hours and to obtain 9 further bogus votes in the most marginal seat in Britain. The Mail has no intention of using any of the 40 votes but, theoretically, they could be used by political parties to swing elections.

Almost all the Councils we contacted were happy to allow our man to register for elections without asking for any proof of identity. Most of the officials we later asked if Gus Troobev had made it onto the Register said they would not dare investigate an applicant just because he or she had a foreign-sounding name or had lived overseas. Gus Troobev is now on the Electoral Roll of 31 key constituencies from Scotland to the South West of England."

So who can vote in elections in the United Kingdom? British citizens can vote in all elections—local, national and European. Citizens of the Irish Republic can do the same, as can all Commonwealth citizens. Finally, citizens of a country that is a member of the European Union can vote in local elections and choose whether to

[Dame Marion Roe]

cast their votes in the UK or their country of origin at European parliamentary elections. But under our present system of registration, how can a returning officer know whether John Smith is British and entitled to vote in all elections, or Canadian and entitled to vote in all elections, or American and not entitled to vote in any elections? It is impossible to know unless a thorough identity check is available on each individual.

In Northern Ireland, the problem of fraudulent voting—"Vote early, vote often"—was confronted and dealt with through the Electoral Fraud (Northern Ireland) Act 2002. Now, in Northern Ireland, there is individual registration of each voter. Householders are no longer responsible for completing forms of behalf of all residents in the home. On the new registration form, there are five identifiers: name, address, date of birth, national insurance number and personal signature. Those details can, of course, be checked more easily but, more importantly, the voter must produce photographic identification documents from a list of options at the polling station when they go to vote. There was a reduction of some 120,000 names or 10 per cent. on the first register compiled under the new system of individual registration, compared with its predecessor, compiled under the household registration system. Thus, the electoral register gained credibility, and confidence in the whole procedure of voting at elections is being restored. In December 2003, the Electoral Commission produced a report outlining its analysis on the workings of the new system in Northern Ireland, and made recommendations for further improvement.

In one corner of the United Kingdom, we have already acknowledged the difficulties of producing an accurate electoral register, and we introduced legislation to correct the flaws. What are the Government doing to ensure that the same approach is adopted for the rest of the country, particularly bearing in mind that, for the first time, everybody was voting by post for the European elections and local elections a few weeks ago in the north-east, the north-west, the east midlands and Yorkshire and Humberside regions?

I believe that the Government have put the cart before the horse. It is almost an enticement to vote illegally when the ballot papers are put through one's letterbox with every encouragement to use them. It appears that the Government are sending out the message, "We want as many people to vote as possible, even if they are not eligible to do so." In his statement of 15 January 2004 on the Government's electoral modernisation agenda, the Minister for Local and Regional Government said:

> "We are committed to making voting more accessible and straightforward for the electorate and to allow people more flexibility in where and when they vote."—[*Official Report*, 15 January 2004; Vol. 416, c. 43WS.]

I put it to the Minister that the question of who is eligible to vote should surely be the priority focus, before the introduction of multi-channelled e-enabled elections.

I believe that returning officers need to be given direction on scrutiny of the electoral register, protected from accusations of racism, harassment and so on, and supported with sufficient resources to fulfil their duties. Another knock-on effect is that the percentage figures of those voting are completely distorted because a large number of people on the electoral register are not entitled to vote in the first place.

We must ensure that secure procedures are in place for the registration of voters, so that the integrity of the electoral register is constantly maintained. Every loophole to corrupt our electoral process must be removed and any unfairness eliminated.

3.41 pm

Mr. Paul Stinchcombe (Wellingborough) (Lab): Thank you, Mr. Deputy Speaker, for calling me to speak in this important debate and affording me the opportunity to make just a few observations on the crisis into which our democracy is now falling.

Turnout in the 1992 general election was 77.7 per cent. Nine years later, in 2001, it had fallen to just 59.4 per cent. That amounts to a loss of 7 million voters in less than a decade—7 million people who had voluntarily chosen to disfranchise themselves, including many millions of women who gave up their vote less than 80 years after Emily Wilding Davison gave up her life to help secure that vote for them. Of course, turnout in other elections is already far lower. The British disengagement with politics is now so extensive that "Monty Python" has become a reality TV show. Joke candidates have been elected as mayors, only the joke is not so funny any more, because when turnout tumbles, along with the football mascots, we get the fascists as well.

We in this place have to ask ourselves how that has happened, and how we have turned a democracy that was once cherished into one that is so widely derided, disrespected and distrusted. We have to ask ourselves what on earth we are going to do about it as we face the awful prospect of a Government being elected when fewer than half their people have spoken.

It is my belief that, in many ways, democracy is analogous to a marriage between the people and Parliament, with elections the ritual that joins them. The trouble is that that marriage is now failing. It failed first from neglect, and now it is failing from abuse, and it is often Parliament that is the more abused party. After all, we are a Parliament full of parliamentarians who, as the papers always tell the people, are only in it for themselves, live high off parliamentary freebies and vote like lemmings for fear of the parliamentary Whip.

The neglect in that marriage first manifested itself in lack of interest, as people sat on their sofas rather than walked to the ballot box. Then came the abuse, which is, in some respects, manifested by the all-postal voting system. As we endeavoured to drive up turnout, what we actually did was give people who did not really want to vote at all even more opportunities to beat us. We generated a huge protest vote—a protest against the Government, the war and Europe, and a protest against the Government's position on Europe and against the Opposition's position on it; a plague, indeed, on all of our House.

In part, I think that that is the fault of the press, aspects of which operate as a national conspiracy to keep everybody in a sustained sense of outrage. It is a sad reality that parties then use spin doctors to administer the antidote to the bias in the press, and in turn that allows the press to paint the spin doctors as an Orwellian Ministry of Truth.

In part, the situation is the fault of both Government and Opposition Members. Opposition MPs understandably fall in behind the marching bands

of the right-wing press, which whip up cynicism and apathy throughout the land. Government Back Benchers are subordinated to the Executive, but that is not our fault. The media always paint a questioning political party as a divided political party, and MPs know that divided political parties rarely win.

The largest factor is the fundamental failings of our unwritten constitution, to which we cleave as though it were the grand protector of liberty and rights. We celebrate the unwritten constitution's antiquated quaintness, when in truth the unwritten constitution is deeply dysfunctional. The causes of constitutional dysfunction go to the root of our institutions and to the heart of our constitution.

We have never even begun to resolve the tension between the dual claims to supremacy—parliamentary sovereignty and the rule of law. Institutionally, that tension manifests itself in the uncomfortable position of the Lord Chancellor, who sits in the Cabinet, the legislature and the country's highest court. Doctrinally, it manifests itself in the fine arguments of judicial review, in which courts tiptoe around policy decisions, interpreting statutes but never challenging them. Indeed, the courts intervene only when decisions are perverse.

We have a confusion of powers, which we claim are separate, and the arguments that we use to justify that constitutional confusion are deeply unpersuasive and no longer carry the confidence of the people. The people instinctively know that our assertion of parliamentary sovereignty is not in truth enough to legitimise all the decisions that we make. That is not only because MPs are sometimes whipped into voting for the Cabinet and against their consciences, or because people know that that even majorities can be wrong, but because the people know that most of their votes do not count for very much.

Individual votes at elections do not choose the Prime Minister, and they rarely choose MPs. In 1997, my vote for the Labour candidate in Beaconsfield yielded me exactly the same amount of representation as I would have obtained by tearing up my ballot paper up and setting fire to it. None of us has a vote for a member of the second chamber, and, apart from Lesotho, we are the only nation in the world with legislators who are present through an accident of birth. As long ago as 1791, Thomas Paine wrote in "The Rights of Man" that the idea of hereditary legislators is as absurd as the idea of hereditary mathematicians. The people know that when the courts refuse to intervene on their behalf out of respect for parliamentary sovereignty, the decision is not made in Parliament. Such decisions are made either by the Executive or by an executive—a housing officer, someone on an immigration desk or a planning inspector.

The people are not persuaded by the rule of law, because if the red-top media are cynical about us, what do they say about judges? They say that judges are old; they say that judges are old Etonians, who are completely out of touch with ordinary people and ordinary lives; and, of course, they say that judges are absurdly soft on crime and criminals. That point contains an element of truth, because the people know that judges do not represent them and are not representative of them.

If people ever paused to think about the judicial invention of the man on the Clapham omnibus, they would soon notice, first, that that person is a man; secondly, that that person is a white man; thirdly, that that person is a bencher at Lincoln's Inn; and finally that that person has never been on the Clapham omnibus in their life. We therefore end up with a deep distrust of all our institutions. The perception that Parliament is not sovereign but supine means that people do not vote, and when the fools and the fascists get elected as a result, the people do not trust the judges to protect them.

What did we do about those problems? We introduced compulsory postal voting, which seems inadequate. Compulsory postal voting is also dangerous, and we must learn the lessons. We had an all-postal vote in the east midlands. That meant that my constituents had to entrust their votes to one of the worst postal services in the country, which had not recovered from a fire in one of its depots. In my constituency, 404 votes arrived late, and another 430 papers were completed incorrectly. More than 830 voters raised their voices, but their voices were not heard. That concerns me, because when I was first elected, my majority was 187, which is one fifth of the votes that were not counted. What was the cause of at least some of those spoiled votes? It was the Liberal amendment in the Lords that required people to have their ballot papers countersigned. What an affront to the privacy of the electoral process! For a generation of women, one of the first features of their liberation was that their husbands never knew how they voted. I wonder how many women felt compelled only a few weeks ago either to show their ballot papers to their husbands or not to vote for fear of showing them to their husbands.

Is not the requirement for a witness the biggest invitation to fraudsters to try to manipulate the vote? What does the returning officer do when he receives 100 votes countersigned by the same person and covered in Tippex? Of course, we need to increase turnout, but compulsory postal voting is too blunt an instrument safely to do the job.

What should we do? At least at the general election, we must ensure that people have a choice about whether they vote by post or by walking to the polling station.

Rev. Martin Smyth (Belfast, South) (UUP): In Northern Ireland, the Electoral Commission has managed to get people off the electoral roll. In the European poll, not only did the figure go down in percentage terms but the total number of people on registers decreased. The Electoral Commission will have to get its act together, because it is robbing people of the right to vote.

Mr. Stinchcombe: Indeed, lessons will be learned throughout the United Kingdom from the turnout in the areas where the various pilots for different systems took place.

We should expand rather than remove opportunities to vote in person at the ballot box. We should give people more time—a week or a weekend—to vote. We should move towards making all votes count, not by introducing proportional representation for the House of Commons or getting rid of the constituency link but

[Mr. Stinchcombe]

by reforming the House of Lords so that it is indirectly elected by the secondary mandate at the same time as we elect Members of Parliament. Thus we would not pile yet more elections on an election-weary electorate but add weight to the votes that they have already cast.

My final suggestion may be the constitutional upheaval that Conservative Members fear. If the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) is right and only countries have constitutions, why do not we write one for ourselves, together with a Bill of Rights? Both should be drafted by us, for us and according to our values, not written abroad and incorporated by parliamentary transplant. In that way, we can entrust Parliament with developing policies that would progressively realise those rights. We can ask a more legitimate second Chamber to scrutinise the work, and give a watching brief to a more representative, independently appointed constitutional court, empowered to enforce the Bill of Rights and the UK constitution through the respectful dialogue between constitutional courts and elected Parliaments, as happens in other constitutional democracies.

In South Africa, democracy and human rights genuinely matter. People were executed as they fought for a vote denied them by the colour of their skin, and the apartheid regime was enacted by a sovereign Parliament and upheld by the courts and the rule of law. Parliament there is now populated by many who were imprisoned on Robben island for daring to fight for the right to vote. In South Africa, constitutional democracy is cherished as the protection against such events ever happening again, whether through white supremacists or a one-party democracy. If South Africans perceive the need to enshrine their values in a constitutional democracy, not fearful of undermining the sovereignty of Parliament or the rule of law, perhaps we should be learn a lesson from that.

The legitimacy not only of our electoral system but of our democracy and our constitution is being called into question by millions who neither vote nor trust the courts. Rather than relying on compulsory postal ballots to rescue us, we need to examine more radical measures, which would truly bring a new legitimacy to our failing democracy and our flawed electoral system.

3.53 pm

Sir Patrick Cormack (South Staffordshire) (Con): The hon. Member for Wellingborough (Mr. Stinchcombe) crammed a great deal into his speech, some of which I agreed with and much of which I did not. However, when we consider the voting figures for the past few elections, it is right to be concerned. I believe that there is a fairly simple explanation.

In 1992, when turnout was fairly high, the election was keenly contested. It was possible that the Labour party could win and people came out to vote in great numbers. They were also much influenced by what happened during the campaign. One need only mention the two words, "Sheffield rally". In 1997, we had a Government who were discredited and a party that had imploded and did not deserve the confidence of the people. We were seen off. In 2001, people were beginning to be disillusioned with the Labour Government, but if they had fallen out of love with them, they certainly had not fallen in love with us, so we did not benefit from any decline in support for Labour. Those simple facts explain more clearly than anything else why there was a decline. When people are really and truly interested, they will vote.

I would like to refer to the excellent, arresting and disturbing speech made by the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff). He took today's debate out of the party political arena and made us focus on some real and important facts. What he said about the postal voting in Birmingham should make us all pause and think. Every hon. Member who has fought many general elections—I have fought every one for the last 40 years—has had a slightly disturbing experience with postal votes, whether it involves someone who has influence over his own particular group, or the matron or superintendent of a home, who says, "It will be all right. We'll make sure they do it properly." We all have to acknowledge that the system is open to abuse, and it is more open to abuse than using a polling booth.

The Minister's speech was far too glib and complacent, and did not recognise the implicit faults that are present in any postal voting system, although they are not always capable of proof, as my hon. Friend the Member for Broxbourne (Dame Marion Roe) pointed out. This does not mean that I am against postal votes, but I am in favour of choice. It should be the conscious choice of the elector to vote by post; if the elector wishes to do so, he or she should be allowed to do so. There should be some form of verification of identity, but there should not be a requirement to prove that they are going to be on holiday, or that they are ill or incapacitated. They should be able to make a conscious choice.

In the recent election, many people were very unhappy about being forced to vote by post. I come from Lincolnshire—my home town was Grimsby—and I received a number of letters from friends there who said, "Whenever you get the opportunity, do say that we do not want this choice permanently taken away from us. We treasure the fact that we go consciously to a polling booth to cast our vote." We deprive our electorate of that choice at the peril of our democracy.

I am fundamentally opposed to compulsory postal voting for two reasons above all others. One is that it effectively abolishes polling day. The other is that it abolishes the influence that a campaign can have. I referred briefly to the Sheffield rally, but we can all remember certain incidents, some of which have been to the advantage of our own party and others that have not. I remember the first general election that I fought, in 1964, in the constituency of Bolsover. Of course, I was never going to have a chance of winning, but I managed to reduce the majority from around 24,000 to 23,000. That was the best I could do. However, I remember that two things happened that could have influenced that campaign if they had happened a day or two earlier. One was the Chinese explosion of an atomic device; the other was the fall of Khrushchev.

During an election campaign, it is important that people should constantly be listening to the people who are seeking to represent them. I deeply deplore the demise of the public meeting; I hold them every night in my constituency. People should be continually aware of

what is going on during the campaign, so that their minds can be influenced right up to the time when they go into the polling booth. With compulsory all-postal voting, we destroy that at a stroke.

We also, as the hon. Member for Birmingham, Sparkbrook and Small Heath graphically demonstrated, run the risk of destroying the secret ballot. The secret ballot has been a feature of our democracy for only 140 years—before that, we stood on the hustings and proclaimed our allegiance. I could not help but think of that when he was talking about the demonstration of loyalty—a demonstration of loyalty voluntarily given is one thing, but a demonstration of loyalty yielded out of fear or intimidation is very different. I hope that those are factors on which the Government will think carefully.

If we are truly anxious, regardless of the will of the electorate, to increase participation in elections, there is an alternative, to which the hon. Member for Birmingham, Sparkbrook and Small Heath, towards the close of his speech, alluded briefly. That is the system that they have not only in Australia but in Belgium and other places—compulsory voting. If an element of compulsion is to be introduced, it should be that. People can then choose to vote by post or by going to the polling station. They can write, "A plague on both your houses," which was the substance of the hon. Member for Wellingborough's summation of the recent election, they can put more vulgar slogans, or they can return in the post a blank ballot paper. So great are the problems that we face, however—some of those to do with the integrity of the register were referred to by my hon. Friend the Member for Broxbourne—that we ought to give some thought to compulsory registration, without which people would not be entitled to benefits and other things. If someone registers compulsorily, they have a duty to vote compulsorily, by returning a ballot paper in one form or another. In that way, we do away with most of the opportunities for abuse, we increase the turnout, and we concentrate the minds of the politicians—those of us who sit here or seek to sit here.

Mark Tami (Alyn and Deeside) (Lab): The hon. Gentleman has touched on a crucial point: even were there fraud under such a system, because turnout is much higher, it is much more difficult to influence the result by fraudulent means.

Sir Patrick Cormack: I am grateful to the hon. Gentleman for making a point that I was hoping to make a little later. If we have, as I believe that Belgium had on 10 June, a turnout of more than 90 per cent., or as they have in Australia, the incidence of fraud is diminished in its impact.

What we should all be concerned about is the reputation of our democracy, and what we aspire to do here. I am old-fashioned in my views of this place and of seeking election to this place. I believe that politics is an honourable vocation. Those of us who feel called to public service have a right to place ourselves before the electorate, and they have the right to choose. We have the duty to ensure that they have the means of choice. The way in which the Government are seeking to tackle this is misguided. It is not malevolent. I do not for a moment impugn the integrity of either of the Ministers on the Front Bench—they are both good chaps—but I do not think that they have thought it through sufficiently seriously. They have dismissed the Sparkbrook argument without listening to it, and now that they have heard it, I hope that they will take it on board, because it is a very important argument.

If Ministers are motivated by turnout, I hope that they will reflect on the logical, perfectly honourable precedent of compulsory voting—as we have said, there are precedents in other countries. If that is the road that they want to take, let us take it together. At the end of the day, however, let them realise that it is not the duty of the Government, by fiat—that is virtually what happened last time, and a Government with a big majority, such as this, behave in that way—to deprive people of choice. By all means, if a man or a woman wants to vote by post, let them do so, but do not deprive them of the opportunity of going to the polling booth.

It is no answer to suggest that because there is an alternative booth—one in a large area—that solves the problem. It does not. There is no substitute for the local polling station near where people live. Many people, particularly the elderly, rejoice in the fact that they make a real, conscious effort to go to vote. In the last general election, without doubt the most moving experience for me occurred in one polling station quite near a large old people's home. Those people were coming in, and being pushed in in wheelchairs—in one case, a bath chair—and they told me that they wanted to do that. They said that they did not want postal votes because coming out to vote was what they wanted to do.

If that is what people want to do, it is an arrogant assertion of overbearing power for any Government to deprive them of that. I hope that when the Minister replies to the debate he will recognise the validity of our arguments and show that he wants us to move forward in a way that affords proper choice to all our people.

4.6 pm

Andrew Bennett (Denton and Reddish) (Lab): The hon. Member for South Staffordshire (Sir Patrick Cormack) should look carefully at Australia. It appears that with compulsory voting there, the number of people voting at each successive general election is falling and that the number of prosecutions is small. I do not think that compulsory voting is such a good idea. It would be a much better principle to say that when someone gets elected, any people who did not vote count as part of their majority because they had the chance to vote for someone else if they wanted, but did not.

The most important thing in this debate is to put firmly on the record our thanks to all those people who made the recent elections a success—all the returning officers, who did an excellent job, and all the election staff. We should also congratulate the Post Office, which turned up trumps in almost every case, throughout the country. I also add my thanks to the party workers who in most cases, particularly in the north of England where this had to be done that little bit earlier, got the election literature out so that people could make an informed choice.

The debate would have been better if the Tory party had not just had a rant in opening it, and, I am afraid, if we had not seen some amazing hypocrisy from the Liberal party. The Liberals told us that they would wait

[Andrew Bennett]

and see what the Electoral Commission had to say, but their amendment firmly pre-empts the commission by suggesting that the whole system is in chaos.

We need to recognise that many of the problems occurred because of the ping-pong between this House and the House of Lords. The House of Lords must take some responsibility for the chaos that it caused. We must also recognise that the deal that was done to get the legislation through—the witness statement—was a big mistake. It is quite clear that some people living on their own did not vote because of the problems of going to ask a neighbour or someone else for the witness statement. The witness statement is absolutely pointless. It is probably true that if a voter put down Mickey Mouse, with Disneyland for the address, the returning officer would have disallowed the statement, but if they put down John Smith at some address somewhere in the country, there was no chance of that statement being checked out. The witness statement is a waste of time, and we do not need it.

It was unfortunate that the Electoral Commission discouraged the political parties from helping people to return their ballot papers, and from signing the witness statements. That was a serious mistake. I must also say to the Tory party that the more that we insist on a witness statement, the lesser the degree of secrecy for the individual voter. If we do not have a witness statement, a voter can take their paper away, sign it and send it off without being influenced at all by other people.

We should firmly congratulate the Deputy Prime Minister, the Under-Secretary of State for Constitutional Affairs, my hon. Friend the Member for Shipley (Mr. Leslie) and my right hon. Friend the Minister for Local and Regional Government on going ahead with the experiment, because we learned a great deal. That does not mean to say that I necessarily want us to carry on having experiments, but we should recognise just how important this experiment was.

First, we had a much higher turnout, which was worthwhile. Secondly, we had to look into the matter of size. There is some question as to whether there are enough security printers to extend the arrangements so that all local elections could be done through an all-postal ballot. I think that that is questionable. One suggestion is to solve the problem by providing more time between the nominations and sending the ballot papers out, but we should remember that we have been fantastically lucky in this country in that we have not had to conduct a by-election in the middle of a general election since 1955, when a parliamentary candidate died and an election had to be put off. The longer the period between nominations and voting, the greater the likelihood of having to re-run an election when a candidate dies.

We must also recognise that the experiment showed that many people were not volunteering for it. Almost all the experiments up to this point were conducted by volunteers—in other words, by the dynamic returning officers who were keen to prove that they could conduct an experiment. This time, however, we had one or two people who, to put it kindly, were not particularly up to the job. We have to recognise that if we moved to an all-postal vote system, there could be problems there.

There is also the problem of expense. We have to weigh up whether all-postal voting provides value for money. We also have to acknowledge that a half-and-half system, towards which we might be moving, may be even more expensive, with half the people opting for a postal vote and the other half going to the polling station. If we were interested solely in increasing turnout, it might be better simply to say to all the electors that they could have £5 off their council tax if they voted. That might well get more people to vote, without incurring all the expenses of the system.

We must now evaluate the experiments properly, but not to place blame, as all the political parties have pressed for extra postal voting. We now need to ask ourselves how best to move forward. It has to be through the Electoral Commission, but if so, we should also have a few people representing the political parties sitting on it. That might give the Electoral Commission a little more experience of the realities of electioneering.

I promised that I would conclude my speech in six minutes and I am sorry that I have overrun. I congratulate all those people who made the system just work this time and I congratulate the Government on carrying it all out, but we now need a full evaluation.

4.12 pm

Angela Watkinson (Upminster) (Con): I am grateful for the opportunity to participate in the debate, because it is essential that we preserve the hitherto high reputation of our voting system, which has been brought into question by the problems that have arisen with all-postal voting.

The essential ingredients of our voting system are confidentiality, privacy and security. All those three elements have been put into question by various recent problems and they have been undermined by recent innovations to increase the turnout in elections. I would question the practice of describing all-postal voting as "turnout", because that is the one thing that people do not have to bother to do. The traditional method, on which our reputation has been built, centres on trust and the confidence of the electorate. It is a private matter. People do not want others to know how they voted.

Theoretically, under the traditional system, someone could wade through hundreds of thousands of used randomly sorted ballot papers to look for one particular number, but it is unlikely that that would ever be attempted and even less likely that it would be successful. People like to see their vote being put into a sealed ballot box and they enjoy the ritual of going to their polling station and voting in person. With an all-postal ballot system, they are not allowed to do that. It is important that they reserve the right to make a choice as to whether to vote by post or in person. When someone applies for a postal vote in person, it shows an indication of the intent to vote, which is quite different from issuing a postal ballot paper to everyone, especially when many people have no intention of voting in the first place.

In the 2002 local elections, Havering was one of the pilots for postal voting. As I have noted before, there was a problem with the one-envelope system, under which people put their declaration of identity and their ballot paper into the same envelope. The voter's ward could be identified from the outside of those envelopes,

which meant that people could know where that voter lived and his or her likely voting intentions. When the ballot paper and the declaration of identity were returned to the town hall, they had to be separated. At that stage, too, it could have been possible to discover how voters had voted. That did not happen, but people resented the fact that the opportunity had been created.

I know that the percentage of people voting rose in the recent elections, but that happened at a price. The price was the number of irregularities in the election process, and the fact that voters were deprived of choice. The hon. Member for Watford (Claire Ward) is no longer in her place, but I was concerned about her report of what happened in Watford. I had thought that the one-envelope system had been discontinued, but it sounded to me as though it might have remained in operation there.

I want to challenge the received wisdom that it should be made easier for people to vote. That should not be confused with increasing the percentage of people who use their vote. It is already easy and convenient for people to vote, and to get a postal vote. They have only to ask for one: they do not have to give any justification or explanation. However, even doing that much requires a little effort by voters. It is not great, but people have to take the trouble to ask for a postal vote.

At election time, some people do not even notice that an election is going on. Despite what they read in the newspapers, hear on the radio or see on the television, and despite the contents of the posters hung in windows or the leaflets pushed through their letter boxes, some people claim not to know that an election is being held. It takes quite a lot of effort to ignore all that. I suggest that those people are unlikely to have bothered to give the election any thought at all. They will not have considered the issues involved, or compared the attributes of the various candidates. They disfranchise themselves by neglect and treat their privileged vote with disdain—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. We must not have continued chuntering from a sedentary position.

Angela Watkinson: I challenge whether the Government have the right to make it easy for people to vote, when that is already so very easy to do. Some people choose not to use that privilege.

Another problem is the unreliability of the post. I have been inundated with complaints from people who did not receive their ballot papers. Many complaints came from people who happened to be on holiday on election day. They had informed the town hall of the date when their holiday was due to begin, and had been assured that their ballot papers would arrive in time. When that did not happen, they lost the opportunity to vote, even though had made the effort to make inquiries.

I hope that the Minister will clarify one point. He will correct me if I am wrong, but in a television interview I thought that I heard him say that people who did not receive their ballot papers in time could go to their town hall's electoral registration department and ask for one. When people did that in Havering, the town hall refused to give them another ballot paper. Did the town halls have different instructions, or did I misunderstand what the Minister said?

Mr. Leslie: I shall try and clarify that. In the all-postal regions, the failsafe in the unlikely eventuality that people did not receive their ballot papers was that they could go and get a replacement. The bar codes used on the documents meant that the original ballot paper would be cancelled automatically. Those arrangements did not exist outside the pilot regions. The experience described by the hon. Lady was not related to the pilot on all-postal voting.

Angela Watkinson: The Minister is right to say that there was no all-postal voting in Havering on this occasion, but the incident throws up one of the problems associated with postal voting. The people who suffered had made the effort to ask for a postal ballot paper. They explained when they needed it and were assured that they would receive it. I have received many letters on this matter. My constituents Mr. and Mrs. Lewis recounted how they boarded a coach one day and found that it contained 25 other people who had also not received the postal ballot papers that they had requested.

In contrast, a member of staff in my constituency office received four ballot papers, in separate envelopes, on the same day. She destroyed the three spare papers, but how many other people had the same experience, and what did they do with the extra papers?

Many elderly people did not understand the multiple elections that were held on the same day. I had to ask for help from the presiding officer at the polling station, as the matter was so very complicated. So I would like the Minister to look into the issue of multiple elections on the same day, especially when the voting methods are different for the component parts. It is confusing, particularly for elderly people, who have voted all their lives but are used to one particular way of doing it. Please may we retain choice for people who do not want to vote by post and want to see their ballot paper going into the ballot box?

4.20 pm

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): The issue that exercises hon. Members on both sides of the House is that of low turnout. Low turnout undermines the validity of the whole democratic process and the authority of elected representatives. That is why it is right that, with all-party support, we looked into running pilots for different sorts of voting in local elections. The obvious conclusion was that only all-postal ballots increased turnout substantially. It was therefore surely right in turn that we looked at a wider pilot, which we have just conducted, to see whether the lessons from the smaller pilots could be applied on a larger basis. I am sorry that the hon. Member for Rutland and Melton (Mr. Duncan) turned the matter into a party political issue, because I agreed with some of the other points that he made.

I was concerned, as all hon. Members will have been, by the comments made by my hon. Friend the Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) about what happened in Birmingham. In

[Mr. Clive Betts]

Sheffield there have been no allegations of widespread fraud. I am certainly not aware of any such allegations; I am not aware of any allegations in my constituency. There were no real problems with postal delivery.

The real problems, if there were any, were around the witness statement, which confused many people, not just elderly people, and the wording of the instructions that came with the ballot papers. If I had not understood the process, I would have been pretty confused by the wording. It varied from region to region; the instructions that I saw in London were far clearer than those in Yorkshire. So there are lessons to be learned by the Electoral Commission and the Government.

The problems with security and fraud in postal voting, as the Electoral Commission said over and over again at the Select Committee inquiry, are general problems with postal voting, not problems with all-postal voting. We should get back to that and get away from the party political points.

I want to put forward four basic principles for a way forward. We should be concerned about ease of voting. I disagree with the hon. Member for Upminster (Angela Watkinson). We should make it as easy as possible for people to vote—of course legitimately. We should be concerned about the security of the vote, about the consistency of the electoral process, and about choice.

To take consistency first, we have had the pilot projects and it is right that we should learn from them, share experiences and look at what went right and what went wrong. Clearly, many more people voted than would have done with the traditional system. That is a good thing. We should not get into small arguments about how much the percentage turnout went up. It was clearly higher, and I believe that it was higher because of all-postal voting. It is clear that in any system of voting, people have to have the right to vote by post whether because they are ill, or on holiday, or working away. So postal voting has to be part of the voting system. However, I have some sympathy with the points made by some Opposition Members and with people in my constituency who have said, "We vote in every election as a matter of principle, but we do not feel that we have voted properly this time because we have not been able to go to the polling station." So we ought to take account as well of the wishes of the people who vote every time.

Let us have consistency. Let us decide what is the best form of voting. Having had the pilot projects, it is right that we devise a form of voting that applies at all elections so that people know what to expect every time and do not have to rethink how they will vote at each election. Within that, we should have different types of voting. People should have the right to vote by post and the right to vote at a ballot station. I also agree with my hon. Friend the Member for Denton and Reddish (Andrew Bennett) that that will mean extra cost, but it is a cost worth paying to enhance our democratic process. Eventually, we may get on to e-voting as another option.

People may say that we already have that system of voting, but we can make a postal vote easier to obtain. In Sheffield, people can now tick a box on the electoral registration form to apply for a form to fill in to get a postal vote. Why not make it easier? Why not have boxes that people can tick to indicate whether they want to vote at a ballot station or by post? People should get their postal vote automatically if they tick the box, with no need for an extra form. That would simplify the process.

In terms of security, I agree that individual voter registration must be introduced. For example, we need checks on signatures to ensure that the voting system is secure. We should also implement a limit on the number of ballot papers that can be sent to an address for people who are not registered there, in the same way as we limit the number of proxy votes that one individual can exercise.

I am concerned about the registration process, probably for slightly different reasons from the hon. Member for Broxbourne (Dame Marion Roe). There is a real problem with people not sending registration forms back and being disfranchised as a result. Perhaps the Government could work with local authorities and provide a little more money for the canvassing process, because that is not being done properly in many areas. Registration officers say that in some areas up to 98 per cent. of forms are returned, but in other areas it is only 50 per cent. Resources should be put into that issue, because individual registration will make the process more complicated and difficult. In practice, no one is ever prosecuted for failing to return the form, so we could consider giving a bonus for doing so—perhaps a rebate on the council tax.

It is difficult for me to say so, but I commend the system of Westminster council, which sends out a card to everyone after the register has been drawn up, saying who is registered in their house. That is good practice, which should be replicated throughout the country.

Finally, I would just say to the hon. Member for North Cornwall (Mr. Tyler) that if the looks on the faces of the Liberal Democrats at the count in Sheffield on 11 June were those of people who had just scored a spectacular success at the ballot box, I would hate to see the looks on the faces of those who had just lost an election that they clearly expected to win.

4.26 pm

Mr. Tim Boswell (Daventry) (Con): If this debate has one result, it will be that we all take the electoral system and its integrity more seriously, and I welcome that. In the interests of time I will confine my remarks primarily to my experience in the all-postal pilot region of the east midlands, where I live. What took place shook my own and my constituents' faith in the integrity of the process—so much so that even though I had probably voted more often by post than in person in the past 40 years, I went to the assistance and delivery point and put my ballot in the box, along with some 7 per cent. of those who voted in my area.

I do not like getting letters from constituents enclosing spoiled ballot papers with their protest about what they have been asked to do. There are three main reasons for the situation. First, the pilots were over-ambitious and, therefore, under-explained to the electorate. Secondly, the traditional and still generally preferred default option of going to vote in person was withdrawn. Thirdly, when I first voted by post 40 years ago, there were perhaps 500,000 postal votes in the general election. This time, there were 14 million in the pilot areas alone, with probably some 17 million overall. It is a simple issue of scale.

I first became aware of problems with ballot papers when my agent alerted me to them at about half past 11 on Wednesday 26 May. By fluke, I had the chance of a long-odds question to the Prime Minister and I was able to raise the issue with him that morning. It was clear that he had already been briefed about the problems that had developed; the alarm bells had obviously started to ring. For various reasons—I shall not go into them now, although I have a full report to share with the Minister—none of the ballots in South Northamptonshire, which is one of the districts in my constituency, the other being Daventry, was delivered until 2 June. The bulk of the ballots appeared on 3 June, and a limited number trickled in up to the weekend. It was an appalling start to the process, although it was not necessarily wholly the responsibility of Ministers. It was redeemed by sterling work by the two local returning officers and their staff in Daventry and South Northamptonshire, who worked long hours, not only on election night but over an extended period to put matters right.

Several issues for Ministers arise. First, they have to face the costs of the system. I have had a helpful response to a written question from the Minister, saying that the Government will meet any reasonable exceptional costs. If we are to do this again in future, we will have to have more assistance and delivery points, and the budget will have to be extended to cover them. When I looked at the figures, almost all the costs allocated to my district council were for the printing of ballots and the postal contract. After staff were taken into account, no exceptional costs were included.

Secondly, Ministers must understand that time is critical in the process. The delay of a week reduced the number of days for turning round ballot papers to five, which made things extremely difficult for people who were on holiday. I am slightly worried about the Post Office itself—the Minister was rather complacent on that point; for example, I understand that its helpline to returning officers was shut over the weekend.

My impression is that the Electoral Commission was not very active during the election, but it must take into account all the representations and experience that have built up. I am concerned about double registrations. Like many Members, I received two Euro votes and tore one up. I am sure we all did that, but the fact that such an occasion could arise is worrying.

The whole exercise was an object lesson in not getting things right first time. In a sense, of course, that is what happens in a pilot. However, there are real worries about abuse. According to the Daventry returning officer, turnout rose, although not in all wards and not solely due to all-postal voting—his comment, not mine. That higher turnout came at the price of some public confidence in the system. The ballot turned into a dull administrative exercise instead of having the important element of ritual and performance.

My electors deserve their right to choose and to be able to go to the polling station on election day—and, when the time comes, to turn out en masse to dismiss this Government of failed initiatives.

4.31 pm

Mr. Bernard Jenkin (North Essex) (Con): We have had a far more interesting debate than the extraordinarily complacent reply delivered by the Minister in response to my hon. Friend the Member for Rutland and Melton (Mr. Duncan) indicated. Concerns about the pilots were raised on both sides of the House and, despite the Minister's complacency about our electoral system, the state of the electoral roll, the state of postal voting and the conduct of his electoral pilots leave much to be desired.

The hon. Member for Sheffield, Attercliffe (Mr. Betts) complained that the debate had been too party political, but I have to tell him that many people are concerned that the Government are using and abusing the electoral system for their political ends, as I shall explain. It pains me to say that; it is a sad state of affairs when things come to that pass.

My hon. Friend the Member for Daventry (Mr. Boswell) raised important points about the additional costs of the pilots and the Government must address those. He was right to point out that the pilots were over-ambitious. We all knew that the pilots were over-ambitious. Evidence to the Select Committee was that the pilots were over-ambitious. The Electoral Commission, which the Government set up to advise them, told the Government—*[Interruption.]* Whether we want to keep the commission or not—*[Interruption.]*

Mr. Deputy Speaker: Order.

Mr. Jenkin: Whether we want to keep the Electoral Commission or not, the Minister and his party set it up, presumably so that the Government could take its advice. However, they do not take the commission's advice. The Government ignored its advice about the number of pilots. They ignored the evidence given by the printers to the Select Committee that they would get in a mess. By playing fast and loose with our electoral system, the Government have paid a heavy political price in the perception of their fitness to govern, but the British people, too, have paid a heavy political price in the credibility of our electoral system.

We have heard of postmen being offered £500 to hand over sacks of uncompleted ballot papers, of a postman in south Liverpool being mugged for the ballot papers he was delivering, of the police launching allegations of malpractice in Bradford, of Burnley police planning to question 60 people about 170 suspect proxy votes, of abandoned sacks of uncompleted ballot papers being found in Blackpool, of dead people suddenly coming to life and voting, and of intimidation in Burnley, Bradford, Derby, Oldham, and Rochdale—to name but a few places.

The system of all-postal voting allows possibly countless instances of intimidation and breach of secrecy in the home or the community that may never be reported or come to light. If the Minister thinks that the only speeding offences committed on the roads are those caught by the cameras and the police, he is living in another world. *[Interruption.]* Listen to the Labour leader of Birmingham city council, quoted by the hon. Member for North Cornwall (Mr. Tyler), who said—

Mr. Deputy Speaker: Order. If the Minister wishes to intervene, he ought to stand up in the usual way and intervene properly. Continual chattering from the Front Bench in that way disrupts the debate.

Mr. Jenkin: My comments must be getting under the Minister's skin, Mr. Deputy Speaker.

[Mr. Jenkin]

The Labour leader of Birmingham city council said—I quote from memory—that the law is so general that almost anything is allowed. The problems of gathering evidence and prosecuting are very difficult bearing in mind that evidence that will carry a conviction beyond all reasonable doubt is needed. So what is needed is not post-operative care of the electoral system after the elections have taken place, using the courts and criminal prosecutions and investigations, but an electoral system that pre-empts the problems that may arise. That has singularly failed to happen in the postal pilot schemes.

Andrew Bennett *rose—*

Mr. Jenkin: I will give way very briefly to the hon. Gentleman, but this is the only time that I shall give way.

Andrew Bennett: Does the hon. Gentleman accept that what he has just said is nonsense? He talks about postal ballots, but his example from Birmingham has nothing to do with postal ballots. Will he address what the Conservative party said when postal voting was extended? None of the concerns that he is expressing now were expressed in any of those debates.

Mr. Jenkin: With respect, we expressed very strong concerns about conducting such a widespread so-called pilot that involved a third of the English electorate; but yes, we were open-minded about those postal pilots. We approached them in a thoroughly non-partisan manner. The Government politicised them by forcing up the number of regions. We know why they did so: they wanted to boost the turnout in Labour northern areas of the country in a very difficult election in which they got smashed even then. The problem is that the Government have been gerrymandering the process for their own political ends and even ignoring their own Electoral Commission, which they set up for the purpose of advising them.

We have heard of plenty examples of people being disfranchised because of the sheer scale and complexity of the task of printing and distributing some 83 million pieces of paper, of ballot papers being delivered late or not at all, of incomprehensible instructions on ballot packs, incomplete ballot packs or ballot packs missing ballot papers or other vital pieces of paper. Despite all that, the Minister felt able to issue a written statement yesterday, and I shall quote from it:

"The elections were successfully completed."—[*Official Report*, 21 June 2004; Vol. 422, c. 72WS.]

Well, we have heard about spin, but that is taking spin to new lengths.

I very much regret that I missed some of the speech by the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff), but from the account of his speech given to me by my colleague, he certainly confirmed that what the Minister described as a myth is, in fact, dangerously true, given the problems in his constituency and, of course, elsewhere. The hon. Member for Bradford, West (Mr. Singh) described the Minister's statement as "ludicrous" in the *Yorkshire Post* this morning and said that the all-postal pilots led to "cash and carry democracy" in his constituency. *[Interruption.]* Yes, just dismiss him; he is just another Tory clone.

However much turnout may be increased by all-postal voting, it cannot be justified if the integrity of the voting process is compromised or public confidence is undermined. That is the real lesson that needs to be learned from the pilots. This is a very serious matter because voting in person and in secret is the very essence of democracy. Even the most cynical politicians and voters approach a real ballot box with real reverence. Our voting system should not be made the plaything of a single political party.

We have heard endlessly that the Minister's statement made great play of the increased turnout, but what evidence is there that all-postal voting is the key factor in the increase? The Government's claim that all-postal voting doubled turnout is, of course, not borne out by the facts; it is based on a completely false comparison. That point has been well made by many hon. Members who have contributed to the debate. The turnout in the pilot regions was a mere 5 per cent. higher than in the non-pilot regions. The Minister shakes his head, but that is a fact. The experiment could not be better controlled than by running it in some regions and not in others. I acknowledge that, yes, there was a bigger increase in turnout in the postal regions than in the non-postal regions, but not by 100 per cent.—not by any stretch of the imagination. Of course, the increase was in Labour areas where turnout tends to be lower, and we know why the Minister wanted to increase the turnout in those areas more quickly than in others.

Even a Minister—the Minister for Pensions—said that to raise turnout, initiatives such as postal voting were "simply not good enough". The Secretary of State for Education and Skills admitted:

"Generally, I don't think the experiments are the answer"

to voter apathy, and he is a member of the Cabinet, not another Tory myth maker, as suggested by the Minister. The evidence so far suggests that once the novelty of postal voting has worn off, turnout will begin to fall away. That experience has been borne out in other countries. One thing is clear from the all-postal pilot schemes run in the elections: public confidence in the electoral system has been seriously undermined. If the Government had set out to create chaos and confusion, they could not have done a better job.

The scope for malpractice in the regional referendums threatens to be even higher. Public apathy towards the proposals for regional assemblies means that few will care what happens to their ballot papers. There will be an opportunity for what is becoming known as "vote harvesting". The hon. Member for North Cornwall did not address that in his support for all-postal ballots. Supposing the real interest in the ballots is only, say, 20 per cent. participation, what happens to the 80 per cent. of ballot papers that are sent out willy-nilly? Unscrupulous individuals will go about collecting uncompleted ballot papers from people who are not interested in using them. Once again, the Government will send out live authorised ballot papers across the north of England like confetti. Once again, the front pages of local and national newspapers are likely to be flooded with stories of corruption, intimidation and fraud.

The only way to avoid that situation is to restore the choice and right to vote in person at the polling station, as my hon. Friends the Members for South Staffordshire

(Sir Patrick Cormack), for Upminster (Angela Watkinson) and for Daventry (Mr. Boswell) said. No one should be issued with a ballot paper unless they identify themselves in person at the polling station on the day or request a postal ballot paper on the proper form. The methods and checks on voter registration and postal voting in Northern Ireland have much to commend themselves, and I ask the Minister to consider them carefully, as also recommended by my hon. Friend the Member for Broxbourne (Dame Marion Roe). The way in which elections are conducted there makes Labour's all-postal ballots look like a complete shambles organised by some petty dictatorship.

What possible justification could there now be for conducting referendums on constitutional change, no less, by a flawed method in which people in the three referendum regions can have little, if any, confidence? The ballot box was good enough for referendums on the Scottish Parliament and the Welsh Assembly, so surely it is good enough for referendums on regional assemblies. But it seems that it is not and the regional referendums must be fixed, like the turnout in the recent elections.

Labour's proposals for elected regional assemblies have been received with the most astonishing outburst of apathy from the people of the north. The Government favour all-postal voting in the vain hope that they will boost the turnout to disguise that apathy. The Minister admitted that the result of the referendums would have to be ignored in the event of a derisory turnout, although he always refuses to identify the meaning of the word "derisory". Ministers know that they can expect few favours from the Prime Minister if they deliver yet another kicking for the Labour party so close to the general election. The decision to conduct the referendums by all-postal ballot was only announced last October, well over a year after the production of the White Paper on regional government. Why then? Because the results of the "Your Region, Your Say" sounding exercise proved to be truly derisory with just 8,500 responses from a potential population of 40 million people, and that is the basis on which the Government are going ahead with the regional referendums.

At this point, I had intended to deliver this sentence: "The Government are determined to hold these referendums by all-postal ballot come hell or high water, simply to avoid humiliation at the ballot box", but the Minister changed the story. He generously gave a statement suggesting that the Government would consider calling off the referendums if there was sufficient doubt about the reliability of all-postal voting. That is a serious development because, as I said in an intervention on him, it calls the holding of the referendums into question, and we know that many of his colleagues are dying to bury them before the Government are humiliated again. However, would that effectively transfer the decision about whether the referendums should go ahead to the Electoral Commission? Would it advise the Government whether it is safe to proceed with them? What would happen to the information campaign? Are the Government going to spend all that money on propaganda at the taxpayer's expense only to cancel the referendums, and what will the people of the north and, indeed, the taxpayer say about that?

Mr. Raynsford: We are providing information.

Mr. Jenkin: It is propaganda.

Is the real agenda even more cynical than it is incompetent? First, the Government want to run a propaganda campaign, then test the water with a few opinion polls to find out whether the referendums are winnable, and pull them if they are not. There is a perfectly respectable alternative—hold the referendums and use a conventional ballot box. We do not want them to be cancelled. The people of the north have been promised that choice, so why not hold the referendums on the basis of a reliable system? One of the highest duties of Government is to nurture and protect our democracy, but the Labour Government are guilty of wanton dereliction of that duty. New Labour chooses political advantage at the expense of principle, corruption at the expense of security, and opportunism at the expense of public confidence. Only by restoring the rights of voters to vote in person, in secret, at the ballot box on the day of the poll can we restore confidence in our voting system. That is what the Government should do in the regional referendums in the autumn, and new Labour should stop playing fast and loose with our democracy.

4.46 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): Neither the hon. Member for Rutland and Melton (Mr. Duncan) nor the hon. Member for North Essex (Mr. Jenkin) helped to promote a proper and mature debate on an important subject because, in both cases, they chose to go over the top with ill-judged and inaccurate scaremongering.

This has been a revealing debate about the Opposition's inadequacies. A range of issues has been raised and various points of view have been expressed, and I shall start with something that should command consensus. There is a large measure of agreement that the health of our democracy has been threatened—I will not go any further because, unlike the hon. Gentlemen, I do not believe in overstatement. The health of our democracy has been threatened—not undermined—by falling levels of participation and engagement, symbolised by declining turnout at elections, both national and local, which has rightly prompted expressions of concern across the political spectrum. I therefore hope that we all agree that there is a problem that needs to be addressed.

When we try to identify solutions, I grant that there are bound to be differences of opinion. Some people believe that the system of representative democracy that was entirely fit for the purpose 150 years ago is no longer as effective a means of responding to the electorate's concerns as it was in its Victorian and early 20th-century heyday. In the absence of new ways of engaging the public between elections as well as at elections, we will not succeed in reversing the trend of declining participation. Other people, particularly the Liberal Democrats, have a touching faith in the supposed redemptive powers of proportional representation, despite strong evidence to the contrary that demonstrates that declining trends of participation apply across Europe, irrespective of the electoral system, whether first past the post or proportional

[Mr. Nick Raynsford]

representation. Others believe that we need to address the means by which people express their preferences, which obviously means offering alternative voting options. The Government have been exploring such options for four years. In 2000, we ran a series of pilots that included different times and locations for voting as well as the all-postal option. In 2002, we repeated the pilots, with more extensive options for all-postal ballots, and we added electronic options, including voting by mobile phone and via the internet. In 2003 we ran an even more ambitious pilot programme with extensive all-postal and electronic voting options.

The Electoral Commission monitored and evaluated the 2002 and 2003 pilots. It was not in existence in time to monitor the 2000 pilots. Its conclusion at the end of the process was clear: that all-postal voting had demonstrated the greatest positive impact on increasing turnout. In its report on the 2003 pilots the Electoral Commission not only concluded that all-postal pilots were very successful in substantially increasing turnout, but even more significantly, recommended that in future all-postal ballots should become the norm for local government elections—not, I hasten to add, a case of the Government seeking to impose that, as was suggested in the debate, but a proposal from the Electoral Commission.

The Electoral Commission's report, "The Shape of Elections to Come", was published less than a year ago. What was the reaction of the official Opposition to the recommendation that all-postal voting should be the norm at all future local government elections? Did they object? Did they complain? Did they express fears about threats to the integrity of the polling process? No, they did not. They said nothing. To be fair to the official Opposition, they may have been a little distracted at the time by their plots to get rid of their then party leader, so perhaps we must allow that they were diverted.

However, we now have a clear example of an Opposition presented with pilots in 2000, 2002 and 2003 and a recommendation from the Electoral Commission for universal all-postal elections for local authorities who raised no objections at all, but offer the House today a concoction of exaggerated and mostly unsubstantiated claims and scaremongering and an extraordinarily ill-judged attack on the Electoral Commission itself. The hon. Member for Rutland and Melton told the House he did not care what the Electoral Commission says. I believe that he will deeply regret that, and I hope he will feel ashamed and embarrassed by that remark. Fortunately, that tone did not continue for much of the debate.

The hon. Member for North Cornwall (Mr. Tyler) claimed that we were overstating the improvement in voting—

Mr. Alan Duncan: I am happy to say again that when the facts are staring us in the face that there is massive scope for electoral fraud, the possibility that there may be an inquiry does not matter. We can see the facts already. That is the point I am making.

Mr. Raynsford: The hon. Gentleman did not show much respect for facts in the farrago of exaggerated claims in his speech, and it is a telling comment about him and his party that he cannot bring himself to express regret for that extraordinarily ill-judged attack on the Electoral Commission.

The hon. Member for North Cornwall expressed the view that we were overstating the extent of improvement in voting in the all-postal pilot areas, and the hon. Member for North Essex made a similar claim, so let me give the figures. In the four pilot regions the average percentage turnout in the 1999 European elections was 20.2 per cent. This year it was 42.6 per cent.—an increase of more than 100 per cent. The increase in the total non-pilot regions—*[Interruption.]* The hon. Member for North Essex, who had a lot to say about this and claimed that we were statistically wrong, should listen, and he will realise that it is he who is wrong.

In the total non-pilot regions, the percentage in 1999 was 25.9 per cent. This year it was 37.2 per cent., so there was an increase of about 50 per cent. in turnout in the non-pilot regions and an increase of more than 100 per cent. in the pilot regions. That clearly demonstrates that there was a significantly higher turnout in the pilot regions and puts the argument to bed.

Mr. Tyler: That does not put the argument to bed at all. There was just a 5 per cent. difference in turnout. The reason why the increase in the northern areas was so great was that it was so low last time, because it was a foregone conclusion that Labour would win.

Mr. Raynsford: The hon. Gentleman has not been listening. The turnout in the non-pilot regions last time was 25.9 per cent., also very low indeed, but it did not increase by anywhere near the same proportion as in the pilot regions.

The hon. Gentleman went on a long diversion about the performance of YouGov. There seems to be a personal vendetta there, which I do not intend to follow. At the end of his speech, however, he said that he felt concerned about the number of assistance and delivery points available at the time of an all-postal referendum or election. That is a valid point and I share that concern. It was echoed by many other Members, including the hon. Member for Daventry (Mr. Boswell), in the debate, and I undertake to consider it further with the Electoral Commission. If there is to be a repeat of all-postal processes, we will need to consider that issue.

My hon. Friend the Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) expressed serious concerns about alleged abuse of postal voting in Birmingham. Of course, Birmingham was not a pilot area, which reinforces the point made by my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts), who said that any problems that may exist with postal voting are not unique to electoral pilots, but apply to postal voting wherever it exists. As a country, we have made the option of postal voting available for a very long time, for good reasons. It is important that any allegation such as those that my hon. Friend the Member for Birmingham, Sparkbrook and Small Heath raised are reported and investigated. I fully share his concern that proper safeguards against fraud should be in place, but it is also important that we should be careful not to overstate the problem or give any impression, whether intentionally or not, that particular sections of our community are more prone than others to behave in a fraudulent or corrupt way.

The hon. Member for Broxbourne (Dame Marion Roe) expressed concerns about the election register and its integrity. Over many years, there have been the sort of experiences that she has described in respect of electoral registration officers providing a review of the names on the register and significantly reducing the numbers. That is an obvious and important safeguard against people being incorrectly registered, often because they have been allowed to remain on the register for longer than they should have done. In some cases, that happens for good reasons, such as when there was no evidence that they had moved. In other cases, it can happen through a lack of proper diligence. The hon. Lady raised an important point, and it is right that safeguards on registration should be in place.

The Electoral Commission has proposed a change in the electoral registration system to individual registration to improve security. There is merit in the principle, but as the contribution from Northern Ireland highlighted, there is a worry that moving to different systems, including individual registration, can mean that a number of people who should genuinely be on the register are left off it, for a variety of other reasons. We need to look at that issue carefully, but there is merit in the proposal. We are also looking with the Electoral Commission and others at means of securing a nationally consistent register, although it will be locally compiled, to ensure that problems such as dual registration can be picked up and that safeguards and checks against them can be put in place.

In a rather wide-ranging speech covering a lot of issues that I do not have time to deal with, my hon. Friend the Member for Wellingborough (Mr. Stinchcombe) raised doubts about the all-postal ballots, but failed to comment on the fact that the turnout in his region was the highest in percentage of any region in England. The hon. Member for South Staffordshire (Sir Patrick Cormack) made some common-sense observations on factors affecting turnout, reminding us that we should not rush for simplistic answers. His concern about people not being able to vote in person was echoed by others, and I have already commented on that issue.

My hon. Friend the Member for Denton and Reddish (Andrew Bennett) made a series of well-informed observations as Chairman of the Select Committee on the Office of the Deputy Prime Minister: Housing, Planning and Local Government, which has conducted a thorough inquiry. I appreciate his support for pilots, and agree that their purpose is to test what works and what does not. We should not necessarily replicate all the features of previous pilots. As he rightly said, there is a need for a full evaluation. I would like to respond to the other points that have been made, but I do not have time.

Unlike the official Opposition, this Government are committed to tackling the problem of disengagement and low participation in the democratic process. We have piloted options for new ways of voting, and we have proposed constitutional reforms to bring power closer to the people. This autumn, we are pledged to give the people of the three northern regions the option of a vote in a referendum on whether to establish elected regional assemblies. We have proposed that that should be done by all-postal ballot in order to maximise participation, and that announcement was welcomed by the Electoral Commission.

To meet our commitment to hold those referendums, however, we need to move forward with the necessary orders before the House rises for the summer recess. At the same time, we recognise the concerns of those who have questioned whether it is appropriate to approve the orders before the Electoral Commission has reported on this summer's pilots. Of course, there are differences between a referendum and an election. In a referendum, there are no candidates seeking election, and for that reason, the risk of fraud is felt by some to be less. Nevertheless, we take the views of the Electoral Commission very seriously, and we are prepared to give a clear undertaking not to proceed with all-postal referendums as planned if it produces convincing evidence leading to the conclusion that it would be unsafe to do so.

That is the proper reaction of a Government who are committed to encouraging participation in the democratic process and equally committed to protecting the integrity of the balloting process. By contrast, the Opposition have pursued a crudely opportunistic stance that deserves to be rejected by this House with contempt.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 184, Noes 308.

Division No. 199] **[4:59 pm**

AYES

Allan, Richard
Ames, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, Peter *(Hexham)*
Bacon, Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Begg, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Burnett, John
Burns, Simon
Burnside, David
Burstow, Paul
Butterfill, Sir John
Calton, Mrs Patsy
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Duncan Smith, rh Iain
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Fox, Dr. Liam
Francois, Mark
Gale, Roger *(N Thanet)*
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Green, Damian *(Ashford)*
Greenway, John
Grieve, Dominic
Hague, rh William
Hammond, Philip
Harvey, Nick
Hayes, John *(S Holland)*
Heald, Oliver

Heath, David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson, Boris *(Henley)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lamb, Norman
Lansley, Andrew
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maude, rh Francis
Mawhinney, rh Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Osborn, Mark *(Winchester)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Pickles, Eric
Portillo, rh Michael
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Roe, Dame Marion
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Selous, Andrew
Shepherd, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Tonge, Dr. Jenny
Tredinnick, David
Trend, Michael
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Roger *(Brecon)*
Willis, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. David Ruffley and Mr. John Randall

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Battey, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, rh Stephen
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Cooper, Yvette
Corston, Jean
Cousins, Jim
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Ewing, Annabelle
Field, rh Frank *(Birkenhead)*
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hinchliffe, David
Hodge, Margaret
Hoey, Kate *(Vauxhall)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Irranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Laszkowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*

Liddell, rh Mrs Helen
Love, Andrew
Lucas, Ian *(Wrexham)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
McFall, rh John
McGuire, Mrs Anne
Mclsaac, Shona
McKenna, Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall-Andrews, Robert
Martlew, Eric
Merron, Gillian
Milburn, rh Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Popa, Greg *(Hyndburn)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robinson, Geoffrey *(Coventry NW)*
Rooney, Terry
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Salter, Martin
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(CWyd W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Touhig, Don *(Islwyn)*
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watts, David
Weir, Michael
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Williams, Hywel *(Caernarfon)*
Willis, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wishart, Pete
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Ms Bridget Prentice and Vernon Coaker

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House recognises that the all postal pilots in June 2004 were part of a process of testing alternative voting mechanisms for the benefit of making voting easier and more convenient for electors; further recognises that turnout in European elections had fallen to its lowest ever level in 1999 and that all postal pilots assisted in making the 2004 European election turnout the UK's highest ever; welcomes the fact that voter participation for the European elections in the pilot regions more than doubled in 2004 compared with 1999; believes that allegations of fraud have been reported disproportionately and that there is currently no evidence to show that all postal ballots are more susceptible to fraud than traditional elections; recognises that further reforms will be necessary to widen participation and engagement in the electoral system; and further believes that the integrity of elections and referendums, including the proposed referendums on elected regional assemblies, is adversely affected by declining turnout which puts in jeopardy the democratic mandate.

NHS Recruitment and Retention

Mr. Deputy Speaker (Sir Michael Lord): I must tell the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

5.15 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I beg to move,

That this House recognises the central role of NHS professionals in delivering high quality healthcare through the NHS; notes the need for substantial increases in NHS staffing to meet future demand for healthcare; further notes that the levels of bureaucracy, red tape and imposed targets within the NHS demoralise NHS staff; regrets the problems in the implementation of the consultant and GP contracts; further regrets the delay in progress on 'Agenda for Change'; expresses its concern over staff shortages in general practice, hospital specialties, nursing, especially community nursing, midwifery, radiography and biomedical sciences; is alarmed at the extent of recruitment of health professionals from developing countries which are unable to sustain the loss of such staff; and urges the Government to give the NHS the freedoms and incentives needed to support a growing workforce.

This week we will have a series of debates—some in this Chamber and some outside—on the national health service and health care in this country. I hope that we can start with a shared perspective, which is that no serious progress would be possible, however much we might wish it, however much we might invest in the national health service, however much we might introduce choice in the national health service, and however much we might introduce competition in the provision of the national health service, without the skill, hard work and commitment of NHS professionals and health care professionals generally.

Today is our chance to show that we value the work of NHS doctors, nurses and health care professionals generally. That matter is not something to which I have turned as part of my current Front-Bench responsibilities. I hope that the House will be aware, and I know that the Minister of State, the right hon. Member for Barrow and Furness (Mr. Hutton), is aware, that as a Back Bencher, I secured a debate in Westminster Hall in November 2002 on nursing and nurses' pay and conditions. That was the only debate on those subjects in this Parliament so far—the previous one was in 1999.

As a preface to our discussions, it is a pity that we do not debate more regularly pay and conditions, the prospects for recruitment and retention and the contribution made by NHS professionals to the NHS. One of the things that the Audit Commission's survey of NHS professionals made clear was the importance of the extent to which those professionals feel that they are valued by the Government and the public, and the fact that the lack of understanding that they are valued is one of the reasons why people leave the NHS. It is therefore right that we demonstrate that they are valued, that we do that together, and, although it may not be easy to achieve this afternoon, that we do it in a spirit of consensus.

There are 1.3 million staff in the NHS—they represent one in seven of all public sector employees and about one in 20 of the whole UK work force. It is vital that we discuss that work force. It is not a subject to which the Government have given time, so I hope that it will be recognised that it is right for the Opposition to give some of our time to understanding and reflecting on that work force.

We will need to discuss a number of issues, and I want to start, as I did previously, with nurses. The congress of the Royal College of Nursing met in early May—just over a month ago—and some information was presented on how nurses feel about the NHS. It was interesting to note, for example, that only 30 per cent. of nurses believed that the number of permanent nursing staff had increased over the past four years at their hospital. Clearly, something is not happening to make nurses perceive that the front-line resources are getting through. When we asked doctors the same question, two thirds said that they did not perceive that the resources *that they heard were going into the NHS were getting to* the front line. It is vital that they do see that happening.

Jonathan Shaw (Chatham and Aylesford) (Lab): The hon. Gentleman said that "we" asked doctors? Is that "we" the Conservative party?

Mr. Lansley: It was we, the Conservative party, who asked doctors. We did it through a reputable research company and published the results, so that seems perfectly reasonable to me.

On the issues relating to nursing, we know that during the past 10 years the average age of nurses has increased from 37 to 41. We know that half the rise in the number of nurses registered in the UK is the result of overseas recruitment, and there are issues about the sustainability—*[Interruption.]* If the Secretary of State has something that he wishes to tell us, no doubt he will intervene.

The Secretary of State for Health (Dr. John Reid): Yes, the hon. Gentleman mentioned the increase in age. A large number of nurses came back to work in the health service when they got a new Government who were putting in the investment, giving the support needed and increasing the number of nurses.

Mr. Lansley: I welcome the increase in the number of nurses. It is absolutely right that we should attract nurses back into the national health service. If the Secretary of State has read my speech from November 2002, he will know the precise reasons that I presented for that. I made it clear that Addenbrooke's, a major employer of nurses in my constituency, would need "Agenda for Change", that a reflection of the valuation of nurses should be considered by the pay review bodies—which the Government's evidence to the pay review bodies had not sufficiently reflected—and that Addenbrooke's would need to make changes such as improving working lives. Addenbrooke's is a model employer in the ways in which it has addressed the issues in improving working lives, such as non-discrimination, supporting staff, opposing harassment and putting together family-friendly policies and child-care arrangements for nurses. I do not dispute any of that. That is exactly where we want to go, but the Government should not believe that the overseas recruitment of nurses is a sustainable basis on which to undertake the expansion of the nursing work force in the NHS in years to come.

Mr. Peter Pike (Burnley) (Lab): Will the hon. Gentleman recognise that prior to 1997—in my first 14 years in this House—I continually fought here and in my constituency against hospital closures, the reduction in the number of beds and massive cuts in the national health service, year after year? I cannot believe that the hon. Gentleman, in what he is now saying, fails to remember what his party did when in office.

Mr. Lansley: What the hon. Gentleman says is interesting. We are today talking about the work force, and also about what can be achieved in the NHS. We have had an increase in the number of nurses and in the number of doctors. It is interesting to note that under the previous Conservative Government, in the seven years leading up to 1997, the number of consultants in the NHS increased by 30 per cent. In the seven years since 1997, it has increased by 34 per cent., so to a large extent the trends in numbers of doctors have been very similar during those periods.

I will accept that matters in relation to nurses are different, but one of the problems with which the Secretary of State and his colleagues have wrestled—*The Sunday Times* illustrated this by its reporting of leaked documents from inside the Government—is what appears to be a substantial reduction in the productivity of the NHS. The Secretary of State knows that changes in working hours and in NHS structures have meant that although there has been a 14 per cent. increase in the number of nurses, on a whole-time equivalent basis, in recent years, we have had only a 5 per cent. increase in activity in the NHS.

On increase in activity, let us look at finished consultant episodes. The Minister of State has been good enough to respond to a question that I put on finished consultant episodes, which are a measure of in-patient activity in hospitals, and include day cases. Between 1990–91 and 1995–96, a five-year period before the 1997 election, there was an increase in finished consultant episodes from 8.8 million to 11.07 million—about 2.25 million additional finished consultant episodes. In the five years from 1997–98 to 2002–03, the number rose from 11.5 million to 12.76 million, an increase of 1.25 million episodes. So, over a five-year period, whereas there was an increase of 2.25 million under a Conservative Government during the period of the internal market reforms, there was an increase of 1.25 million under the present Government. That has resulted not from a reduction in the number of nurses—the numbers of nurses, consultants and doctors was increasing—but because, simply in order to stand still in the NHS in the light of all the additional impositions, changes in working hours and contractual arrangements, about 10 per cent. of the increase went into adjustment. The level of increased activity was, in fact, very small.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman seems to be tip-toeing around the most important figures, which are performance indicators in respect of nursing. At the moment, the number of nurses employed within the NHS is heading rapidly towards 400,000—an increase of almost a quarter since 1 May 1997. Is it not the case that, when the hon. Gentleman was wringing his hands in Westminster Hall at the plight of nursing, the Government were ringing the advertising agencies to recruit even more of that valuable resource to our prized national health service?

Mr. Lansley: The hon. Gentleman is trying to make a partisan point—*[Interruption.]* These are the Houses of Parliament and it is our responsibility to promote the interests of the NHS. What I am doing now is promoting the national health service's interest in recruiting and retaining more nurses. It will be good if we can reach 400,000 nurses. Why not? It will be one of the benefits of introducing the changes that I sought to encourage in "Agenda for Change", but we cannot do so simply on the basis of overseas recruitment. The Royal College of Nursing made it clear that 10,000 people from third-world nations registered to work as nurses in the UK over the two years leading up to 2002–03 and that many of them came from the Philippines, South Africa and India, but argued that it was unsustainable for us to deprive developing countries of that number of nurses when they were trying to meet their own health care needs.

Mr. Henry Bellingham (North-West Norfolk) (Con): My hon. Friend will be aware that the Queen Elizabeth hospital in my constituency, which also serves the constituents of my right hon. Friend the Member for South-West Norfolk (Mrs. Shephard), has embarked on a policy of recruiting a large number of Philippino nurses. They make excellent nurses, but, as my hon. Friend rightly says, that policy is not sustainable, which is why we need much more focus on retention and far more imagination on the part of the Government in their attempts to retain hard-working nurses who are leaving the NHS.

Mr. Lansley: My hon. Friend makes a very good point. He is absolutely right. He and I know—as do Government Members—that when recruitment from the Philippines was first taking place, it was done in conjunction with the Philippines Government on the basis that their nurses were so good. That has been my own experience in hospitals in my constituency. They make extremely good nurses. I was talking the other day to the chief executive of another hospital, who endorsed that view. However, there comes a point at which our recruitment from such countries simply cannot go on.

I want to make some progress and we have only a couple of hours. I want to continue and finish my speech, but I also want other hon. Members to have the opportunity to contribute.

I should say more about "Agenda for Change". I recall talking to hospital nurses who were engaged in the process of preparing for that agenda, and I know the enormous effort that was required. It was a valuable effort, but they were working to a definite timetable. When I spoke to them—in late April, if I remember correctly—they believed that they were aiming for October. I can only endorse what amounts to deep irritation on the part of the RCN, which is putting in so much effort to implement "Agenda for Change" for the nursing profession, that the Secretary of State told its conference that the Government were aiming for October but put the date back to December only a few days later. I hope that we will hear why that was necessary and what can be done to offset the very demoralising effect on nurses.

[Mr. Lansley]

On consultant contracts, every consultant that I have spoken to believes that the Government operated on the basis that consultants were skiving off in order to go out on to the golf course. I do not believe that that is so. I do not suppose that Ministers believe that it is, but that is what consultants think. They also think that the proposal is being implemented in a way that is completely mad.

Consultants' job plans show that, on average, each does about 12.5 programmed activities a week. Hospitals are supposed to get 10.8 programmed activities, but the primary care trusts are not necessarily passing them through. Perhaps the Minister will tell the House how many PCTs pass through the money that the Department says it has given them for the contract. In any case, consultants are as a result being constrained to 11 programmed activities a week, or even only 10. The contract will mean that consultants will be paid more to do less.

Alternatively, consultants will not sign the contract. Their attitude will be, "If the Government are going to treat me as though I were a production-line worker, that is how I will behave." If consultants have to clock on and clock off, they will behave accordingly. That is not good enough.

In an Opposition day debate a short while ago, I asked the Minister about implementing contracts for staff and associated specialists. Happily, he has made it clear that contracts should now begin to be negotiated, but how soon will that happen? The conclusion reached by the pay review body has demoralised staff and associated specialists. They were linked to the consultants who are not signing up to the new contract, and they are therefore not due to get any substantial increase.

GPs believe that the contract has been designed to reduce their work load. I do not quite see it that way, and it would be interesting to know whether the Minister does. It seemed to me that the aim was to enable GPs to manage their work more effectively and to use a range of specialists to do so, in a framework that delivered better care to people with chronic diseases. I hope that GPs will see the contract in those terms, but communication with them has been too ineffective for that to be the case.

I am seriously worried about the extent to which NHS Direct seems to be gearing up to take over responsibility for out-of-hours services. The result will be that those services will no longer be GP-led, but will be delivered by NHS Direct. The Secretary of State is supposed to be reviewing NHS Direct, among other bodies. However, the advertisements that are now appearing show that it is looking for a chief operating officer and a medical director, as well as directors of finance, service development, nursing, corporate affairs and communications, human resources and of information and communications technology. It is all expansion in NHS Direct at the moment. A reading of the *Estates Gazette* shows that, across the country, NHS Direct is buying twice the amount of space that it has already in order to accommodate its new size. That shows where growth is taking place in the NHS, although it may be happening nowhere else.

I turn now to some specific specialities. People in the NHS understand that we must know where the constraints are before we can deliver a better service. For example, we need twice as many neurologists as we have at present. Relative to population size, we have a quarter as many neurologists as France has. We need to double the number available here if we are to meet National Institute for Clinical Excellence guidelines on multiple sclerosis, or on the standard of care required for Parkinson's disease.

On radiology, 80 per cent. of hospitals covered by the recent National Audit Office report cited lack of skilled staff as a constraint. Vacancy rates for diagnostic and therapeutic radiographers have risen.

Since 1996, the number of midwives has risen by only 186, which severely constrains our ability to provide the necessary choice to people seeking maternity care. For example, some hospitals—one of them is in my constituency—cannot provide a midwife-led unit simply because they cannot recruit the number of midwives needed.

The Minister of State, Department of Health (Mr. John Hutton): The hon. Gentleman just said that we needed twice as many neurologists in the NHS. I understand from *The Independent* and other newspapers that the proposals that he is about to announce mean that there would be no national targets for the NHS—including work force targets. Will the hon. Gentleman explain that contradiction?

Mr. Lansley: Yes I will, and I am grateful for the question. Our proposals for the care of people with multiple sclerosis or Parkinson's disease, for instance, are based on NICE guidelines. The NICE guidelines for multiple sclerosis were published last November. At the moment, NICE produces guidelines, but no one is under a requirement to implement them. We need at the same time to see where the capacity constraints will be. That includes things like diagnosis. But then it will be the responsibility of primary care trusts to commission that care. This is not elective surgery; this is chronic disease management.

Dr. John Reid: So there will be no targets?

Mr. Lansley: No, there will be a responsibility to commission care. If hospitals know that they have commissioners seeking the delivery of a service to a standard, they can put in place the necessary consultant posts.

Dr. Reid: Will the hon. Gentleman give way?

Mr. Lansley: Just a moment. Under the next Conservative Government, it will be the responsibility of the Department of Health to expand the NHS work force.

I have not read the story in *The Independent*, but if it has reported our intentions accurately, the story will be that we do not believe in imposing targets on NHS hospitals and general practices. We are in the business of imposing targets on ourselves, not on the NHS—

Mr. Hutton: What targets?

Mr. Lansley: Public health targets, for example. The Minister was not here for yesterday's debate. Pretty much every kind of target that ought to be imposed on the Government for public health and the work force is a target for the Department of Health, and the Department must take responsibility for meeting it. Changing the culture of the NHS means doing away with targets and performance management. Such a system is an attempt to run the NHS from the Secretary of State's desk instead of making responsibility lie where it ought—in hospitals that respond to the needs of patients. That is where performance management should be.

Dr. Reid: Presumably, that includes the targets that have reduced the scandalous two-year waiting times to nine months, and will reduce them to six months next year. That target will go as well, and we shall have unlimited waiting times.

I wish to understand the recruitment figures. Will the hon. Gentleman confirm that what he is saying is that if there is a shortage of midwives and radiographers nowadays, it is the fault of this Government but it would not be the fault of a future Conservative Government because they would have no targets for the number of midwives or radiographers in the first place?

Mr. Lansley: No, the Secretary of State is wrong about that.

Dr. Reid *rose—*

Mr. Lansley: I will answer the question. The Secretary of State cannot intervene before I have answered his point.

Dr. Reid: Will there be any targets or not?

Mr. Lansley: I shall tell the Secretary of State. I have said it once, and I say it again: we will not impose targets on the NHS, but there are responsibilities for the Department of Health, and they include stimulating the—*[Interruption.]* I do not know what Labour Members find so difficult to comprehend. The point is that it will be for the Department of Health and the Conservative Government to manage their own responsibilities, and one of our responsibilities will be to create the circumstances in which there is a volume increase in the work force—doctors, dentists and nurses—available to the NHS. That does not mean that we need to impose performance targets on hospitals. The star rating system sets down 44 targets. None of them is a work force expansion target. If we abolish the star rating system, it does not mean that we have abolished the responsibility of the Department of Health to increase the work force of the NHS.

Dr. Reid: The hon. Gentleman has just spent the past 10 minutes criticising the Government for not reaching the target for the number of nurses, midwives and radiographers. Is he telling us that he will not have such a target for the number of radiographers and midwives? Or will he have such an objective for the NHS? Is he saying, in other words, that while we are in power, to have such an objective number is to have a target, but when he is in power, it will be left entirely to the local hospital to decide how many midwives and radiographers it employs?

Mr. Lansley: The Secretary of State has demonstrated three times that he does not understand. It is perfectly clear that—*[Interruption.]* I shall try once more and then I shall move on. We will have a responsibility as the next Conservative Government to expand the work force available to the NHS.

Dr. Reid: To what level?

Mr. Lansley: As I have just said, in order to supply the diagnostic resources and personnel that NICE guidelines require, we would need substantially to increase the number of neurologists.

Dr. Reid: Will the hon. Gentleman give way?

Mr. Lansley: The Secretary of State cannot keep intervening.

In order for that to happen, we will have a Department of Health with responsibility to make available additional medical manpower to the NHS. It will then be up to hospitals to decide the extent to which they appoint additional consultants in order to provide that service, but the service will be set up.

Dr. Reid: Will the hon. Gentleman give way?

Mr. Lansley: No, I have finished now and the Secretary of State can sit down.

Dr. Reid: This is absolutely—

Mr. Lansley: The Secretary of State can sit down because only one person can speak at a time, and I am not giving way.

Dr. Reid *rose—*

Mr. Deputy Speaker: Order. The Secretary of State must resume—

Dr. Reid: He is running from—

Mr. Deputy Speaker: Order. The Secretary of State must realise the position. He takes a vigorous part in debates and that is in order, but it is not in order to interrupt if the hon. Gentleman who has the Floor does not wish to give way.

Mr. Lansley: Thank you, Mr. Deputy Speaker. This is a short debate and the Secretary of State is trying to prevent other people from contributing to it. I shall not now have time to talk about the lack of dentists or the further issues relating to overseas recruitment. I hope that my hon. Friend the Member for Billericay (Mr. Baron) will be able to expand on those subjects when he winds up.

The Government have considered several ways to try to increase the NHS work force in the future. They have considered trying to increase overseas recruitment; stimulating the return to work of previous staff by

[Mr. Lansley]

improving working lives; and increasing the supply of training places. Those are important, but one needs also to consider why people leave the NHS and why they change jobs—staff turnover is high. The Audit Commission considered that and the reasons include bureaucracy, poor resources, a lack of autonomy, a sense of being undervalued by the Government and the public, and unfair pay. We need to address all those issues, and the Government need to understand that bureaucracy and the lack of autonomy are seen as part of the reasons why people do not stay in their jobs in the NHS, why we do not see the return to work that we should among nurses and doctors and why we cannot recruit and retain as we would wish. We can attack those issues. We can cut the levels of bureaucracy and we propose to do so. We can give greater autonomy and freedom to the NHS to provide services and to respond to patients.

NHS professionals are valued by this House, and they should be valued, for the clinical care they give, for the choices they make and for the responsibility they take on—nurses, for example, are taking on greater responsibilities across the NHS—and they should be trusted and given the autonomy they want. We should set the NHS free. It will be our job to do so, and to give people the right to choose.

5.42 pm

The Minister of State, Department of Health (Mr. John Hutton): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the Government's record extra investment in the National Health Service which has resulted in increases of 19,400 more doctors and 67,500 more nurses since 1997; supports the extra investment in training which has increased the intake of medical school students by 61 per cent. and nurse training students by 53 per cent. since 1997; notes that over one million NHS staff will benefit from improved terms and conditions; recognises that the international recruitment of healthcare professionals has already made a significant impact on the delivery of NHS services; notes the Government's commitment to ethical international recruitment, with its robust Code of Practice, the first of its kind in the world, ensuring that NHS organisations do not recruit staff from developing countries without the agreement of their government; and welcomes the sharing and transfer of experience and ideas that international recruitment brings to the health service."

I congratulate the hon. Member for South Cambridgeshire (Mr. Lansley) on his elevation to the shadow Cabinet. I hope that he will not mind if I say how sorry I am that the hon. Member for South Suffolk (Mr. Yeo) will no longer be joining our debates on health, for the simple reason that he spent most of his time in his job as a shadow public services spokesman dumping the health policies that he inherited from the hon. Member for Woodspring (Dr. Fox). We all hoped that the hon. Member for South Suffolk would carry on a little longer. To give him credit, he eventually scrapped the top-up schools voucher, but he had not got round to scrapping the Tories' top-up hospital voucher—the NHS passport—under which a patient's access to treatment would depend not on their clinical need but on the amount of money in their pocket.

Jonathan Shaw: My right hon. Friend will recall that the hon. Member for South Cambridgeshire (Mr. Lansley) mentioned several issues that arose from the conference of the Royal College of Nursing. Does my right hon. Friend recall that more than 90 per cent. of nurses at that conference voted against the passport to pain proposed by the Opposition?

Mr. Hutton: Yes, I intended to mention that shortly. I suspect that the hon. Member for South Suffolk remembers that even more clearly than I do.

The Leader of the Opposition has now confirmed that they intend to keep the policy of top-up patient vouchers, under which people have 50 per cent. of costs met by the NHS and make up the difference from their own resources.

Mr. Lansley: When something wrong is put on the record, it stays there, so to put the Minister right, under our proposals, which we shall announce shortly, no NHS patient will have to pay anything to receive NHS treatment.

Mr. Hutton: I know that, but that policy will provide patients with an exit visa from the national health service. I shall come on to that point in a second. We need to be clear about those vouchers, because they affect the issues that we are discussing. The policy will put ability to pay ahead of clinical need, and it will cost the national health service more than £1 billion to finance.

It should come as a surprise to no one that the only aspiration that lot have—the only objective the Tory top-up voucher is designed to serve—is to persuade people that the only way to get faster treatment is to leave the national health service, to leave the public sector altogether and to go private. It will not provide the same level of choice and opportunity to all NHS patients but will offer more choice to those who can afford it. It concedes that the fastest treatment will be available only to those who can afford it, and only in the private sector.

Under the Tories, it will be money that talks; it will be money that guarantees access to the fastest treatment, not the degree of pain and suffering that a patient might be enduring. What a contemptible policy: fundamentally flawed, fundamentally unfair—a typical Tory policy.

Mr. Bellingham: Will the right hon. Gentleman consider two points? First, if one of my constituents who is waiting for a hip operation decides to use the voucher scheme—to go to the BUPA hospital in Norwich, for example—she will free up an NHS place. It is as simple as that. Secondly, will he comment on the fact that a record number of people are having to go private to get their operations done in time?

Mr. Hutton: No, I very much doubt whether that would be the case. On costs, typically, the hon. Gentleman's constituent would have to find several thousand pounds from their own resources to fund that treatment, taking money directly from the NHS. Furthermore, it is very likely that the surgeon who treated the patient would also be an NHS surgeon.

David Taylor: Under Conservative policies, if people switched from the NHS to a private hospital, would it

not be almost certain that NHS doctors and nurses would have to be sacked? Has my right hon. Friend made any estimate of the numbers that might be involved?

Mr. Hutton: We have estimated the cost of the patients passport as £1 billion. The hon. Member for South Cambridgeshire, who is keen to match our spending on the NHS, would clearly have to find that money from somewhere else. The truth about the patients passport is that the policy has not been thought through; it is fundamentally unfair and it will discriminate against ordinary NHS patients.

Helen Jones (Warrington, North) (Lab): Does my right hon. Friend find it as odd as I do that in a debate in which the official Opposition have said how much they value NHS staff they are still promoting a policy that states that those NHS staff cannot deliver the kind of service they want? In fact, NHS staff have delivered, and are delivering, improvements because we have put in the resources. What would my right hon. Friend say to the students I met recently at the school of nursing and midwifery in Warrington, all of whom are enthusiastically waiting to go into jobs in the NHS, about the value that the Opposition put on them now?

Mr. Hutton: I think those student midwives have already made up their minds about the policy of the hon. Member for South Cambridgeshire and about what a Conservative Government would do to the national health service; they simply have to remember what the Conservatives did to the NHS when they were in office.

Mr. Andrew Turner (Isle of Wight) (Con): The right hon. Gentleman did not answer—or rather he answered wrongly—my hon. Friend the Member for North-West Norfolk (Mr. Bellingham)—*[Interruption.]* The Minister answered my hon. Friend wrongly because he said that he did not believe that someone who goes private, and thereby ceases to be on the waiting list, was freeing up a space in the national health service. Can he explain how someone who has already had their hip operation privately could use the space?

Mr. Hutton: I want to return to the patients passport in a moment, and I am sure that the hon. Gentleman will be able to follow the logic of the case that I make.

The main thrust of the attack on the Government made by the hon. Member for South Cambridgeshire relates to recruitment and retention of NHS staff. I should like to tell him and his hon. Friends some of the facts that he failed to cover. When we came to office six years ago, investment in the NHS was being cut in real terms—it was falling. The NHS did not have enough front-line staff. As a result, waiting times were rising. The number of nurses in training, about which the hon. Gentleman has spoken eloquently, had been falling and was less than it had been in 1992. As a direct result, the NHS was short on both investment and capacity. It had failed to invest properly not only in the buildings, equipment and drugs that it needed, but in its staff as well. In the NHS, our staff are our most precious asset.

In 1997, the starting salary for a newly qualified nurse was £12,000, and NHS porters earned £7,000 a year—pitiful salaries, given the responsibilities of those staff. Training budgets were falling. There was no coherent or visible strategy for recruiting and retaining front-line NHS staff. Terms and conditions of employment, which the hon. Gentleman has also spoken about today, were antiquated and fragmented. There was only a handful of NHS staff nurseries. Pay awards from the pay review bodies—again, he referred to them—were implemented in stages, further diminishing the value of those pay rises to NHS staff. That was the legacy of the Conservative Administration.

Mr. Pike: My right hon. Friend may not know that, when I asked a question before the Conservatives lost office in 1997, they did not know how many GPs were due to retire in each area of the country, so they could not recruit and train enough GPs because they did not have the records in the system.

Mr. Hutton: I am not surprised; and we need to remember the Conservatives' legacy. The hon. Member for South Cambridgeshire has not presented any coherent case today. People are entitled to judge an Opposition not just on what they claim that their policies will do, but on their record in office as well. Undermined by his record in office, as he was today, he made his case with no conviction and no credibility. He has no serious alternative to the policies that we are pursuing.

Mrs. Gillian Shephard (South-West Norfolk) (Con): The Minister has now begun to talk about recruitment and retention. My hon. Friend the Member for South Cambridgeshire (Mr. Lansley) has said that he welcomes the increased number of nurses in the NHS, as indeed we all do. The Minister will accept, of course, that early intervention and public health are among the Government's priorities. Will he explain therefore what policy priority he and the Government put on the recruitment and retention of school nurses? Will also explain why one team in my constituency is working at 42 per cent. of its capacity? The reason cannot be the number of nurses, or recruitment or retention, because both are fine, according to the Minister, so what is it?

Mr. Hutton: I do not dispute for a second that it would be a good idea if more school nurses were working in the NHS and our schools. That is an excellent idea. My only difficulty with the right hon. Lady's suggestion—I have a lot of respect for her views—is that she has not fully understood the policies that the hon. Member for South Cambridgeshire has been outlining today.

Mrs. Shephard: Will the Minister give way?

Mr. Hutton: I will give way if the right hon. Lady will give me a second. In essence, she is asking to set a target or to quantify the extra number of school nurses that she wants. I am trying to say that we should like to see more school nurses working in the NHS, and the extra investment that we are putting into the NHS will help us to do so.

Mr. Lansley: Perhaps the Minister would care to explain something. If he turns to page 98 of the Department's annual report—I do not have it with me,

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but I remember it—he will see the number of episodes of care provided by a range of community services. He will see that the number of health visitor episodes of care was 3.6 million in 1997–98, and that that figure has gone down to 2.9 million in the latest year. The number of district nurse episodes of care has gone down from 2.2 million to 1.9 million. That is a 1 million reduction in the number of episodes of care provided in the community by health visitors and district nurses. The Minister talks about community nursing services, such as school nursing services, but they have declined over the past seven years.

Mr. Hutton: As I keep saying to the hon. Gentleman and the right hon. Member for South-West Norfolk (Mrs. Shephard), we are investing significantly more in primary care, and I shall come on to what that means. There has been a slight fall in the number of community district nurses, which is regrettable, but that has to be set alongside a significant increase in the total number of nurses working in primary care. Something like 750,000 more activities have been undertaken in primary care than was the case a few years ago, so we are seeing a shift from secondary to primary.

Mrs. Shephard: The Minister has explained that more nurses are in the work force. My question to him was this, and I hope that he can now answer it: are the falling numbers in the school nursing service a result of a lack of a policy priority placed on their services by his Government?

Mr. Hutton: That is not a reasonable conclusion to reach from the figures suggested by the right hon. Lady. If she is patient, some of the Government's policies and proposals will become clearer.

During the Conservative party's period in office, it is inescapable—this is the only conclusion that the vast majority of the people of this country would recognise—that the NHS was run down and neglected. It had been allowed to fall seriously behind compared with health care systems in Europe and around the world. The idea that the period between 1979 and 1997 somehow represented a high watermark in the history of the national health service is totally risible. That is not how people remember things. It is not how anyone who worked in the national health service during that time would recall those years. People have not forgotten what the Tories did to the NHS. That is why we need to keep the facts clearly in mind when we consider the criticisms that have been made of this Government's record on the NHS.

In short, the NHS had neither the investment it needed nor the political support it required from the previous, Conservative Government to have had any chance whatsoever of meeting the health care needs of the British people. It is for those reasons that this Labour Government have followed a different policy on the NHS. They cut investment in real terms; we are increasing it. They subsidised private health insurance; we put that money back into the NHS. They let waiting times rise; we are ensuring that they come down. They cut the number of nurses in training; we are increasing them at a faster rate than at any time in the history of the NHS. We are investing in new and improved terms and conditions for NHS staff; they did precisely the opposite.

In the past five years, 16 major new hospitals have been built and a further 10 are in the process of being built. In the last five years of the Conservative Government, they only managed to get two major new hospitals completed. At the same time, we have substantially improved more than 2,000 GP premises, and nearly 300 new primary care centres have been completed. That is because of the investment in the NHS, now rising at its fastest ever rate.

Spending will rise from £33 billion in 1997 to more than £58 billion this year. It will continue rising until 2008, when we will be spending £90 billion on our national health service. Real-terms spending in the NHS is increasing at very nearly three times the rate achieved under the previous Conservative Government. This extra investment has led to a 22 per cent. increase in the number of hospital operations and an 18 per cent. rise in the number of out-patient appointments. New drugs are becoming available more quickly. We have new services in primary care, such as NHS Direct and walk-in centres, treating and advising millions of people every year. The number of MRI scanners has doubled. CT scanners have increased by 60 per cent. We are doing hundreds of thousands more diagnostic tests every year. Most importantly of all, waiting times for an operation have halved. Twice as many people can now see their GP within two days as could in 1997.

Mr. John Baron (Billericay) (Con): The Minister paints a rosy picture, and there is no denying that there have been some good improvements in the NHS, but he mentioned waiting times. Does he accept that despite the massive increase in expenditure, average waiting times during the past four years have risen from something like 90 days to 99 days, and those are the Department of Health's own figures?

Mr. Hutton: That is not the case. I shall write to the hon. Gentleman and set him straight on that.

Mr. Baron: I am afraid that it is the case, because those were the Department's own figures. Will the Minister address the issue and explain why average waiting times have risen—a fact admitted by Sir Nigel Crisp?

Mr. Hutton: Let me write to the hon. Gentleman and sort that out.

There is no doubt that waiting times are falling, not rising, as they did under the Conservatives. Death rates from cancer and coronary heart disease are falling more quickly here than in any other country in Europe. The new investment going into the NHS is making a huge difference, which the Opposition refuse to acknowledge for political reasons, as that simply would not happen under a Conservative Government. We are investing for the future as well. The NHS training budget has doubled since 1997, and it is money well spent. It has allowed us to increase the numbers of doctors in training by over 8,000. The hon. Member for South Cambridgeshire made a claim about the number of NHS consultants, and compared the increase in their numbers in the past

five years with that in the last five years of the Conservative Government. We need to look at the totality of NHS doctors. In the last five years of the Tory Government there was a 12 per cent. increase in the number of NHS doctors. Since 1997, the number of NHS doctors has increased by 23 per cent.—double the rate under the previous Government.

Dr. Andrew Murrison (Westbury) (Con): I would be grateful to know how the Minister defines a consultant, because the British Orthopaedic Trainees Association, which came to see me this morning, was concerned that his figures included nurse consultants and consultant podiatric surgeons, who are not medically qualified. To what extent do his figures include such practitioners?

Mr. Hutton: We do not include nurse consultants or podiatric surgeons in our definition of consultants because they are not medically qualified doctors.

We have increased the number of doctors in training by over 8,000. Places at medical school have increased by 60 per cent.—the largest increase since the NHS was established. Four new medical schools have opened since 1997. No new medical schools were opened in the entire period of the Conservative Administration. Since the extra places at medical school came on line in 1999, nearly 5,500 more students have entered medical school in England. The extra investment has allowed us to increase the numbers of GPs in training by two thirds. The number of nurses entering training has increased by more than 50 per cent. Training places for therapists have increased by nearly 70 per cent. The numbers entering training as radiographers have doubled since 1997.

David Taylor: Does the Minister share my dismay and astonishment at the attitude of the hon. Member for South Cambridgeshire (Mr. Lansley) towards the difficulty of filling vacancies for midwives and radiographers, as he did not offer any new commitments? Will midwives throughout the land not be disappointed by the delayed delivery of commitment to the NHS, and will not radiographers see right through him?

Mr. Hutton: I do not want to labour the point about midwives, but my hon. Friend has highlighted a fundamental conundrum at the heart of the policies set out by the hon. Member for South Cambridgeshire. I shall return to his policy of no new targets for the NHS when I conclude. The record that I have described on recruitment and retention is one that the Opposition simply cannot match.

Helen Jones: Does my right hon. Friend agree that when talking about NHS staff, in addition to doctors, nurses and associated therapists we should include the vast numbers of support staff, such as cleaners, health care assistants and porters, who offer the NHS a valuable service, whose chances at work have been vastly improved under this Government and whom the hon. Member for South Cambridgeshire (Mr. Lansley) failed even to mention?

Mr. Hutton: That is a telling point, as 0.25 million more people work for the NHS today than in 1997, and many of those jobs are in the support roles to which my hon. Friend referred. Not only are there more jobs, but a better training infrastructure is in place to support skills development, with individual learning accounts being properly invested in and supported by central Government for the first time.

We will know one thing for sure after today's debate. The Tories have no plans whatsoever for recruiting more doctors or nurses. We have set out our plans for recruiting more doctors and nurses up to 2008. What are their plans? They either do not have any—I suspect that that is the case—or they will not tell us. Why not? Do they plan to recruit more or fewer than we have set out? If they cannot answer any of these questions today, their attack on the Government's record can only be described as a mixture of pure opportunism and naked hypocrisy. The Opposition complain about staff shortages, but they have no plans whatever to address them. How utterly pathetic.

Despite the record increases in staff numbers and in staff training, it is still true that there are many skills shortages in parts of the NHS. There are several reasons for that. Some of the shortage is due to long-term historic under-investment, some of it is down to the fact that we are trying to expand our services and therefore our capacity as quickly as possible, and there is always a time lag between the investment that is made in training and staff development and that capacity becoming available to the NHS.

That is why we have recruited extra staff, particularly nursing staff, from other countries, but we have done so with a clear view of the importance of protecting the health care systems in developing countries. No other developed country has taken the steps that we have taken to ensure that international recruitment is conducted fairly and ethically. The code of conduct that we introduced in 2001 set out clear principles and priorities.

Only recruitment agencies that sign up to the code can be used by the NHS for international recruitment. More than 170 agencies have so far done so. When there is evidence that the code is not being complied with, we have taken action to remove those agencies from the approved list. The Department monitors compliance through data supplied by the international recruitment co-ordinators based in each strategic health authority. Two agencies have so far been removed from the list for non-compliance. I have arranged for a copy of the code to be placed in the Library.

We have sought Government-to-Government agreements on international recruitment with Indonesia, the Philippines, Spain and India. A separate agreement with South Africa was signed last year. That focused on creating opportunities for health care staff in both countries to undertake limited placements in each other's health care systems. I hope the first staff will begin their placements later this year.

We will recruit internationally only with the agreement of the host country, and we will always respect and act on its wishes. We have a clear view of which countries we will not recruit from. The list is based upon the Organisstion for Economic Co-operation and Development development assistant committee's list of aid recipients and includes the vast majority of sub-Saharan countries.

[Mr. Hutton]

The World Health Assembly recognised the importance of this issue at its recent meeting in Geneva. There is an increasingly global aspect to the issue. The challenge for us is to manage international recruitment sensibly and in a way that affords health care staff the opportunity to improve their own skills. That is precisely what we want to see. That is why I was particularly pleased that the World Health Organisation expressed its support for the agreement that we reached with South Africa as a model for other countries to follow.

The code of practice has been in place for nearly three years. This is a good time to review its operation. My right hon. Friend the Secretary of State announced recently that we were looking at every aspect of the code to see how we could improve its effectiveness. I will keep the House informed of the progress of that review.

Laura Moffatt (Crawley) (Lab): Does my right hon. Friend accept that there have been even more benefits as a result of recruiting people to the NHS from other countries? It is right and proper to protect the health care systems of those nations, but the NHS has benefited from new experiences, new technologies and sharing those experiences. In my local group of hospitals, it has been a massively beneficial event, which we very much welcome.

Mr. Hutton: There is no doubt at all that overseas staff have made an immense contribution to the national health service for many years. I have seen many hospitals throughout the country, as I am sure other hon. Members have, where nurses from the Philippines, India and other countries continue to make a huge contribution. It is right and proper that we pay tribute to the work that they are doing.

Mr. Andrew Turner *rose—*

Mr. Hutton: I have been generous in giving way and I am conscious that others want to speak. I want to make progress now.

I was speaking about international recruitment. My question to the hon. Member for South Cambridgeshire is: what would he have done instead? What did his party do in office to deal with the same issues? The answer is nothing at all. Here again, his attack on our actions has all the hallmarks of expediency, not principle.

The hon. Member for Billericay (Mr. Baron) says that we should direct NHS trusts to comply with the NHS code of practice. That was his view in a letter to *The Times*. How does that square with the policy of the hon. Member for South Cambridgeshire—that Ministers should stop telling NHS trusts what to do all the time?

Clive Efford (Eltham) (Lab): Does my right hon. Friend agree that targets are a means by which the Government can set out where they intend to take the national health service? If the Opposition are not prepared to set targets, is that not an indication that they do not intend to deliver anything for the NHS except what we have seen in the past?

Mr. Hutton: My hon. Friend is absolutely right. I shall deal in my concluding remarks, which I hope are not too far away, with the place and role of targets in any sensibly managed public health care system.

I believe that there are some fundamental inconsistencies in what the Opposition have been saying which serve only to highlight once again just how threadbare their arguments are. We are enforcing the code sensibly and with the least possible bureaucracy. I think that that is the right way of proceeding.

Of course, it is one thing to recruit staff—and we have an excellent record to be proud of—but another to retain them. If we are going to succeed, we need to offer attractive terms and conditions for all our staff. We intend to do that. That is what the new contracts for GPs and consultants and "Agenda for Change" are all designed to do. It is what our investment in extra child care and nursery places for NHS staff will help secure, and what new part-time, school-time and flexible working arrangements are designed to support.

The new arrangements for primary care that have been agreed as part of the national negotiations are now being successfully implemented. These new arrangements recognise that delivering primary medical care to patients is not the sole responsibility of a general practitioner, but the responsibility of a group of clinicians working together to cater for what can be the somewhat complex and individual needs of patients. That is why this is a new practice-based contract covering all primary medical care contractors—GPs, nurses, other health professionals and practice managers.

Let me remind the House of the benefits that the new contractual arrangements will bring to our constituents. This is a something-for-something deal in which primary care professionals are rewarded for the outcomes that they achieve, and not just for how many patients they treat, as has been the case in the past, and there are extra rewards for providing a quality service. The new contract provides an unprecedented level of investment in primary care to improve services to patients and revitalise general practice. As a direct result, UK expenditure on primary care will rise from just £6 billion in 2002–03 to £8 billion by next year—an increase of more than 33 per cent.

Some 99.9 per cent. of existing GP contractors signed the new general medical services contracts offered to them by their local primary care trusts in April. All practices have been paid on time, too; again, that is in direct contrast with what happened when the Opposition introduced their changes to the old GP contract in 1990, when GP practices experienced serious delays in receiving accurate payments. Primary care trusts are currently in the process of agreeing new locally enhanced contracts with practices, to deliver additional new services for patients in their area. That is all underpinned by a new minimum guaranteed spending level.

On the consultant contract, we have invested substantial extra resources—some £250 million more by 2005–06—to reward the NHS consultants who do most for the NHS and to secure real changes in the way in which patient care is delivered. The new contract is designed to provide over time a 15 per cent. increase in consultants' lifetime career earnings while improving basic starting salaries and ultimately having a corresponding impact on the value of their pensions. The new contract also provides a stronger, unambiguous framework of new obligations, with more consistent and equitable recognition for on-call duties

and more effective job planning, based on a partnership approach, enabling consultants and employers to prioritise work better and to address excessive workloads.

Following the outcome of the British Medical Association's ballot last year, NHS trusts have been reviewing the job plans of more than 20,000 consultants. That was always going to take time, but by the beginning of this month, four out of every five consultants who expressed an interest in the contract had received their final job plan offers. More than a third have now accepted work under the new contract. Progress to date has been slower than I would have preferred, but I expect the figures to improve significantly over the next few weeks.

We are also making good progress on "Agenda for Change". As of 11 June, more than 70 per cent. of staff in "early implementer" sites have been matched to their new pay bands and, on average, just under half of all staff in those sites have moved on to the new pay system. In some trusts, that figure is as high as 98 per cent. National roll-out will begin on 1 December 2004 with the collective agreement of the NHS trade unions. It was originally envisaged that that would start in October. The delay was made primarily to allow some unions extra time for their second ballots to take place.

We remain fully committed to implementation of "Agenda for Change". We are clear about one thing: all the union members who have already voted for "Agenda for Change" will receive the improved terms and conditions that will go with it from 1 October. That has never been an issue, and those members of staff will be unaffected by implementation, beginning in December.

The Government are investing £1 billion in the first year of the implementation of the new pay system. Under "Agenda for Change", a newly qualified nurse will earn a minimum of £18,114, putting nurses' salaries on a par with teachers' starting salaries for the first time, and a porter will earn at least £10,762—both figures have increased by just less than 50 per cent. compared with 1997. None of that would have happened under a Conservative Government, and we know that the potential service and staff benefits fully justify the investment.

For the first time, "Agenda for Change" will bring fair pay based on the important principle of equal pay for work of equal value, with appropriate rewards for those staff who take on additional duties and responsibilities. We are also working on measures to enable staff to work more flexibly. The NHS childcare strategy has provided central funding of more than £70 million to develop 140 new on-site nursery facilities, which will provide an extra 6,000 new nursery places for NHS staff.

The Health Care Commission will inspect all NHS trusts against progress in those areas, which is something that the hon. Member for South Cambridgeshire would stop. The hon. Member for South Cambridgeshire wills the ends, but never the means, and in the process, he panders to the interests of producers rather than championing the interests of patients, which is exactly the same place occupied by the Liberal Democrats—no change there, either.

The hon. Member for South Cambridgeshire said today that a Conservative Government would scrap all NHS targets. Maximum waiting times for NHS patients, which the Tories introduced, would be abolished under a new Conservative Government, who would also provide no guarantees on how long people wait in accident and emergency departments. A new Conservative Government would have no ambition to reduce death rates from cancer and coronary heart disease; they would not provide the right to see a GP within 48 hours; they would not specify minimum numbers of extra nurses and doctors; and they would not require new drugs to comply with National Institute for Clinical Excellence guidelines. What a total betrayal of the public interest! Conservative plans would provide not only no targets, but no accountability either. It would be the postcode lottery all over again, and the public will not wear it.

We are not claiming today that every problem in the NHS has been solved—it has not—nor do we say that the NHS cannot improve still further, because we know that it can. Our argument today is that the NHS needs a clear strategy of investment and reform. Investment will allow NHS capacity to grow, and reform will allow us to deliver our services more efficiently, with greater responsiveness to the needs of patients, and greater and equal choices for patients over when, where, and how they are treated. Those choices are based on need, and not on ability to pay.

The hon. Member for South Cambridgeshire cannot deliver either of those objectives, because he fundamentally misunderstands the nature of the challenges facing the NHS and the changes that are needed in order to respond to them. I invite all my hon. Friends to follow our course, and to treat the Opposition motion with the contempt that it deserves in the Lobby tonight.

6.18 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): This is a useful debate in which to explore staff recruitment and retention. The NHS certainly achieves successes every minute of every day—it saves lives every day, and it changes lives every day. We should place on record our appreciation of the dedication and deep knowledge of the staff, doctors, nurses and other health care professionals and managers, and treat them as one of the greatest, if not the greatest, asset that the NHS possesses. It is therefore right that we are debating the recruitment and retention of staff and the challenges that confront the NHS.

The debate is based on a motion tabled by the Conservative party. I have no particular problems with the motion, which is a statement of the blindingly obvious. It simply lists a series of concerns, many of which have been well rehearsed and are not subject to real debate. Understandably, the Government amendment sets out those aspects of the Government's record that they want to put in the shop window. However, it does not deal with the concerns about recruitment and retention, and I want to consider a few of those.

One of the ways in which we can gauge the state of play in recruitment and retention is by considering the amount that the NHS spends every year on agency staff. According to the latest figures, the NHS spends £4 million every day on agency staff; that is £1.46 billion a year. Every year since the Government came to power,

[Mr. Paul Burstow]

the cost of agency staff has increased. My criticism of spending on agency staff is, therefore, that it is out of control. That is not only my view, but that of the Audit Commission in its report "Brief Encounters", which was produced a couple of years ago. The Audit Commission found that not only was it rare for trusts to take a strategic overview of their use of temporary staff, but there was significant under-reporting of expenditure on agency staff in the NHS.

Spending is poorly targeted and controlled and lacks strategic direction on questions such as the reason for the use of agency staff. Too often, they are recruited to fill gaps on a firefighting basis rather than as part of a sensible human resources strategy that is designed to provide greater flexibility for permanent staff as an aid to their retention and recruitment.

Sarah Teather (Brent, East) (LD) *rose—*

Sandra Gidley (Romsey) (LD) *rose—*

Mr. Burstow: I shall give way to my hon. Friend the Member for Brent, East (Sarah Teather) first.

Sarah Teather: Great minds think alike. Does my hon. Friend share my anxiety about the all-doctor three-month vacancy rate for the North West London strategic health authority, which is currently 4.6 per cent.—higher than the London average—and about the consequent cost implications for temporary staff cover?

Mr. Burstow: My hon. Friend makes an important point, which I want to develop. There are questions to be asked about the age profile of the work force, which will mean a further increase in the number of people who retire and thus in vacancies that need filling. I want to deal with that point later.

The Government's answer to the question about the way in which the NHS deals with the costs of agency nursing has been the introduction of NHS Professionals.

Sandra Gidley: My hon. Friend rightly raised the problem of agency staff, but I assume that he also knows that, although the Government trumpet the fact that they do not use staff from overseas in parts of the NHS, that does not apply to agency staff. High numbers are recruited from overseas and the purchasing agency appears to have no plans to deal with that. Would my hon. Friend like to comment on that?

Mr. Burstow: It is interesting that NHS Professionals, which currently provides a service in approximately one in every four NHS hospitals, can currently cover only 65 per cent. of requests for agency staff. Private agencies provide 25 per cent. of agency staff. It would be useful if the Minister could confirm in her winding-up speech whether the ethical recruitment codes apply to private agencies through NHS Direct. Clearly, that is a cause for concern.

It is surprising that, even with only one in four hospitals buying in to NHS Professionals, the body can meet only 65 per cent. of the demand for agency staff. The specialist press, especially for nursing staff, is regularly filled with concerns and complaints about the time it takes for people to get their payments. I understand that a report was commissioned to consider the establishing of NHS Professionals and the lessons to be learned from that. Will the Minister tell us today whether the report will see the light of day? Written parliamentary questions show that the Government have not been willing to publish their conclusions and findings from the experience of NHS Professionals.

Another measure of staffing pressures in the NHS is the increase in the use of overseas staff, which has already been mentioned. The number of overseas staff has increased from 2,281 in 1996 to 44,442 last year. Nurses constitute the lion's share of the overseas recruits. Currently, 8 per cent. of nurses in England, 28 per cent. of nurses in London and more than half the new entrants to the Nursing and Midwifery Council register are from overseas.

As Ministers know, I have raised concerns about overseas recruitment in Adjournment debates and through written questions for many years. I have expressed anxieties about both the ethics of overseas recruitment and the way in which some of those who come here to work in good faith, especially in the independent sector, are mercilessly exploited by their employers. Those concerns remain, and the Government's code of practice on overseas recruitment, although welcome, offers very little practical protection, particularly for staff outwith the NHS.

My concern is not just this country's reliance on the recruitment of overseas staff for the NHS; it is also the increasing number of home-grown staff who are opting to work overseas. The fact is that the health care work force is becoming increasingly globalised, and competition among industrialised countries for scarce resources is intensifying. We have already seen more than 8,000 nurses leave the UK to work abroad in a single year, and the number opting to work in the United States has more than doubled. Indeed, it has been estimated that the US has a shortfall of more than 1 million nursing staff, and it is coming to the UK and other industrialised countries to recruit nurses to take back to the United States.

My plea to the Government is that they should not rest on their laurels in regard to international recruitment. This matter requires concerted international action, partly of the kind that the Minister described earlier. Surely the Government should take the opportunity provided by their chairmanship of the G8 to propose an international code of good practice for health recruitment, so that we can not only set a good example but ensure that others follow it, especially those industrialised nations with the spending power to recruit not only from each other but from those countries that can least afford to let staff go.

Mr. Andrew Turner: I am interested to hear the hon. Gentleman's argument, in which he seems to equate the United Kingdom with a third-world country.

Mr. Burstow: That is pathetic.

Mr. Turner: Well, I thank the hon. Gentleman for that intervention. What is wrong with nursing staff from this country choosing to work in the United States?

Mr. Burstow: I fear that the hon. Gentleman was not really following my argument, which was that we are in a globalised, competitive environment, and we have to take due heed of that when we negotiate with our partners. We need to have arrangements in place to ensure that we are not withdrawing from recruiting overseas while others are still doing it. There needs to be internationalisation of the arrangements, rather than the UK simply doing this on its own. I certainly do not have a problem with people choosing to work elsewhere; that was not my point. However, if we do not address this issue beyond the domestic level, we shall have serious problems.

Mr. Lindsay Hoyle (Chorley) (Lab): Does the hon. Gentleman have comparative salary figures for nurses and doctors in the United States, the UK and Europe?

Mr. Burstow: No, I do not have those figures immediately to hand, but if the hon. Gentleman would like them, I shall try to find out what they are. However, I am sure that a written question would be able to elicit the information from the Department of Health.

This increasing reliance on agency and overseas staff is likely to increase because of the demographics of much of the UK's health work force. Whether we are talking about nurses, doctors or other key health professional, there is—dare I say it—a demographic time bomb ticking away under the NHS. The fuse for that time bomb was set during the Conservatives' time in government, because they failed to provide the necessary training places and investment in staffing. However, the time bomb is still ticking away today. For example, one in five nurses is over the age of 50—indeed, the Royal College of Nursing goes so far as to say that it is one in four—and a huge number of nurses are due to be lost through retirement over the next few years. The same applies to general practitioners. According to the Department of Health, at the last count there were 3,435 GP vacancies—an increase of 31 per cent. over the year before.

More telling than that is the fact that the number of applicants applying for each post has fallen in each of the last three years. In 2001, there were 6.9 applicants per vacancy, but that figure had more than halved to 3.3 by 2003. Things appear to be getting worse rather than better in terms of recruiting extra GPs, not least because of lifestyle choices resulting in more of them choosing to work part-time rather than full-time, although the Government record these figures only by head count, rather than by full-time equivalence.

Mr. Hutton: The hon. Gentleman must know that he is wrong about that. We publish figures on both head counts and whole-time equivalence, and I am sure that he will want to correct that statement. My question to him on international recruitment is perhaps historical, but I think that it is important. When we had the election in 2001, his party was promising to recruit something like 4,000 more doctors a year than we were planning to. He has just lectured the House, in very polite terms, about the dangers of international recruitment, but can he tell us where those extra doctors would have come from, if not from international recruitment?

Mr. Burstow: I think that the Minister has misconstrued what I was saying about international recruitment, perhaps to make a political point. The point is surely that, when it comes to recruiting from overseas, there needs to be an ethical framework that is not only pursued by this country in making individual agreements with individual countries. It must be an arrangement that involves other countries as well. That is the context. I do not have a problem with a globalised market in terms of health care. But given that in the last year for which there are figures, 44,000 staff have come from overseas, that demonstrates the extent to which the NHS is reliant on those staff to provide health care in this country.

Several hon. Members *rose—*

Mr. Burstow: I am spoilt for choice. I give way to my hon. Friend the Member for Somerton and Frome (Mr. Heath).

Mr. David Heath (Somerton and Frome) (LD): My hon. Friend is being generous with his time. May I return to the point about general practitioners? I am a little alarmed to be told by long-established practices in my constituency that for the first time for many years, they are not having the opportunity to train new GPs in their practices this year, not because of any deficiencies in the training that they are providing, but because of funding at a higher level. Does he share my concern that at a time when we need new, young GPs, apparently, practices in Somerset that are willing to provide that sort of training in a perfect setting are not allowed to do so?

Mr. Burstow: Certainly, I share my hon. Friend's concern, and I am sure that the Minister will address it.

I want to address the issue of the demographics of the GP work force, because it causes concern to many Members on both sides of the House, and particularly to my hon. Friend the Member for Brent, East (Sarah Teather). The number of GPs who will meet the mandatory retirement age of 70 in the next few years is set to rise rapidly, particularly in London and the west midlands. Looking forward, two thirds of the 4,000 GPs who qualified in south Asian medical schools are due to retire by 2007. A lot of today's work force difficulties, however, must be seen as a legacy of the last Conservative Government. Poor work force planning, a reduction in training places, and cuts in staff left the NHS with chronic staff shortages. In 1983, the Conservatives recruited 37,000 nurses, but by 1995, that had dropped to 6,000. By the time that the Conservatives had left office, the figures that I have seen suggest that at least 51,000 fewer nurses were working in the NHS.

The legacy of staff shortages, however, was made worse by this Government's decision to stick to the Conservative spending plans for the first two years after coming into office in 1997. It was not until the NHS plan that a concerted effort was begun to tackle work force issues. Clearly, there is a long way to go to tackle the shortages that have been outlined so far in today's debate.

That brings me on to the issue of contracts, in relation to GPs, consultants and "Agenda for Change". Clearly, there is concern about slippage in the implementation of "Agenda for Change" among the work force, but the

[Mr. Burstow]

Minister's comments today are undoubtedly welcome. The implementation of the consultants contract, however, has stretched the capacity of personnel staff in the NHS to the limit. As has been mentioned, the British Medical Association survey earlier this month found that eight months after doctors had voted yes to the new contract, around a quarter of NHS hospital trusts had still not implemented the contract in full. The Minister has told us today that only a third of consultants currently work to the new contract. He has at least indicated some regret that progress has not been as rapid as it should have been. Clearly, it needs to be more rapid if we are to see the improvements that we all want in that respect. But we also need to raise concerns about capacity. One of the consequences of the new consultants contract is often that consultants work fewer sessions, which means less capacity in the NHS.

Taken together those contracts are welcome developments, and over time they should deliver significant improvement to the working lives of the staff and to the quality of care for patients. However, implementing all those changes during the same year, against a background of continuing staff shortages, runs the risk of reducing NHS capacity. When all those changes are combined with the impact of the working time directive, some serious risks are posed to the NHS in terms of its ability to deliver the Government's wider agenda on issues such as choice.

The Minister of State, the hon. Member for Doncaster, Central (Ms Winterton), who will respond to this debate, has responsibility for dentistry. I want to pose one quick question to her. When does she expect the work force review in relation to dentistry, which has been long awaited, to be published? It was commissioned back in July 2001, and given to the Government in the autumn last year. We are told that it will be coming shortly. How long is shortly? It would be useful to clarify that, not least because when the Commission for Health Improvement examined dentistry, it found that 26 per cent. of people have not seen an NHS dentist for more than two years, and 8 per cent. have never seen one. Half the population are not registered with a dentist. Staggeringly, there was a 70 per cent. increase in the number of people having to contact NHS Direct on dentistry matters between November 2001 and February 2002. When will that survey be published?

Public health is a very live issue today, and we expect a White Paper in the autumn. In March this year, the Faculty of Public Health Medicine published a report on the specialist public health work force, which made sorry reading. It warned:

> "There is strong evidence to suggest that the current numbers of consultants and specialists in public health, health protection and academic public health in the UK are insufficient for the work that is required."

It went on to point out that deficiencies in staff numbers had been known since the national survey of communicable disease function undertaken by the NHS executive in 1997, but that

> "important deficiencies have not generally been rectified despite the addition of significant new responsibilities to these consultants."

Just when will the Government come forward with a work force plan to ensure that that part of the work force is increased? Do they agree with the faculty's figure of a need for a 40 per cent. increase in the consultant work force in that field?

Just recruiting more staff to meet ever-increasing demands on the NHS is not a sustainable policy. As Derek Wanless found in his first report on health funding, if the NHS continues much as it is at present, it will cost an extra £30 billion a year to provide health care by 2020. There is a need to tackle the causes of ill health, both through preventing and postponing the onset of disease and through better controlling the spread of infection.

I shall not rehearse the need to tackle health-care acquired infections, an issue that we debated yesterday in some detail under the Health Protection Agency Bill.

Jonathan Shaw: Will the hon. Gentleman tell the House what his policies are? He is just giving us a commentary on the issues that the NHS faces. What are his solutions to the problems that he has set out?

Mr. Burstow: I am speaking to the terms of the motion. The hon. Gentleman should read the motion, tabled in the name of the Leader of the official Opposition, which is simply a list of the problems. I am not going to give the hon. Gentleman what he wants today, but I am more than happy to debate Liberal Democrat health policies in Government time.

On infections, the National Audit Office has said that 100,000 people every year pick up infections while in hospital. Research by the Public Health Laboratory Service has found that patients with health-care acquired infections stay in hospital on average 2.9 times longer—about 14 days extra—than those who do not pick up infections. That implies that about 1.4 million bed days are lost every year as a direct consequence of infections picked up in the NHS, which is the equivalent of seven and a half average-sized district hospitals. The potential capacity gain for the NHS from tackling issues of infection, and really bearing down on that problem, would be huge.

Work force issues are and will remain a critical factor in the NHS's ability to deliver. There are many issues still to be tackled in developing a work force strategy in this country, but what is clear, if not perhaps to every Member present today, is that we as a House must continue to applaud, reward, recognise and value the staff of the national health service as its greatest asset. Today's debate is not about Liberal Democrat policy but about the Government's record. That record is not as good as the Minister and the Government would like us to believe, and we have outlined why that is. When the elections come, we will demonstrate why this Government's record does not justify their being returned to office.

6.39 pm

Mr. David Hinchliffe (Wakefield) (Lab): The hon. Member for South Cambridgeshire (Mr. Lansley) has had to leave the Chamber for a moment, for which he has apologised. I want to wish him well, in his absence, in his new role. He has a good command of health policy, and I am sure that our debates will be assisted by

his contributions. Having said that, I think that his contribution today was somewhat thin, to put it mildly—about as thin as the Tory Benches have been during a Tory debate. There are just two Tory Back Benchers in their places at the moment, which raises serious questions about the Conservatives' commitment to health policy. They cannot drum up more support than that, yet it is their own Opposition debate.

I have always believed that effective opposition, whether at the national or local level, will bring about better government. However, this Parliament has lacked an effective Opposition. What worries me particularly about the Opposition's focus is that their attention on policy issues has tended to skew us away from what I believe are the real issues on health policy. A good example was the first Opposition debate this year, which was on care of the elderly. The Conservatives skewed the entire debate by concentrating on the number of people in care homes, failing to debate prevention, how to assist people or measures to help people to retain their independence in the community. It was basically the Tory party being led a dance by nursing home and care home owners—and the Conservatives danced well to their tune.

Today's debate, following the Tory motion, portrays health as an essentially curative process. We are talking about the response to illness and about cures. We are bogged down with the institution of the hospital, just as we were bogged down in the earlier debate with the institution of the care home. I really think that we need to question the focus of the Opposition's concerns about health care.

We are not talking today about the fundamentally important health issues, although they were touched on by the hon. Member for Sutton and Cheam (Mr. Burstow)—by that I mean the preventive agenda, which is about helping people to avoid being in hospital in the first place. The NHS Confederation said this week that one in 10 people who are in hospital do not need to be in hospital—and I believe that that is a gross underestimate. A consultant I spoke to recently told me that one in three people did not need to be in hospital, so let us examine why that is the case. It is sad that our debate has not touched on that crucial issue. The Opposition's frame of debate distracts us from addressing the crucial issues of health policy at the present time.

Turning specifically to the motion, the Opposition are, frankly, daft in trying to censure the Government over staff shortages. For anyone seriously looking into health policy, that really does not wear. The present Government have probably done more than any other in the history of the NHS to try to deal with staff shortages and they should be commended rather than criticised for their efforts during their seven years in power. The Government deserve praise for their initiatives on recruitment, which have been set out by the Minister of State, Department of Health, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton). The efforts of the Government have also brought about investment in training and they are attempting to establish a family-friendly NHS environment. My right hon. Friend spoke about 6,000 nursery places. That is important for getting people, particularly nursing staff, back into the health service when they have left to have children.

David Taylor: My hon. Friend is focusing on family-friendly policies and the attitudes of hospitals as employers towards human resource issues. Does he agree that, as these policies start to bed in and become more widely known, many returning nurses will return direct to the NHS work force rather than, as some do now, choosing to work for agencies on account of their more flexible employment policies? That will be good for continuity and good for economics.

Mr. Hinchliffe: Yes, I believe that that is the case. It will be a long, slow process, but we are heading in the right direction.

We should do more to care for our NHS staff and seek to improve the environment in which they work. About six months ago, I spent one night—a Saturday night and Sunday morning—with my daughter in a casualty unit in my constituency, and I saw the pressures placed on nursing and medical staff. It really opened my eyes to the pressures that they are under and I think that we need to address those pressures. I saw how members of the public who ought to know better could abuse our health service staff.

The motion talks about the role of staff in high-quality health care. The Government are guilty of failing to emphasise the progress that has been made on quality of care. The hon. Member for South Cambridgeshire talked about numbers of finished consultant episodes, the normal measurement that is used, and he said that the number of FCEs did not reflect the amount of investment that had been made.

However, the Opposition very rarely mention one factor—the improvements that have been made in the quality of care offered by the NHS. The Government deserve great credit for the measures that they have taken to address in detail some of the problems that used to exist. For instance, the introduction of clinical governance has made a big difference to the operation of the NHS. The Commission for Healthcare Audit and Inspection, which replaced the Commission for Health Improvement, has done a lot of work on quality at local level, and that has made a big difference nationwide. Again, professional validation seems like common sense, but the Government deserve credit for ensuring that people's skills are checked and updated.

The Opposition's motion talks about bureaucracy and red tape. One assumes that that very easy criticism is aimed at organisations such as the Commission for Healthcare Audit and Inspection, or at the measures and mechanisms introduced to cover the important question of quality.

I disagree fundamentally with the Tory motion, but I have a few personal anxieties that I want to express about the direction of certain Government health policies. I begin with the question of central directives to the NHS. I said earlier that the debate had a curative approach and, all too often, central directives reflect a curative, hospital-based approach to health. That needs to be examined when the direction and targets set for the NHS by the Government are reviewed.

Occasionally, the central directives can also be seen to constitute a market-style approach to health. I am genuinely concerned about the consensus in respect of

[Mr. Hinchliffe]

choice that has developed among the three main parties in this Chamber. Where will that concept take us? We are all for choice—of course we are—but we need to discuss in detail what the word really means.

Who is pushing for choice in the NHS? I get hundreds of letters about the service from all over the country, but I do not recall one that asked about choice. People write to ask about all sorts of things, and to tell me that they want their local service to give them what they need, near where they live. However, they do not go on about choice. Where does the concept of choice come from? I should be interested to get to the bottom of that.

Also, are we prepared for the consequences of choice? We know about the impact of choice on education, and about what is commonly called middle-class flight from schools. People with inner-city schools in their constituency will know that choice has meant that middle-class people move out and shift their children to schools in the leafy suburbs. Are we prepared for the same thing happening in the NHS? There is no doubt that it will happen, and the consequence that it will have for the NHS needs to be thought through.

What is the consequence for the wider health care agenda of concentrating on choice? I must tell my hon. Friends on the Front Bench that, if we are not careful, we are in danger of making again the mistake that the Tories made—that is, we will create a public perception of health that is all hospitals, treatments and cures but which has nothing to say about prevention.

Mrs. Patsy Calton (Cheadle) (LD): Is not real choice a matter of getting timely diagnosis and treatment for people near where they live, and not about chasing all over the country after the best surgeon, although some would like to be able to buy their way into doing so. We need good, local treatment that is available when needed.

Mr. Hinchliffe: I agree with the hon. Lady. I think that the Government probably agree with the point that she has made. On the choice issue, when we discuss Tory policy we often get down to the idea that somehow a person choosing to go private assists the NHS. The Tories do not seem to understand that the doctors treating people in the private sector are the same ones treating people in the NHS. They are not some magic, additional number of consultants. People say, "We are helping the health service by going private." What a load of tripe. What a load of nonsense. Of course they are not. They are damaging the health service by giving consultants the continuing incentive to treat people privately. We have to get those consultants back working in the health service. It is the big issue that has not been addressed by successive Governments since 1948. This Government have tried, and I wish them success in it. It is the key to solving so many of the problems.

David Taylor: Will my hon. Friend give way?

Mr. Hinchliffe: I will not give way because I know that colleagues want to contribute.

One of the things that I have learned from looking at some of the central directives is that they can be crude and simplistic and can have unintended consequences. I shall give just one example in the time that I have—waiting list targets. We come back to the activities of certain consultants. I know for a fact that some consultants wait until their waiting list levels reach a stage at which the trust will be penalised and then say to the trust managers, "Look, with certain patients you are going to be penalised. You might have your star rating affected." The patients on the waiting list end up being put into the consultant's session on a Saturday morning at a hugely increased cost to the NHS. That has happened in many parts of the country, and the Government should look into the way in which targets are skewing our approach and being exploited.

The concordat with the private sector was a fundamental error. We know that each item costs 43 per cent. more than we would have paid within the NHS. Okay, some people have gained from that. They have obtained earlier access to treatment. Some of my constituents have done so, but we have not addressed the reason why they had to wait all that time. The reason is frequently because the consultants were not on the golf course but doing private work instead of meeting clinical priorities within the NHS.

Mr. Hoyle: Will my hon. Friend give way?

Mr. Hinchliffe: I will not give way. I apologise to my hon. Friend.

The Tory motion exposes a worrying narrow view of health care, which the Government should not follow. It is a curative approach. It does not address the real issues in health.

I have spent the past year on the Health Committee investigating sexual health—some of those problems really do need to be addressed—and obesity. The message that one gets big style when one looks into public health issues is that the Tories made a fundamental error way back in the 1970s by castrating public health. In 1974 they got rid of the medical officers of health. Between 1979 and 1997 they cast aside public health. That is the real agenda.

In his conclusion, the hon. Member for South Cambridgeshire talked about setting the NHS free. We have set it free from the legacy of 1979. The consequences are still having to be addressed by this Government, who have been in power for seven years. God forbid that we ever get the Conservatives back in power, setting free the NHS and letting the market rip, as happened in the 1980s and early 1990s.

6.54 pm

Mr. Andrew Turner (Isle of Wight) (Con): It is a great pleasure to follow the hon. Member for Wakefield—yes, Wakefield.

Mr. Hinchliffe: Somewhere in Yorkshire.

Mr. Turner: Yes, somewhere in Yorkshire. It is a great pleasure to follow the hon. Member for Wakefield (Mr. Hinchliffe). I do not intend to go far down the road that he explored, but I was interested in his suggestion that family-friendly policies were a priority in the NHS when it is only since the introduction of the new GP contract that none of my GP practices is open on a Saturday morning.

I wish to pursue a number of issues briefly, and the first is the question of shortages. My hon. Friends have spoken of the shortages of doctors, consultants and nurses and the need to recruit from overseas to provide an adequate supply. I refer the Minister, the hon. Member for Doncaster, Central (Ms Winterton), to the shortage of dentists in my constituency. She is familiar with that situation, having kindly visited the Denbigh House practice in my constituency on 3 March this year. I remember that she said at the time that a review would take place of the provision of dentists, because the number of NHS dentists on the island had declined significantly. I congratulate her on being the first Minister to say that access to NHS dental provision should be available on the island and that my constituents should not have to travel to the mainland for that purpose.

Sandra Gidley: The hon. Gentleman mentions travelling to the mainland to find an NHS dentist, but they are similarly rare in Hampshire. When found, they often provide care for children only on condition that the parents register privately with them.

Mr. Turner: I am indeed aware of that, because I read in the *Southern Daily Echo* recently that my hon. Friend the Member for New Forest, West (Mr. Swayne) was concerned about the shortage of dentists. I also know that constituents have been referred to a dentist in Southsea by NHS Direct and have travelled there to be told that their children will only be treated if the parents sign up for private dental treatment. The issue of dental provision is a serious weakness in the Government's strategy.

The chief executive of the local primary care trust wrote to me on 14 June to say that he had expected the recommendations of the Government's review

"to be available to the PCT by mid-May so that we could begin to make progress."

[Interruption.] I know that the Minister finds her colleague more interesting than me, but the chief executive also says that

"we have been advised by the Department of Health that the report is taking longer than was originally anticipated . . . We have not, as yet, been informed of the date this will be to hand."

I accept that the Minister has good intentions, but the number of NHS dentists in my constituents and in Hampshire has rapidly declined, and my constituents are suffering. I hope that in her reply she will bring up to date the remarks that she so kindly made on 3 March.

Clive Efford: The hon. Gentleman seems to want a target for the number of NHS dentists. Would he care to comment on the remarks earlier by the hon. Member for South Cambridgeshire (Mr. Lansley)? Does he expect that at the next election the Conservative party will publish a target by which their success in improving access to NHS dentistry would be measured?

Mr. Turner: The answer is simple. The Minister is charged with delivering a promise that the Prime Minister made in 2001 that within two years everyone should have access to an NHS dentist. It was the Prime Minister's target, but the Government have failed to deliver. My hon. Friend the Member for South Cambridgeshire (Mr. Lansley) explained our position on targets amply and adequately, and I do not intend to go further down that road.

Clive Efford: Will the hon. Gentleman give way?

Mr. Turner: I am sorry, but I do not have time to give way again.

The second point to which I would like the Minister to respond is that raised by my hon. Friend the Member for Westbury (Dr. Murrison) in European Standing Committee C on 24 March. My hon. Friend referred to the effect of the European working time directive on the number of consultants required in small hospitals—

It being Seven o'clock, the debate stood adjourned.

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the motion in the name of Mr. Michael Howard relating to NHS staff recruitment and retention may be proceeded with, though opposed, until 8.00 p.m.—*[Mr. Coaker.]*

Question agreed to.

NHS RECRUITMENT AND RETENTION

Question again proposed, That the original words stand part of the Question.

Mr. Turner: In that Committee my hon. Friend the Member for Westbury kindly referred to my hospital, St. Mary's. Referring to me, he said, correctly:

"He is particularly worried about this issue because of St. Mary's hospital on the Isle of Wight. It is a very small hospital for very good reasons: the inaccessibility of the Isle of Wight, the difficulty of getting people to the mainland and the fact that the population doubles in the summer months."—[*Official Report, European Standing Committee C*, 24 March 2004; c. 28.]

What, he asked, would happen to such a hospital if the European working time directive were introduced? The Minister of State is familiar with the hospital because she visited it on 3 March. Unfortunately, however, answer came there none from Ministers in the European Standing Committee; they were unable to explain how a small hospital could employ sufficient consultants to comply with the requirements of the European working time directive. As her hon. Friends left the question unanswered, will the Minister answer it today? *[Interruption.]* The Government imposed the target. Labour Members seem to be worried—

Clive Efford: Targets are measures by which the public can assess the success of the Government. The Government may not meet some of their targets but at least they have some idea of the direction in which they are taking the NHS. The hon. Gentleman's party have no such plans and will set no targets, nor has it given any indication of where it intends to go with the NHS if it is successful at the next election.

Mr. Turner: My hon. Friends on the Front Bench will not set targets for hospitals; they will set targets for themselves. The customers of the NHS, like those in the

[Mr. Turner]

private sector, are perfectly capable of determining whether they are getting the quality of service they want without reference to a range of unnecessary bureaucratic Government targets.

I fear I have run out of time but I want to underline the two points that I would like the Minister to answer: the effect of the European working time directive on St. Mary's and how soon her review of the shortage of dentists on the Isle of Wight will be available, so that that shortage can be corrected.

7.2 pm

Ann Keen (Brentford and Isleworth) (Lab): It is often said that people remember nurses. Nurses remember Governments, and this nurse certainly remembers the Opposition when they were in government.

A few days after the Conservatives were re-elected in 1992, I went to support my local football team—Brentford—and outside the ground were nurses in uniform with collection buckets. They were collecting for accident and emergency equipment for the local hospital. Down the road at Kempton Park, the West Middlesex university hospital stakes were also raising money for vital equipment for my local hospital. A demoralised work force were being asked to beg—literally—on the streets to collect money for equipment.

We are talking about recruitment and retention. That was a demoralised work force. If staff are not cared for, they cannot care for the community of patients that they are unquestionably able and trained to look after. Other services in the hospital were demoralised; they are often called hotel services, but they actually involve people who do vital work. Vital cleaning services were contracted out to the lowest bidder. Dedicated staff had their terms and conditions of employment reduced to poverty, with no employment rights. They worked a full week, yet they were entitled to claim benefits. Of course, there was no minimum wage; the Conservatives opposed that. Unemployment was high, and people were very nervous about leaving to look for other employment. Their skills were not valued, unlike today, when all the training and development needs of all NHS staff are being met.

The motion talks about retention. To retain staff, people must be proud of where they work. Under the Conservative Government, many NHS buildings were in very poor condition. Many were not even just of the last century, but the previous century: workhouse facilities. I worked in them. I know what it was like to be on night duty, wandering around looking for somewhere that could offer some refreshment—tea, coffee or food—at night. Our needs were not met; they were not catered for in any way. That applied right across the board, not just in my own profession, nursing. If people asked for training and development, they were told that there was no money.

Some of the pay review body awards were not always paid in full. When I was employed by Ealing health authority, I was asked whether I was prepared to give back my pay rise because, if I did not, the hospital would have to make cuts. That was in 1992. I tell hon. Members now that I had a very different conversation today, when I spoke to the chief executive of my primary care trust, John James, who leads Hounslow's PCT, along with Christine Hay. We could contrast the training and development and, yes, we could discuss the improvement in GP recruitment that, without question, has taken place in Hounslow. Many of the GPs who have been recruited are salaried, which makes quite a difference, especially to medical staff who want to return to work after perhaps taking time off to have children or for child care.

Flexibility is so important. The rigidity of the employment of NHS workers in the past put many people off staying in the NHS. The NHS is one of the most brilliant, wonderful sectors in which people can work. The staff are most dedicated. No one joins the NHS, right across the spectrum, because they want to earn vast sums of money. Very special people decide to work in the health service, and they have always deserved better. I am proud of the way that the Government are looking after NHS staff. Without question, the money for training and development is there. Without question, child care makes a difference.

I have talked to Meena Singh, who is the director of West Middlesex university hospital—now a modern building, opened by my right hon. Friend the Chancellor of the Exchequer last November. I was employed at that hospital in 1985. I was told at my interview that I would be working in a brand-new hospital by 1987. It took a Labour Government and a Labour Member of Parliament, a Labour nurse, to help to deliver that hospital in 2003. Much hard work took place, but there is, of course, more to do.

Without question, there are recruitment problems with radiographers, as has been acknowledged. We need to consider the mix of skills in the health service professions. My own profession, nursing, has come to the forefront, and many of the duties that nurses now perform will soon be recognised in pay. With "Agenda for Change", nurses can go up a clinical pay structure—a clinical ladder—but the previous Administration of the Conservative party prevented them from doing so by creating managers out of nurses. If nurses wanted to make progress in their careers, they had to go into management.

There is nothing wrong with management. There is nothing wrong with managing the NHS properly. There is nothing wrong with having support staff who are trained in the latest IT skills. I started my working life in the NHS as a hospital clerk. We still need to improve the administration services in many hospitals, as they have not changed much since I worked as a clerical assistant.

Without question, recruitment and retention require the most important aspect of NHS delivery. Without question, we have now increased the availability of treatment for patients, but we have done so with the development of a dedicated staff and with the development of a dedicated Government who are totally committed to the NHS, and without question, everyone who works in the NHS will always remember that.

7.9 pm

Mr. David Amess (Southend, West) (Con): I join all hon. Members in saying a very big thank you to all the women and men who work in our national health service. Without the staff of the NHS there would not be

a national health service. I am sure that I speak for every one of them when I say that they are overworked and underpaid. If any Government can come up with the solution to that particular problem, then I am waiting to hear it.

The last Conservative Government were elected in the last century. I want to talk about this century, in particular about recruitment and retention. I am not suggesting for a moment that I and my parliamentary colleagues had the solutions to all the problems that the NHS faces, but I am sick to death of Labour jargon. What particularly grates with me is the talk of targets and star ratings. The people who work in the NHS are fed up with those two things as well.

I congratulate the chairman of the British Medical Association Council who, when speaking about the burden of targets, said:

"The one memory that will live long after the sweet taste of negotiating successes and the sour taste of acid encounters with self-serving secretaries of state"—

I wonder whom he might have been talking about—

"have left my palate is the creeping, morale-sapping erosion of doctors' clinical autonomy brought about by micro-management from Whitehall which has turned the NHS I hold so dear into the most centralised public service in the free world."

He mentioned

"The stifling of innovation by excessive, intrusive audit and the imposition of Department of Health diktats . . . The shackling of doctors by prescribing guidelines, referral guidelines and protocols . . . The suffocation of professional responsibility by target-setting and production-line values that leave little room for the professional judgement of individual doctors or the needs of individual patients",

and went on to say:

"Targets are set nationally without any appreciation of what they might mean for individual doctors sitting in consulting rooms with individual patients."

On star ratings, the chairman of the British Medical Association said:

"Nobody should use star ratings to judge how well a hospital is doing. They measure little more than hospitals' ability to meet political targets and take inadequate account of clinical care or factors such as social deprivation. It is grossly unfair on staff working in low-rated trusts that public confidence in them is being undermined."

I certainly support everything that those two gentlemen said.

I want to touch on recruitment and retention as they relate to general practitioners, dentistry, the people who work in our mental health services, the people dealing with obesity and those who deal with allergies. The BMA has rightly questioned the Government's claims that GP recruitment targets have been met. The chairman of the BMA's general practitioners committee said:

"The Department quotes headcount figures but many of the new GPs will be working part-time in general practice. Using the Government's own figures, we calculate that between September 1999 and September 2003 there was at best an increase of 1,323 full-time equivalent GPs in England over the four year period."

If hon. Members are honest with themselves, they will all admit that they know from their constituency pressures that not enough GPs are being trained. Again, I look forward to hearing the Government's ideas on how that can be improved.

Clive Efford: Will the hon. Gentleman give way?

Mr. Amess: No. The hon. Member for Workington (Tony Cunningham) would be angry if I did, because Mr. Deputy Speaker is, I think, hoping to allow one more Back-Bench Member to speak before we run out of time.

On dentistry, there are large queues when a general dental practitioner accepts new NHS patients, as my hon. Friend the Member for Isle of Wight (Mr. Turner) said. The UK has one of the worst dentist-to-population ratios in Europe. The average ratio in Europe is one dentist for every 1,1540 citizens, but in the UK it is one for every 2,097. There are two reasons for that. First, there is inadequate recruitment of young people to university degrees in dentistry, and, secondly, there is insufficient capacity in our dental schools, about which the Government have said very little. The intake of undergraduates to English dental schools increased by only 1.8 per cent. on the previous academic year, but the capacity of dental schools is not increasing fast enough to meet the increased demand for new dental students, which the Government claim they are meeting. When I asked the Secretary of State for Health what steps his Department is taking to encourage more applicants, I was told that the Government have published a new brochure—my goodness, they are marvellous at publishing glossy brochures—and it will be distributed in places where young people will hopefully pick it up and read it. Interestingly, the Government claim that dentistry is a popular choice for A-level students, with nearly two applications for every available place in dental schools. I hope that we will learn more about that when the Minister responds.

Retention is another problem. Overall spending on dental care in the NHS budget is far too low to meet demand, causing an increasing number of dentists, as we have heard, to turn to private work. Although the Government like to claim that expenditure on dental services has increased since 1997, that is misleading. As a percentage of the total gross NHS expenditure, the funding of dental services has decreased every year since 1997. Dentists are fed up with the treadmill system of the NHS and are spending more time in private practice. I am delighted that two dental practitioners in Southend, West who came to my surgery are going to set up an entirely NHS-based dental practice. They hope to work closely with the primary care trust, and the success of the enterprise will depend on the skills of Irish dentists.

The Select Committee on Health is conducting a short inquiry into allergies. Ministers will shortly appear before it to answer questions, but its members have been shocked by evidence that the problem of allergies has been completely ignored. The number of allergies is escalating, and we heard expert evidence that that is because we are much cleaner, so our immune system has to look for other things to do. The Royal College of Physicians has published an earth-shattering report

[Mr. Amess]

entitled "Allergy—the unmet need", but unfortunately until the Select Committee inquiry, the problem received no attention whatever. One third of the population suffers from an allergy, yet only six centres provide full-time specialist allergy services in the UK. To get a better idea of the scarcity of allergy specialists trained to deal with that enormous need, one need only glance at the numbers. There is only one whole-time equivalent allergist-led clinic for every 3.4 million of the population and one allergist for every 2 million people. The Health Committee looks forward to hearing Ministers' response to that problem. There are worrying reports that many GPs are not trained to deal with the problem and simply do not want to address it. Research by Allergy UK, a leading charity on the issue, reveals that many allergy sufferers believe that their problems are not being addressed and that GPs do not have the necessary expertise to deal with them. One patient describing her GP's reaction to her concerns about allergies said:

"He told me very politely to go away and stop bothering him."

I hope the Government will take the comments on allergies very seriously.

Mental health is without doubt the Cinderella service. There is a huge shortage of psychiatrists and physicians to deal with mental health. A study carried out in December by the Commission for Health Improvement found that there were

"serious problems nationally with the recruitment and retention of mental health staff."

The data show that three-month vacancy rates of 11.3 per cent. within the psychiatry group were higher than in any other specialty. I am delighted to say that a charitable organisation in Southend, West called Growing Together is trying to address the problem.

Rev. Martin Smyth (Belfast, South) (UUP): Will the hon. Gentleman give way?

Mr. Amess: I am tempted, but there is one other hon. Member who wishes to speak before the winding-up speeches.

Finally, the Health Committee has led the way in the national and international debate on obesity. All Members of the Committee were shocked and disappointed by the fact that such a serious issue seems to have been ignored until now. It is certainly not just a matter of physical exercise; it has much to do with the content of what we eat.

The problems of recruitment and retention in the areas of health care about which I have spoken reflect the marginalising and neglect of issues that should be critical health priorities for the NHS. These are long-term problems and the country deserves to have them dealt with seriously. It is time for discussion to end and for more action from the Government.

7.22 pm

Tony Cunningham (Workington) (Lab): I thank hon. Members for enabling me to speak. In the few minutes that remain, I shall concentrate on local issues of recruitment and retention. There are problems, but it is important to put them into perspective. In west Cumbria, no in-patients are waiting more than nine months, and no out-patients are waiting more than 17 weeks. There are 167 out-patients waiting more than 13 weeks, compared with the figure 12 months ago, when it was about 600. That represents a fall of about 70 per cent.

The accident and emergency unit in west Cumbria has a proud record: 96.7 per cent. of those in accident and emergency are seen and treated within four hours. That is an incredible achievement and I pay tribute to the staff, who almost perform miracles in the accident and emergency department. With regard to cancer services, 99.9 per cent. of referrals are seen by a specialist within two weeks.

We have 229 more doctors and 1,690 more nurses. One or two hon. Members have mentioned Filipina nurses. In 2002 we recruited 31 Filipina nurses. They have integrated extremely well and do a fantastic job. There have been three weddings and two babies have been born as a result of them coming to the area. The lady who was responsible for the Filipino programme says:

"It has been a wonderful experience for all concerned. The nurses have settled well into our hospitals and communities and have embraced life in Cumbria. It has proved to be an exceptionally successful international recruitment campaign for the Trust."

That is a great record.

One of the problems that we have with recruitment and retention is the isolation of west Cumbria—we are quite a distance from the nearest motorway, and so on. However, we have a fantastic quality of life: relatively low house prices, compared with London; the lowest crime rate in the country; and some of the finest schools. If there are any doctors or nurses out there watching the debate, west Cumbria is a superb place to come and work.

However, quality of life is not enough. There are two things that we must do. First, we must try to get a medical school in west Cumbria. Four new medical schools have been created recently and there have been three collaborations between universities. If more people were trained at a medical school in the area, there would be a greater chance of them putting down roots and staying there.

Another thing that would help with both recruitment and retention is a brand new hospital. A brand new community hospital is currently being built. It is a multi-million pound development that will be a huge bonus for the people of Workington, but we need a new district hospital in west Cumbria. I think that the figures suggest that by 2010, about 100 new hospitals will be built in this country. I hope that once all the machinations have been gone through and the consultations have taken place, west Cumbria will get a brand new hospital.

We have talked about targets and all sorts of things, but the vast majority of NHS users whom I speak to—I am sure that other hon. Members would say the same thing anecdotally—tell me what fantastic treatment and service they had. Regardless of the problems with recruitment and retention, there is no doubt that we have seen a huge improvement in the NHS throughout the seven years for which we have had a Labour Government.

7.25 pm

Mr. John Baron (Billericay) (Con): This has been an interesting, if short, debate, with some thoughtful contributions from both sides of the House. Unfortunately, time does not permit me to give credit where it is due.

The issue of targets was, understandably, mentioned on a number of occasions. It is our central contention that, despite the best efforts of NHS staff, to whom we are all thankful for all their hard work and achievements, the NHS suffers from too many Government targets and too much red tape, which clogs it up and reduces its effectiveness, distorts clinical priorities and demoralises staff. That is one of the main reasons why there are so many recruitment and retention problems in the NHS, and why after such a massive increase in spending, there has been only a modest increase in activity. Patients are suffering because they are having to wait far longer than necessary to be treated.

It is worth remembering the scale of the problem. Staff turnover in the NHS runs at about 22 per cent. The national average stands at 16 per cent. In financial terms, the cost to the NHS of about 270,000 people leaving and having to be replaced is about £1.5 billion a year—the cost of 10 new hospitals. A report on the problem published by the Audit Commission back in 2002 cited specific factors such as a lack of professional autonomy, a sense of being undervalued by the Government and bureaucracy as some of the causes of the problem.

There is no shortage of evidence that the Government's targets are distorting clinical priorities and demoralising staff. Last year, for example, a House of Commons Committee heard from the Bristol eye hospital, where waiting time targets for new out-patient appointments had been achieved at the expense of delaying follow-up appointments, with the result that 25 patients went blind. Many other such examples exist; suffice it to say that a further recent opinion poll of doctors found that 82 per cent. thought that the amount of red tape that they have to comply with prevents them from devoting as much attention to their patients as they would like. Some 95 per cent. said that there were times when the pressure to comply with Government targets distorted clinical priorities and adversely affected patient care.

The point is that such targets can and do demotivate staff who are already working under tremendous pressure. Dr. Ian Bogle, the outgoing chairman of the British Medical Association, said last year that the Government's obsession with waiting times and performance targets was suffocating professional responsibility, damaging patient care and leading to fiddled figures on how well the NHS was doing. Indeed, he added:

"We now have a healthcare system driven not by the needs of individual patients but by spreadsheets and tick boxes."

Even Unison's head of health, Karen Jennings, said:

"Hospital staff need to be free to concentrate on clinical needs and priorities instead of chasing crude targets."

It is no wonder that morale among professionals is so low and frustration is so high. Earlier in the year, 500 doctors paid for an advertisement in which they said:

"We once believed that the NHS was the finest healthcare system in the world. Today, few health care professionals would make that claim."

In a recent Royal College of Nursing survey, entitled "Stepping Stones", 10,000 nurses were consulted, and one third said that they would quit the profession if they could. Some 11 per cent. said that they planned to quit the profession in the short term. Although the internal rotation shift system helps to meet demanding targets, it is particularly unpopular, and it is no surprise that the number of nurses leaving to work in the USA doubled last year. Nurses' morale has not been helped by the Government's decision to delay the roll-out of "Agenda for Change".

With morale so low and staff turnover so high, it is not surprising that the NHS has not made the expected progress, bearing in mind the extra money that has been spent. Spending on health has increased by 46 per cent. in real terms since 1997, and no one can deny the Government's good intentions. However, it is a statistical fact that in-patient activity has increased by only 5 per cent. since 1997.

Government targets have significantly increased time spent on administration and bureaucracy. NHS figures show that the number of managers and senior managers has increased at almost triple the rate of new doctors and nurses. The massive increase in targets and bureaucracy means that a lot of the new money has not reached front-line clinical services. For example, an RCN eve-of-congress poll, which was taken only last month, made the point that most nurses have not seen any evidence of increased staffing at work.

Mr. Hutton: That point is made up.

Mr. Baron: The point is not made up; it is from the RCN eve-of-congress poll.

Mr. Deputy Speaker: Order. If Front Benchers want to intervene, I would be grateful if they did so formally rather than chattering from a sedentary position.

Mr. Baron: Department of Health figures show that, although some of the longest waits have been addressed, average waiting times for hospital operations have steadily risen, from 90 to 99 days, over the past four years. Government Front Benchers shake their heads in disagreement, but that fact comes from Department of Health figures and has been admitted by Nigel Crisp, the chief executive of the NHS, and I look forward to the Minister's response on that point.

Low morale and the recruitment and retention problem mean not only that patients must wait for longer than necessary, but that some patients do not get treatment at all. Let us take chiropody as an example. Recent chiropody statistics show that many hundreds of thousands of mostly elderly people are being denied essential NHS foot care. They show that more than 800,000 new patients are referred for foot care each year, but the NHS only treats around 2.2 million such patients a year. The vast majority of such conditions are not curable, and single episodes of care are in the minority,

[Mr. Baron]

which means that hundreds of thousands of NHS patients are simply removed from the list without treatment.

At the end of last year, the Society of Chiropodists and Podiatrists stated:

"NHS capacity is shrinking as a largely static NHS chiropody/podiatry workforce is deployed to support an increasingly difficult caseload. Sadly, those with lower priority needs are likely to be 'bumped' out of the system even though their needs are well above simple nail care."

For many elderly people, good foot care often means the difference between relying on other people and independence. Elderly people should not suffer that lottery, and the Government should act to resolve the crisis.

It is not only NHS patients who suffer from the Government's recruitment and retention problems. We heard in the debate how many developing countries are losing their much needed medical staff to the NHS, but the Government refuse to implement proper controls to ensure that that does not happen. The problem is particularly important with regard to nurses. Last year, for the first time more than half of new entrants to the nursing work force were from overseas, and many of them were from developing countries.

A recent Department for International Development report highlighted the fact that one quarter of the total influx of nurses to the UK came from countries on the Department of Health's list of developing countries from which NHS recruitment is prohibited. The Government have repeated their position that recruitment from prohibited developing countries does not take place, because the NHS is recommended to use only those agencies on the approved list that have signed up to the Government's code of practice on ethical recruitment, but that measure is simply not good enough.

In written answers, the Government have admitted that they cannot give the current figure for agencies that have not signed up to the code, and that they have no mechanisms in place to ensure that their code is being adhered to.

In short, the Government are all over the shop on the issue. Conservative Front-Bench Members have been pressing them on it for some time. We have called on the Government to ban the NHS from using recruitment agencies that are not on the approved list. That is a relatively simply precaution, and we have tabled early-day motion 457 to that effect. The continual failure to adopt that simple measure suggests to many that the Government are happy to turn a blind eye to sloppy recruitment procedures so as to solve their recruitment and retention problems.

Recruitment and retention problems reflect the fact that, although some improvements have been made in the NHS—we all welcome them—progress is not what it should be, given the amount of money invested. Why else does the NHS have such a high turnover of staff? That is the fault not of the professionals who work in the NHS but of the Government. They still cannot understand that their approach is fundamentally wrong.

Politicians must stop interfering. The Government must stop bombarding staff with targets and micro-managing the NHS. The NHS has been a political football for too long. Politicians must learn to trust the medical professionals and allow them to get on with their job. Bureaucracy and targets often come between NHS staff and their patients. Targets simply ensure that the NHS responds to the Government, not patients' needs and care. The time has come to scrap targets and the star rating system and give all hospitals true freedom, so that they are accountable to patients and not bureaucrats.

Such an approach will usher in an environment in which doctors and nurses, freed from political targets, choose to stay because they enjoy the freedom to deliver a standard of care to patients of which they can be proud. That environment will mean that the NHS, for the first time in a long time, can realise its full potential and become a patient-centred health service. It will reflect the fundamental difference in approach between the Conservative party and the Government, in that we have greater faith in the individual than in the state. I urge hon. Members to support our motion.

7.36 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I thank the Opposition for initiating today's debate because, once again, it has given the Government and Labour Members the chance to highlight our genuine progress in rescuing and rebuilding our national health service after years of neglect and under-investment by the Conservative party. It also gave my right hon. Friend the Minister the opportunity forensically to expose the threadbare nature of the Opposition's policy.

The vast increases that we have made in the numbers of dedicated and committed health service workers, who work so hard to provide front-line services to patients, have been crucial to rebuilding the NHS. Patients show much greater appreciation of the work of those staff than Conservative Members, who take every opportunity to snipe, complain and undermine the morale of health service staff.

Let me provide the facts. There are 19,400 more doctors and 67,500 more nurses working in the NHS than in 1997. An increase of 27 per cent. has occurred in the number of scientific, therapeutic and technical staff since 1997. Medical students have increased by more than 60 per cent. since 1997, and between 1997 and 2003, the number of nurses entering training increased by 53 per cent. The total NHS work force is now at its highest level.

We fully acknowledge that there are some recruitment problems. We have taken several steps to deal with them, and I shall tackle some of the points that hon. Members raised later. First, let us consider what the Opposition say about bureaucracy, red tape and targets. I want especially to examine the comments of the hon. Member for Billericay (Mr. Baron). The number of targets has been slashed. Three years ago, there were 108 targets, now there are 62. That is less than one target for every £1 billion of expenditure in health and social care.

Mr. Baron: The Minister clearly needs to check her figures carefully, because there are at least a couple of hundred targets, as well as a further couple of hundred aims and aspirations. The other point that we are making is that those targets have had a minimal effect

despite the increased expenditure, and average waiting times have risen over the last four years. Will she respond to that point?

Ms Winterton: I should like to ask the hon. Gentleman whether he knows any organisation that will be spending £90 billion a year which does not set objectives and targets. In relation to targets, we make no apology for halving the maximum waiting time from 18 months to nine, or for the fact that 19 out of 20 people are now seen, diagnosed and treated in accident and emergency within four hours.

We have decentralised power and funding, and more than 80 per cent. of funding is now going directly to primary care trusts. The suggestion by the hon. Member for Billericay that the NHS is awash with managers is complete rubbish. Since 1997, only 13,000 of 224,000 new NHS staff were managers—5 per cent. of the increase. Furthermore, only 40,000 of the 1.3 million employees—less than 3 per cent.—are managers.

I should now like to deal with some of the points raised by hon. Members. The hon. Member for Sutton and Cheam (Mr. Burstow)—who, by the way, did not outline a single Liberal Democrat policy—raised the issue of agency staff. That is something that we need to deal with, and we are taking a number of measures to do so. He talked about NHS Professionals, and about the private sector using agency staff, and those are issues that we can look at in relation to the code of practice for using overseas staff. Indeed, we are already doing so.

The hon. Member for Sutton and Cheam also asked about the dental work force review; we shall be publishing that shortly. I have to say to the hon. Member for Southend, West (Mr. Amess) that it was a bit of a cheek for him to talk about training places in dental schools when the Tories closed down two such schools themselves, but I am glad to hear that our money is getting through, and two new dental practitioners are now opening.

I should like to thank the hon. Member for Isle of Wight (Mr. Turner) for his kind comments about my visit to his constituency. I am glad to hear that progress is being made there in regard to dentistry, but I will look into why the report to which he referred has been delayed. My hon. Friend the Member for Wakefield (Mr. Hinchliffe) talked about the need for preventive health measures. He also congratulated the Government on their investment in training and family-friendly policies, and mentioned the time that he had spent working in accident and emergency alongside his daughter. He talked about targets, and when I meet people who work in A and E, they say that the four-hour target has led to different ways of working, to the better patient experience that he mentioned, and to a higher quality of care for patients.

My hon. Friend the Member for Brentford and Isleworth (Ann Keen) eloquently spoke of her own experience of the dark days of the Tory Government, but pointed out that we needed to increase the number of radiologists. My hon. Friend the Member for Workington (Tony Cunningham) spoke eloquently, too, about recruitment and retention, as well as about the need for medical schools, and made a request for a brand new hospital in his constituency.

The Opposition motion before us today talks about demoralised staff, but what really demoralises staff is being constantly undermined and talked down by Conservative Members. Far from helping to recruit more staff to the NHS, the attitude of the Conservative party acts as a barrier to recruitment. That attitude shaped 18 years of Tory rule, wrecking our health service.

Amazingly, the Conservative party has learned nothing. The Tories want patients to shop around with their patient passport, which allows only those who can afford to pay to jump the queue. The Tory policy is for longer waits, new charges and choice only for the relatively well-off who can afford to pay thousands for their operations, and no amount of expensive Tory relaunches will hide the reality of their policies. They are not in the interests of patients, and not in the interests of staff. They are more extreme than the policies that brought the NHS to the edge of ruin.

Labour brought the NHS into being, and Labour is repairing the damage done by the Conservative party. That is why we are investing the largest ever amount of money in the health service. That is why we have increased the number of people working in the NHS by 224,000. We have done that because we care about the NHS. We want to see a health service of which our dedicated and compassionate NHS staff are proud, and a health service that provides high-quality services for all in our society, and not just for a privileged few. The NHS is improving, and we cannot let the Tories wreck it again. That is why I urge the House to reject the motion and vote for the Government amendment.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 158, Noes 282.

Division No. 200] **[7:46 pm**

AYES

Allan, Richard
Amess, David
Atkinson, Peter *(Hexham)*
Bacon, Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Bellingham, Henry
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Burnett, John
Burns, Simon
Burnside, David
Burstow, Paul
Butterfill, Sir John
Calton, Mrs Patsy
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Collins, Tim
Cormack, Sir Patrick
Curry, rh David
Davey, Edward *(Kingston)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dorrell, rh Stephen
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Fabricant, Michael
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Fox, Dr. Liam
Francois, Mark
Gale, Roger *(N Thanet)*
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Green, Damian *(Ashford)*
Grieve, Dominic
Hague, rh William
Hammond, Philip
Harvey, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Hendry, Charles
Hermon, Lady

Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkwood, Sir Archy
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lamb, Norman
Lansley, Andrew
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Mawhinney, rh Sir Brian
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prisk, Mark *(Hartford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Feversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Roe, Dame Marion
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'rs & Kincardine)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Tonge, Dr. Jenny
Tredinnick, David
Trend, Michael
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Hywel *(Caernarfon)*
Willis, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. David Rutley and
Mr. Geoffrey Clifton-Brown

NOES

Adams, Irene *(Paisley N)*
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale & Darwen)*
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Fisher, Mark
Flint, Caroline
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
MacDonald, Calum
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Miller, Andrew
Moffatt, Laura

Mole, Chris
Moonie, Dr. Lewis
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Prentice, Ms Bridget *(Lewisham E)*
Prescott, rh John
Primarolo, rh Dawn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robinson, Geoffrey *(Coventry NW)*
Rooney, Terry
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Ryan, Joan *(Enfield N)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Dr. Richard *(Wyre F)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Touhig, Don *(Islwyn)*
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Wareing, Robert N.
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Nick Ainger and Jim Fitzpatrick

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's record extra investment in the National Health Service which has resulted in increases of 19,400 more doctors and 67,500 more nurses since 1997; supports the extra investment in training which has increased the intake of medical school students by 61 per cent. and nurse training students by 53 per cent. since 1997; notes that over one million NHS staff will benefit from improved terms and conditions; recognises that the international recruitment of healthcare professionals has already made a significant impact on the delivery of NHS services; notes the Government's commitment to ethical international recruitment, with its robust Code of Practice, the first of its kind in the world, ensuring that NHS organisations do not recruit staff from developing countries without the agreement of their government; and welcomes the sharing and transfer of experience and ideas that international recruitment brings to the health service.

DELEGATED LEGISLATION

ELECTORAL COMMISSION

Ordered,

That the Motion in the name of the Leader of the House relating to the Electoral Commission shall be treated as if it related to an instrument subject to the provisions of Standing Order No.118 (Standing Committees on Delegated Legislation) in respect of which notice has been given that the instrument be approved.—*[Charlotte Atkins.]*

WELSH GRAND COMMITTEE

Ordered,

That—

(1) the matter of the Draft Transport (Wales) Bill be referred to the Welsh Grand Committee for its consideration;

(2) the Committee shall meet at Westminster on Tuesday 20th July at 25 minutes past Nine o'clock and between Two o'clock and half-past Four o'clock to consider the matter of the Draft Transport (Wales) Bill, under Standing Order No. 107 (Welsh Grand Committee (matters relating exclusively to Wales)).—*[Charlotte Atkins.]*

NORTHERN IRELAND GRAND COMMITTEE (SITTINGS)

Motion made, and Question put forthwith, pursuant to Standing Order No. 116(1) (Northern Ireland Grand Committee (sittings)),

That—

(1) the draft Budget (No. 2) (Northern Ireland) Order 2004 be referred to the Northern Ireland Grand Committee;

(2) the Committee shall meet at Westminster on Thursday 8th July at half-past Two o'clock; and

(3) at that sitting—

(a) the Committee shall consider the instrument referred to it under paragraph (1) above; and

(b) at the conclusion of those proceedings, a motion for the adjournment of the Committee may be made by a Minister of the Crown, pursuant to paragraph (5) of Standing Order No. 116 (Northern Ireland Grand Committee (sittings)).—*[Charlotte Atkins.]*

Question agreed to.

PETITION

Mobile Phone Masts

Mr. Tony Colman (Putney) (Lab): I wish to present four separate petitions from constituents who live in Southfields and who object to proposals to erect Orange mobile telephone company masts in totally inappropriate locations. I shall not read each petition out, but they all end with the same paragraph. It states:

The Petitioners therefore request that the House of Commons urge Wandsworth Council to reject these planning applications on design grounds and that the Office of the Deputy Prime Minister re-examine planning law in relation to mobile phone masts in urban areas in order to give local authorities more power to reject such proposals in the future.

And the Petitioners remain, etc.

To lie upon the Table.

NHS Services (East Sussex)

Motion made, and Question proposed, That this House do now adjourn.—*[Vernon Coaker.]*

8.3 pm

Mr. Nigel Waterson (Eastbourne): I am delighted to have secured this debate. Almost every week recently there has been bad news in the *Eastbourne Herald* about our local NHS. Indeed, it has often been the front-page story. The content of my mailbag and the subjects that arise in my advice surgeries, as well as anecdotal evidence, show the extent of the problems. Clearly, certain issues need to be addressed.

However, at the outset I want to place firmly on record my appreciation of the hard work done by doctors, nurses, administrators and other staff at all levels in my local NHS. I hear from many of my constituents about their experiences in hospital and elsewhere and I see the work of the staff at first hand during my regular visits.

Recent problems began with the restructuring of services for older people and the closure of All Saints hospital in my constituency. It has been closing for some time—since before I was first elected in 1992. It had some 105 beds at its height and tended to specialise in older patients who had had serious strokes or broken hips or legs. It was clear that the hospital had to close at some stage. It was very old, and unsuitable for the modern age, the fabric was decaying and it was even dangerous. The only issue was what to replace it with. I have made my own position clear from the outset.

A plan was originally produced in October 2003, but it was decided, in the jargon of the NHS, to "unhook" the closure from the plans to replace All Saints. This beggars belief. In any event, it began to emerge that there was an intention to close All Saints come what may on 31 March this year. That raised some real worries among my constituents, especially the families of patients at All Saints—so much so that the Bishop of Lewes and I took the unprecedented step of calling a joint press conference in the chapel of All Saints to express our deep concerns. It is inexplicable to me even now that it has been so difficult to drag the truth about the plans out of the local NHS organisations. All this has been happening against a background of serious and sustained levels of delayed discharges in our area.

At this point, the county council's health overview and scrutiny committee under Councillor Bill Bentley became involved and played an important role in the unfolding drama. To cut a long story short, All Saints closed—a little later than 31 March, but it closed. Its replacement provisions contain three main elements. First, there is a new ward at the district general hospital called Hailsham 2, which I visited recently. It is now full, and it provides in-patient treatment for those patients who need acute treatment. It is my impression that it is working well. It is almost entirely staffed by former members of staff of All Saints hospital.

Secondly, there is Firwood house, a facility that has undergone renovation and is designed for those who are close to going home at the end of their treatment. Yet even now it is not fully operational. Staffing is not up to the levels needed, so not all the beds are being used. We were originally assured that it would be fully operational by 30 April, and that has not happened.

The third element is community teams—rehab teams and others—looking after people in their own home. But again, the teams have been plagued by staffing problems so we do not have, in the words of the health overview and scrutiny committee, a "seamless provision" to replace All Saints. It remains a disgrace that all this provision was not put in place before All Saints closed. It is dispiriting that there has been so much open in-fighting between different parts of the NHS over this issue. It raises issues about the current structure of the NHS, which is a discussion for another day. It is deeply depressing that it has taken so much pressure to persuade the local NHS organisations of the value and importance of carrying the local community with them both in closing a much-loved local institution and in persuading them of the need for and effectiveness of the new arrangements.

All this is against a background of major financial problems in the NHS. We have a financial recovery plan. These days, we seem to have one almost every year. We also have a local delivery plan. It is worth spending a little time on the documents. They refer to the deficits that were built up in the previous year—the year that has recently finished—and they look at ways of trying to bring this deficit and the projected deficit in the current year under control. They look at decommissioning and what they call demand management, and they talk about significant bed reductions. The documents also make the point, which will be of interest to the Minister, that in 2001–02 all the organisations in East Sussex were able to balance their books, but in 2002–03 all of them, except the Bexhill and Rother PCT, reported a year-end financial deficit. The organisations have built up between them a deficit of some £26 million across the local health economy.

Rather dramatically, the documents say:

"The LHE has to get into recurring balance as a matter of urgency and is wholly committed to doing so."

I have to ask why there is such urgency. Can the Minister answer that point? Touchingly, the documents say that they have a project implementation weighting that is the product of the ease of implementation, multiplied by the anticipated resistance or "noise". I suppose that I count as part of that noise.

The organisations need to make a recurring saving of some £10 million. We have already lost 105 beds in All Saints hospital. They are now talking about a medium-term saving of some 200 additional beds, and they are looking to close between one and two wards on each of the two sites, Eastbourne and Hastings, in the current financial year. They also talk about significant savings to be achieved

"by de-commissioning of services and demand management".

Amazingly, my local hospital plans to ensure

"that up to 4,000 new outpatient referrals . . . will not be made"

in the current financial year. That is a significant number.

The documents also refer to something that they engagingly call "transformation" which involves "site and speciality rationalisation". That emerges from the previous management merger between the hospitals in my constituency and in Hastings. On the back of that,

they have carried out a clinical services review. They make the point—this is my central concern in this debate—that when the review was set up originally

"its remit did not include working within a reduced resource envelope".

My reading of that is that clinical decisions and priorities may be decided not by medical criteria, but by the pressures of the budgetary problems that are faced. As I have said, we have a £26 million black hole in our local health economy.

The county council has been proactive on the issue, and has made the point that it would make more sense to stop fining it for delayed discharges and to invest the money in intermediate care services. It makes this damning indictment:

"As it stands the shortcomings of the LDP pose a serious threat to the health and wellbeing of the people of East Sussex."

On top of all those problems, we have seen some recent unhelpful and probably unfounded speculations about the future of the children's ward in my local hospital. I have received assurances from the authorities that the recommendations of the clinical service review are clear: in-patient services for children should continue to be provided on both sites. I hope that the Minister will take the opportunity to repeat those assurances this evening.

My own position since the merger has been clear: I can see no case for any major services being moved from one site to the other, especially in light of the poor communications between Eastbourne and Hastings—of course, the Government could choose to do something about that, but that is beyond the scope of this debate—unless a convincing case were to be made on grounds of safety of patients.

The clinical services review is still under way, but I shall sum up the position. We have massive problems with bed blocking, or delayed discharges. The present figures, from a day or so ago, show that the trust has 964 acute beds, of which nearly 11 per cent. are filled by bed-blocking patients. There is what the local hospital describes as the collective financial problem of nearly £26 million that has to be found from somewhere, yet the hospital and the PCT say that they suffer extra pressure due to the significant elderly population. In our area, we have the country's highest proportion of over-85-year-olds.

The PCT points out:

"The actual allocation to Eastbourne Downs is based on historic levels and historic levels of spending with specific increases each year . . . Because the allocation is over target, the year-on-year increase for this year and next is less than the national average."

There is a squeeze on funding over the current period. The trust also notes that East Sussex

"has the second worst level of delayed transfers of social and non-social care in the country".

In the long term, some of the initiatives may be right. Of course, we should avoid unnecessary hospital admissions and that sort of thing where possible, but my overriding concern is that the whole process, including the clinical services review, will be poisoned by budgetary concerns and that it will be driven by financial rather than medical motives.

In conclusion, I have four questions for the Minister. First, may I have his assurance that he and the strategic health authority will take a close interest in the re-provisioning of services for older people in East Sussex? Secondly, in due course, may we have as a serious option the possibility of a new, state of the art rehabilitation unit on the All Saints site? Thirdly, as there seems to be a recurring black hole in the finances of the local health economy of about £26 million, will he urgently review the formulae applying to East Sussex, with special regard to the high proportion of elderly people in the population? As I said, we have the highest number of over-85-year-olds in the country. Finally, will he ensure that budgetary pressures are not allowed to prejudice patient care or to distort clinical priorities in our area?

8.17 pm

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): As one always does on these occasions, I begin by congratulating the hon. Member for Eastbourne (Mr. Waterson) on securing the debate. I very much appreciate the interest he takes in his local health service. I know that these are matters of great concern to his constituents and, although I did not agree with some of the points he made, I very much appreciate the thoughtful way in which he put his case and the energy that he puts into trying to support his local health service.

I, too, begin by paying tribute to all the NHS and social care staff working in the hon. Gentleman's local health economy. Their commitment to the continued improvement of his local NHS and social care services is to be commended. I was delighted that he began his speech by congratulating them—something that is all too frequently forgotten.

The national health service plan sets out a challenging 10-year programme for NHS reform. We must ensure that services are accessible and flexible and designed around the needs of patients locally. That is why it is now for primary care trusts, in partnership with strategic health authorities and other local stakeholders, to determine the best way to use their funds.

The East Sussex health and social care community faces significant challenges, some of which the hon. Gentleman mentioned. Some of them are common to communities up and down the country, while some of them are specific to East Sussex; for example, East Sussex has a higher than average proportion of people aged over 60—a point to which the hon. Gentleman referred. In some areas, the number is twice the national average. There is a higher than average demand for primary care services and an increased use of GP services, due in part to the older population, and significant challenges are associated with delayed transfers of care. As the hon. Gentleman said, it would appear that the area is the second worst in the country. However, I must chide him slightly, as he is a member of a party that is committed to repealing the Community Care (Delayed Discharges etc.) Act 2003, should it ever come to power. What would that do to help the situation in his constituency?

Despite those challenges, the NHS continues to achieve the national standards set out in the NHS plan. For example, as at April 2004, no patient in East Sussex was waiting longer than nine months for in-patient treatment, and no patient in East Sussex was waiting longer than 17 weeks for an out-patient appointment.

Charles Hendry (Wealden) (Con): What advice would the Minister give to one of my constituents—an 80-year-old lady—who has finally, after 18 months, had a hearing test? She has now received a letter saying that she is now on the waiting list for a hearing aid. She was told, "We cannot tell you how long your wait will be. Please do not contact us to find out", as that only distracts staff from doing the work that they should be doing. Is that a service of which the Minister is really proud?

Dr. Ladyman: I would certainly not approve of that type of contact with the hon. Gentleman's constituents. We should try harder to aspire to a much higher standard than that, but we have made tremendous efforts to modernise audiology services across the NHS. We have introduced a digital hearing-aid programme that is gradually rolling out, which will be concluded shortly. We are also making great efforts to improve the training and supply of audiologists. I very much hope that no one will suffer from that bad service in years to come. If the hon. Gentleman wants to write to me on the specifics of that case, I shall be happy to make inquiries and report back to him.

We have made some achievements and reached some important milestones. That is good news, but we want to go further. We want to build on those achievements and further reduce the length of time that patients have to wait for treatment and deliver better care services across the board. The health service and local stakeholders in East Sussex share that vision. To make that progress and to live within the resources that it receives, the NHS and all the health and care organisations in East Sussex must look carefully at the way that they work, and that is just what they are doing.

For example, the mental health trust has consulted on and adopted a new model of mental health service delivery that will improve prevention and provide early intervention and better access for patients. The East Sussex social services department has made radical changes to its structure, service delivery and commissioning arrangements. Eastbourne Downs primary care trust provides a range of services from a purpose-designed facility in Eastbourne that comprises a community stroke team, day hospital, in-patient step-up and step-down services and community rehabilitation.

Norman Baker (Lewes) (LD): Does the Minister accept that the Eastbourne Downs PCT, which serves my constituents in Seaford and Polegate, has a financial problem that prevents it from rolling out services to those communities, as they wish? Given the consequences of the belt-tightening that must be endured, Seaford—a town of more than 20,000 people—is not receiving the health services that it needs.

Dr. Ladyman: I am not aware of the specifics of that issue, but I can tell the hon. Gentleman that in general terms, which I shall repeat later in my comments to the hon. Member for Eastbourne who initiated the debate, all health organisations in the NHS must live within their means. If we allowed an organisation to overspend, the consequence would be that we would have to take money away from another organisation and another local community. So we allocate the money as best we can, using as fair a formula as we can devise—we can debate the details of that formula—and then we must leave the PCTs to manage their funds and prioritise local services. I surmise that that is probably what that PCT and both hon. Gentlemen's local health organisations are doing in trying to balance their books.

Furthermore, partner organisations in East Sussex have developed a county-wide process of service review that is nationally recognised as being at the forefront of public and patient involvement. That clinical services review has considered eight different areas of the health service over the past 18 months. Each of those reviews has involved patients and has been appraised by clinical and patients reference groups. Those groups have made a number of recommendations that are now under discussion in the partner organisations.

An East Sussex clinical service review of children's services has been undertaken with the full involvement of both clinicians and the public. I understand that the recommendations in the report are based on recommendations by the Royal College of Paediatrics and Child Health and that they are currently being considered by the boards of East Sussex hospitals and PCTs. Far from being a matter of concern, the review process will ultimately lead to better care for everyone. Those who have been brave enough to engage in the process should be congratulated.

The hon. Member for Eastbourne raised issues about potential service changes and sought assurances, particularly on children's services. I assure him that no decisions have been made, but the changes are clearly very important to the development and improvement of local health services in the future. Any major change in service proposed in this area, as in all other areas, would require a full public consultation and ratification by the health overview and scrutiny committee. Anyone who misrepresents the position or engages in scaremongering for political gain—my intelligence from the local area suggests that that is being led by the Liberal Democrats—should be ashamed. Those people are not putting patients first and applying the objectivity that local people deserve.

The objective of the review is that health and social care services are transformed from high levels of institutionally based provision to a wider range of flexible and integrated services provided by multi-professional people in locally based facilities. That model of care is proven to provide real benefits for patients in terms of health and independence. The local delivery plan describes how the NHS and social care community will deliver the NHS plan over the next three years and it has been agreed by all NHS organisations in the area. In addition, the East Sussex county council cabinet has endorsed the overall direction of travel, which envisages a reduction in the number of avoidable admissions to hospital, shorter lengths of stay in hospital, reduced hospital capacity and reinvestment in community facilities, in particular in intermediate care.

Underpinning the local delivery plan are 10 key work streams which can roughly be described under three headings: short term, medium term and long term. In the short term, the NHS and its partner organisations need to work together to make the most of the resources that they receive. I understand that work is progressing

that will see improvements in procurement, moves toward more shared services, and more efficient use of the NHS estate.

In the medium term, new patient pathways will be designed. They will increase community services and thus reduce the need for hospital admission. The challenges associated with delayed transfers of care need to be addressed. For example, I understand that last week 10 per cent. of the acute hospital beds in East Sussex were occupied by patients who no longer required hospital treatment. That is not good enough. Although the NHS and the local social care services are working together to address the issues, the hon. Gentleman must direct some of the blame towards the local council, which has a responsibility.

The NHS and social care community in East Sussex are also refocusing services for older people. That includes developing services that encourage health, prevent unnecessary hospital admissions, minimise in-patient stays and maximise independence. Those services will be person-centred, closer to home, focused on rehabilitation and provided by a combination of professions. The closure of All Saints hospital must be seen in that context. Refocused services that allow the generation of more community and home-based provision are what people want.

The closure of All Saints hospital is a local issue. I am glad that the hon. Gentleman admits that it was unsuitable for the purpose and needed to be closed. I am aware that it was closed at the end of March as it did not provide safe and appropriate services for elderly patients. The closure released resources that have been and are being reinvested in community-based intermediate care in the Eastbourne Downs PCT area. That strategy is in line with our agenda for social care. In fact, we have announced that we are writing a new vision for adult social care. Three key principles will underpin and drive forward that new vision. They are that services must be person-centred, proactive and seamless. We have not always listened to what people want and need. We have created cultures and structures that have generated dependency. The challenge now is to offer people choice, control and empowerment. We must value their abilities. We must ditch the culture and language of need and dependency, and create services that empower people, which is exactly what the team in East Sussex are trying to achieve.

Finally, the hon. Gentleman expressed concern about the financial position of the East Sussex health economy. The local delivery plan includes a three-year financial recovery plan amounting to £26 million. The health service has received significant additional resources, and annual expenditure must remain within the resources allocated by Parliament—a point that I made to the hon. Member for Lewes (Norman Baker). If one part of the health economy is allowed to overspend, another part must pick up the tab, which simply is not fair. Between 2003–04 and 2005–06, the four primary care trusts in East Sussex will receive an increase of £130 million for health care services. In the constituency of the hon. Member for Eastbourne, Eastbourne Downs PCT will receive an increase of £47 million over three years, which represents a cash increase of 29 per cent, so there is no reason why it cannot manage and deliver high-quality care. All NHS organisations must understand that having received their fair share of resources they have a corresponding responsibility to manage them effectively without relying on bail-outs from the centre or from other parts of the NHS. They must manage within allocated resources.

It is the responsibility of strategic health authorities to deliver overall financial balance for their economies and to ensure that each and every body achieves financial balance. The health community has already made significant efforts to bring the financial position under control, and will continue to do so while ensuring that adequate and safe services are delivered to local people. The hon. Gentleman asked me four questions, the first of which was whether I took a close interest in these matters. My ministerial colleagues and I always take a close interest in such reviews, but under "Shifting the Balance of Power", those matters are to be decided locally. It is no good my colleagues and I thinking that we can run the whole health service from our offices in Whitehall, as we do not have the local knowledge and expertise to do so. We have therefore shifted many of the health service's resources to primary care trusts and local bodies, and we expect local service reviews to address local challenges on the basis of local knowledge and expertise. The hon. Gentleman needs to raise the state-of-the-art rehabilitation unit that he wants with local service commissioners. If they decide that that is the way forward, they would not encounter any argument with us at the centre.

I have addressed the black hole, as the hon. Gentleman called it, and it is important that local services tackle it. There is consensus about the way forward on managing the budget locally, and I am pleased that agreements have been reached. The hon. Gentleman talked about budget pressures that affect patient services, and it is important that we ensure that that does not happen. I am sure that given the increase—

The motion having been made after Seven o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at twenty-seven minutes to Nine o'clock.

House of Commons

Wednesday 23 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

OFFICE OF THE DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Crime and Disorder Reduction Partnerships

1. **Ms Dari Taylor** (Stockton, South) (Lab): What steps his Department is taking to support the development of crime and disorder reduction partnerships. [179829]

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Yvette Cooper): Local authorities have a statutory duty to work with the police and other agencies in local crime and disorder reduction partnerships. More than a quarter of neighbourhood renewal funds are spent on local crime and community safety projects supporting the work of the partnerships.

Ms Taylor: The Safer Stockton partnership, which has received beacon status, has reduced house burglaries by 13 per cent. over three years—an excellent achievement that has been delivered by street wardens. How will that body of excellent people be funded in future?

Yvette Cooper: I congratulate the Safer Stockton partnership, which was highly rated by the beacon council panel. My hon. Friend is right to say that neighbourhood wardens and street wardens are making a huge difference—in fact, the independent evaluation found that there was a 28 per cent. reduction in crime in the first wave of areas in which wardens were used. Of that first wave, 80 per cent. have found continuing funding, and we are examining ways in which to expand the programme further.

Mr. Eric Pickles (Brentwood and Ongar) (Con): It is no use the Minister saying that she is examining other funding methods. The wardens were introduced in a pilot scheme, which was extended, local authorities such as Stockton were encouraged to take them on, and the Prime Minister, in extending the schemes, said that they were very popular. Then, the Government pull the rug out from under local authorities and withdraw the funding. Is not that the clearest example of the Government imposing burdens on local authorities and transferring public expenditure by way of their favourite stealth tax, the council tax?

Yvette Cooper: I welcome the hon. Gentleman back to the Commons. I hope that he is recovering well. I am only sorry that he is continuing to talk nonsense. As he well knows, neighbourhood warden programmes have been extremely successful and, as I said, 80 per cent. of schemes across the country are already picking up continuing funding. He talks about burdens on local government, but what sort of burden would be imposed by a £2.5 billion cut in the local government budget? I wonder whether Conservative spokesmen actually speak to each other. The hon. Gentleman ought to talk to the shadow Chancellor and get to the bottom of the funding problem. It is true that wardens need continued funding; we are providing that from various sources, whereas his party would cut it.

Mr. Derek Wyatt (Sittingbourne and Sheppey) (Lab): I have met my local superintendent, Alasdair Hope, to discuss the crime and disorder reduction partnership in my constituency. The police have raised the planning impact assessment with me and want to know whether pressure can be brought to bear on new development. Four thousand new houses have been built in the area in the past five years, and a further 9,000 are due. If housing estates were better designed, crime would decrease. How can we improve the system?

Yvette Cooper: My hon. Friend is right to say that well designed public spaces and estates can have a big impact in terms of preventing crime. Working with the Home Office, we have produced guidance on designing out crime, and I encourage his local partnership to have a look at that guidance.

Sustainable Communities Plan

2. **Andrew Selous** (South-West Bedfordshire) (Con): What action he intends to take following the East of England regional assembly's comments on the sustainable communities plan. [179830]

The Minister for Local and Regional Government (Mr. Nick Raynsford): The Government are grateful for the work undertaken by the East of England regional assembly in assessing the infrastructure requirements needed to deliver the sustainable communities plan as part of its regional planning work. My right hon. and noble Friend Lord Rooker met representatives of the East of England regional assembly last Thursday, 17 June, and will write to them with a detailed response to their proposals once the outcome of the spending review is known.

Andrew Selous: Instead of trying to solve the housing problems of London and the south-east by ramming a vast amount of housing into only four areas around London, will the Government consider trying to spread housing growth more widely across the region, and in particular nearer to where people work, which would cut pollution and journey times? In addition, will the Minister pay serious attention to the 300,000 empty homes in and around London? Such an approach would

win praise from the East of England regional assembly and the 17,000 of my constituents who have asked the Government to think again.

Mr. Raynsford: The Government are not seeking to ram housing down the throats of the hon. Gentleman's constituents. We are responding to their concerns which, I remind him, he highlighted in the House on 5 March when he said:

"I am well aware, as the local Member of Parliament, that there is a great housing need in my constituency . . . week after week, my constituents come to me because they are unhoused or very inadequately housed."—[*Official Report*, 5 March 2004; Vol. 419, c. 1216.]

I am astonished that the hon. Gentleman does not welcome the action that the Government are taking to meet the needs of his constituents.

Mr. Patrick Hall (Bedford) (Lab): Does my right hon. Friend agree that there appears to be a conflict between the position of the East of England regional assembly, which accepts the argument of the Barker review, and the need to implement those proposals somewhere? Does he not agree that the growth areas represent an opportunity to obtain balanced communities through positive planning?

Mr. Raynsford: I entirely agree with my hon. Friend's positive and constructive approach to the need to ensure that we meet the unquestionable pressures throughout the south-east and the growth areas for new housing. The need for those homes, however, has to be met in a sustainable way, and it is important that that is accompanied by infrastructure investment. We are seeking to ensure that that happens, and all the discussions that are under way aim to achieve that.

Mr. Bernard Jenkin (North Essex) (Con): The vast majority of my constituents in North Essex have no idea that the East of England regional assembly exists. When they hear that it is going to start imposing housing targets for massive house building in my constituency they will be angry that it is just an extension of the right hon. Gentleman's Department. Why is the Government's regional policy so confused? One minute the Deputy Prime Minister claims that learning and skills councils will be the responsibility of regional government, but then that is slapped down by the Secretary of State for Education and Skills. The Deputy Prime Minister wants a Barnett formula for regional government, but of course the Treasury will not give him one. Why cannot a regional assemblies Bill be published as quickly as possible so that it can be debated, instead of the Government spending all the taxpayer's money on propaganda to promote regional government, which probably nobody wants?

Mr. Raynsford: It is difficult to know which part of the hon. Gentleman's rambling question was his priority, but our commitment is to give people in the northern regions choice about whether they have an elected regional assembly or not. His party has never given choice to people—it abolished tiers of government without giving people any say in the matter. We believe in democracy, and we believe in giving people a choice.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): A wide range of organisations in Milton Keynes recognise the positive approach in the sustainable communities plan to expanding Milton Keynes, meeting the undoubted housing needs of the local population and making sure that housing is affordable. In particular, may I pass on to my right hon. Friend the congratulations of the Milton Keynes forum, the only civic—

Mr. Speaker: Order. The hon. Lady can do that in writing.

Mr. Raynsford: Once again, I agree about the importance of a constructive approach to meeting the need for development in a sustainable way that protects the environment and improves people's quality of life. That is our commitment, and I certainly welcome all the work in Milton Keynes to achieve our common objectives.

Affordable Housing (North-West)

3. **Dr. John Pugh** (Southport) (LD): What figures the Government have collated on the availability of affordable housing in coastal towns in the north-west. [179831]

The Minister for Housing and Planning (Keith Hill): The availability of affordable housing is primarily a matter for local housing authorities, although the Government collate a range of data on housing stock condition, new completions and vacancies at local authority level.

Dr. Pugh: The Minister must recognise that there is a growing crisis in affordable housing in successful resorts such as Southport. That is a problem for first-time buyers, and it is also causes problems for the town's economic expansion. Does he acknowledge that there is now a case for looking closely at regional planning guidance and the housing moratorium?

Keith Hill: There is no moratorium. The hon. Gentleman should bear in mind the fact that over the past 10 years house building in the north-west region has exceeded demand by 50 per cent., so it is reasonable to try to relate new housing development to need. However, new Government funding of nearly £500 million over the next two years will deliver 9,500 homes for rent and sale, as well as improvements to existing houses in the north-west. I am sure that Sefton metropolitan borough council, Southport's local authority, will benefit from that new money for the purposes of affordable housing.

Mr. Lindsay Hoyle (Chorley) (Lab): While recognising the needs of Southport and the coastal towns, my right hon. Friend must not forget that nearby towns like Chorley, which are affected in the same way, ought to be part of the same package. Will he consider using the Government-owned land in Chorley for low-cost housing?

Keith Hill: I am aware of my hon. Friend's serious concerns about the matter on behalf of his constituents in Chorley, which he has raised in many representations to me. I anticipate that Chorley will benefit from the extra package of funding that I mentioned earlier, and we expect new planning guidance for the north-west region to commence towards the end of this year.

Postal Voting

4. **Mrs. Patsy Calton** (Cheadle) (LD): What reviews are being undertaken of the experience of the all-postal ballot pilots in the June elections; and if he will make a statement. [179832]

The Deputy Prime Minister (Mr. John Prescott): The Electoral Commission is evaluating the pilots and will report in September. The pilots' achievement is, however, already clear. In the four regions holding all-postal ballots, more than twice as many people voted as did in the Euro elections in 1999, an increase of nearly 3 million voters. Turnout in the local elections also increased. As the House knows, the Electoral Commission is reviewing, under the statutory requirements, the results of those four pilots and will report to the House. Unlike the hon. Member for Rutland and Melton (Mr. Duncan), who yesterday told the House that he did not care what the Electoral Commission thought, I am sure the rest of us in the House welcome the opportunity to study the commission's findings. Finally, I am sure the House will want to congratulate all the returning officers, their staff and the Royal Mail on rising to the challenge.

Mrs. Calton: Will the Deputy Prime Minister acknowledge that there is a tension between increasing the turnout, which we all welcome, and forcing people to vote by a method that they did not choose? Many constituents in Cheadle have indicated to me that they are unhappy about being forced to vote by post, and that they wish to be able to engage in voting at the local polling station, which gave them a sense of civic occasion that is lacking from filling in a form at home.

The Deputy Prime Minister: The turnout in the hon. Lady's constituency increased. In 1999 the turnout for the Euro election was 26 per cent. In 2004, in the last elections, it was 43 per cent.—a 65 per cent. increase. Whatever the tensions to which she refers, I do not believe for a moment that people were forced to vote in that manner. They turned out in their extra hundreds of thousands to vote. That was the purpose of the exercise and we achieved it.

Helen Jackson (Sheffield, Hillsborough) (Lab): Will my right hon. Friend take it from me that in Sheffield the postal voting pilot was extremely well managed, and was received universally throughout the city? We had a 100 per cent. increase in turnout compared with the last local elections. For many younger people, that will have been the first time that they had ever seen a ballot paper, and they used it. The one thing that my right hon. Friend might consider is making one or two local positions available for people to put their ballot papers on polling day. Apart from that, the system worked beautifully smoothly.

The Deputy Prime Minister: My hon. Friend rightly points out that there was a successful turnout. When the Electoral Commission recommended all-postal pilots, all parties in the House agreed. Nobody disagreed; everybody voted for the principle. More people participated in the elections than before—a very considerable increase. We are actively considering my hon. Friend's recommendation, but we should wait for the report from the Electoral Commission, which is reviewing the process and will report in September. I am sure that the House will give serious consideration to its recommendations, and not do as the hon. Member for Rutland and Melton did yesterday, when he said:

"I do not care what the Electoral Commission said."—[*Official Report*, 22 June 2004; Vol. 422, c. 1208.]

Mr. Edward Davey (Kingston and Surbiton) (LD): The Deputy Prime Minister knows that the all-postal ballots were extremely expensive for council tax payers, not least because of the cost of specialised printing, the huge amounts of overtime, and postage. What estimate has he made of the extra cost of the experiment to council tax payers, and how much would have been saved if he had listened to the advice of the Electoral Commission?

The Deputy Prime Minister: The hon. Gentleman's point about expense surprises me, because pilot experiments have occurred since 2000, and he did not complain about expense in the four years in which more than 200 all-postal voting experiments occurred. It would be a lot cheaper if people did not vote, but if that is the Liberal position, I disagree with it.

Mrs. Ann Cryer (Keighley) (Lab): Is my right hon. Friend aware that some of the problems in the Bradford district emanated from registration rather than from the all-out postal ballot? Is he prepared to chat with my hon. Friends the Members for Bradford, North (Mr. Rooney) and for Bradford, West (Mr. Singh) and me about the problems, as we perceive them, in the Bradford district?

The Deputy Prime Minister: I understand my hon. Friend's point, and she has made a number of public statements about the matter. However, I recommend that she talks to the Electoral Commission, which is reviewing the circumstances. I am always open to discussing hon. Members' fears, but the Electoral Commission, which will issue a report that the House will debate, will best address my hon. Friend's concerns.

Mr. George Osborne (Tatton) (Con): Will the Deputy Prime Minister confirm that this autumn's regional referendums will be postponed if the Electoral Commission identifies problems with the all-postal ballot?

The Deputy Prime Minister: The orders relating to the referendums will be laid before the House very shortly, and the referendums will take place. I shall reaffirm what we said last night: if the Electoral Commission makes it clear in its report that it believes the ballots to be unsafe, we will reconsider the voting process, but until we receive that report we will proceed with the orders. We

intend to hold the referendums and give people in the north the chance to decide whether they want their own assembly.

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush) (Lab): Will my right hon. Friend tell me the number of letters of apology that he has received from editors and journalists who told us that the election would be chaotic and that it would involve court cases? Is it the same old story of all the news that is fit to print, or has he received, as he ought to have done, letters of apology?

The Deputy Prime Minister: The press whipped up the atmosphere, often with little evidence, and I have asked the editors whether they have sent evidence to either the police or the Electoral Commission. My hon. Friend will wait a long time to get apologies out of the British press.

Mrs. Caroline Spelman (Meriden) (Con): Will the Deputy Prime Minister accept that yesterday's concession by the Under-Secretary of State for Constitutional Affairs, the hon. Member for Shipley (Mr. Leslie), which *The Times* has portrayed as something that may wreck the regional polls, is surely proof that, while he doggedly pursues the route to regionalisation, Government Front Benchers are increasingly looking for the exit signs?

The Deputy Prime Minister: That is nonsense. A report in *The Times* does not guarantee that a story is true. *[Interruption.]* There are many examples of *The Times* getting something wrong and not apologising. When *The Times* first raised its concerns about electoral offences, it committed an electoral offence itself by reporting an estimate from the exit polls. The hon. Lady should not necessarily believe what she reads in *The Times* –that statement is unfortunate, but it happens to be true. As in the cases of Scotland, Wales and London, the Government are united on giving people in the northern areas of this country a chance to say whether they want an elected assembly, and I hope that they vote for that. I assume that the Opposition will change their position, as they have done on every other occasion. To begin with, they oppose regional assemblies, but they accept them when people say that they want them.

Housing (Gatwick)

5. **Laura Moffatt** (Crawley) (Lab): When he expects to make an announcement about the future for housing development around Gatwick airport. [179833]

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Phil Hope): Decisions about the extent and location of housing developments are, in the first instance, for the local planning authority concerned. Decisions on whether to lift directions that restrict Crawley borough council from granting planning permissions for housing development on some of the land near Gatwick will be taken once final announcements have been made on the location of new airport facilities in the south-east.

Laura Moffatt: The Minister knows that Gatwick airport is a difficult issue, but does he agree that West Sussex county council's continual peddling of the idea that we want to concrete over the south-east of England is a dereliction of its duty? We must ensure that all the people in West Sussex have good quality housing.

Phil Hope: My hon. Friend is right. She is well known for her energetic efforts in pressing hard for more affordable homes for people in her constituency. There are other sites. For example, there is one in nearby Horley, where up to 2,600 new houses have been allocated for development in the emerging local plan. I urge the borough council and West Sussex county council to work closely with the Government office for the south-east to prepare an action plan that will deliver more homes for young families in my hon. Friend's constituency.

Sport

6. **Andy Burnham** (Leigh) (Lab): What assessment he has made of the potential of sport to help regenerate deprived communities. [179834]

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Yvette Cooper): Sport can play an important role in renewal programmes by building community links, improving health and engaging young people in popular activities. The Department has recently published reports that examine the links between sport and regeneration and provide guidance for local programmes.

Andy Burnham: Leigh sports village is a fine example of how to regenerate a deprived former coalfield area with first-class sports and education facilities. It carries the hopes of thousands of people in Leigh who have been let down many times previously. The plan is currently with the Department in a submission from the Government office for the north-west. Will my hon. Friend listen to the 95 per cent. of people in Leigh who support the scheme, give it the green light without a damaging delay and let us get on with rebuilding a better future for Leigh?

Yvette Cooper: My hon. Friend knows that we cannot comment on planning applications that are going through the process. We are keen to support more sport in the neighbourhood renewal areas and in neighbourhood renewal programmes as a valuable way in which to get local people, especially young people, involved in community life.

Bob Russell (Colchester) (LD): The Under-Secretary will agree that the provision of such facilities is good for deprived communities. Does she also agree that the cost of admission for the use of those facilities can be a disincentive? What advice does she give local authorities to encourage greater use of facilities by people in deprived communities?

Yvette Cooper: Local partnerships are pursuing various programmes, sometimes for reduced admissions in specific areas. The programmes are often for school children to encourage the use of sports facilities. I agree

with the hon. Gentleman that that can make a big difference in deprived areas and we would encourage more of it. There are some great programmes, such as the street games programme, which we would like to be developed in other areas. *[Interruption.]*

Mr. Speaker: Order. Hon. Members should keep the noise down.

Mr. Dennis Skinner (Bolsover) (Lab): Does the Under-Secretary realise that Bolsover fits neatly the criteria of being a deprived community, mainly because every single pit was shut in the 1980s and 1990s and some of the miners' welfare facilities went with those closures? Now we have a programme for brand new swimming baths in Bolsover, but we need some money and help. Will she have a word with my right hon. Friend the Deputy Prime Minister to ensure that we get the show on the road in the next couple of years?

Yvette Cooper: I am happy to look at the proposal that my hon. Friend mentions. He is right that we have had decades of under-investment and decline in the coalfield areas. The pits were shut and nothing was put in their place. We have now had seven years of good investment in our coalfield communities. That is bringing jobs back to the coalfield areas where they belong.

Pathfinder Projects

7. **Mr. Peter Pike** (Burnley) (Lab): What assessment his Department has made of the progress of the housing renewal pathfinder projects. [179835]

The Deputy Prime Minister (Mr. John Prescott): Under the sustainable communities plan, we are investing £500 million to help reinvigorate the housing markets in the nine areas that are worst affected by low demand. So far, we have allocated funding to six of the projects, including £68 million to the East Lancashire partnership, which covers my hon. Friend's constituency. We shall announce the funding for two more projects shortly. Each scheme has been independently scrutinised and endorsed by the Audit Commission and we are carefully monitoring progress to ensure that the proposals are delivered.

Mr. Pike: My right hon. Friend knows the importance of the housing pathfinder renewal projects in Burnley and east Lancashire to my constituency. He will understand that I am a little impatient, probably because of the scale of the problem in Burnley. Will he guarantee today that only the Labour party and a Labour Government are committed to working with councils to ensure the continuity of the programmes so that, ultimately, there is a solution to the problem in Burnley and other similar towns?

The Deputy Prime Minister: I agree with my hon. Friend. As he knows, I have visited Burnley to see the scale of the problem after decades of disinvestment in housing and the community. He also knows that the project that we have proposed will help. I can confirm that our programme of investing so much money in such areas will make a difference. The Opposition's proposal of an £18 billion cut will mean a cut of £400 million in the housing programme. I therefore cannot give my hon. Friend any friendly advice to vote for the Tory party unless he wants to perpetuate the housing difficulties in Burnley.

Matthew Green (Ludlow) (LD): The Deputy Prime Minister will be aware that one of the areas that has made the best use of the housing renewal pathfinder projects is Liverpool, particularly in relation to its development of neighbourhood projects. Will the right hon. Gentleman take this opportunity to praise Liverpool city council for the effective use that it has made of this scheme?

The Deputy Prime Minister: I will certainly praise Liverpool, along with many councils. I do not seek to make a political point. As the hon. Gentleman will know, I produced a report on the eight regions, which showed how all the eight big towns and cities involved had developed and had more jobs, less unemployment, and better health conditions and education. That is because central Government assisted the local authorities to improve the quality of life there. So, whether we are talking about a Liberal or a Labour-controlled local council, good luck to them all if they are carrying out Labour's policies.

PRIME MINISTER

The Prime Minister was asked

Engagements

Q1. [179844] **Valerie Davey** (Bristol, West) (Lab): If he will list his official engagements for Wednesday 23 June.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Valerie Davey: Unemployment has fallen dramatically in Bristol since 1997. Indeed, long-term youth unemployment has dropped by 95 per cent. Given this Government's outstanding achievement in promoting jobs, will the Prime Minister debunk the myth put out by the Leader of the Opposition that the European constitution will be a matter of job loss?

The Prime Minister: I certainly will. My hon. Friend is absolutely right to say that we have created about 2 million jobs since 1997, alongside the introduction of the minimum wage and the signing of the social chapter, which some people rather ill-advisedly said would cost jobs, although they have not. At the same time, it is important that we maintain the programme of the new deal, which the Conservatives want to scrap, through which about 1 million people have been helped. It is also important that we retain our membership of the European Union, because 3 million British jobs depend on it.

Mr. Michael Howard (Folkestone and Hythe) (Con): One of my constituents has just been told that she must wait 20 months to get radiotherapy treatment for her breast cancer. Why should she not have the right to choose an NHS hospital that could treat her more quickly?

The Prime Minister: I am not aware of the specific facts relating to the right hon. and learned Gentleman's constituent, but I agree that it is very important that we make sure that that person, and many others who need help in respect of breast cancer, for example, get the care that they need. That is why this Government have introduced minimum times in order to make sure that people are referred to consultants, and why we have increased massively the amount of investment, including in breast cancer care. I would simply say to the right hon. and learned Gentleman that we need only compare the record of his Government with ours to see how much better off people are under this Government.

Mr. Howard: I do not think that that will be of much comfort to my constituent. The Prime Minister says that things have got better. Is he aware that, in 1998, 28 per cent. of patients had to wait longer than four weeks for radiotherapy, but that, in 2002, 81 per cent. had to wait longer than four weeks? Is that what he means when he says that things have got better?

Now, can we get back to my question? If my constituent and her general practitioner can find an NHS hospital that can treat her more quickly, why should not she be able to go to that hospital for her treatment? Why is the Prime Minister denying her that choice today?

The Prime Minister: It is this Government who, as capacity increases, are giving patients choice for the first time. The right hon. and learned Gentleman asks, "Where is this improvement in the health service?" Let me tell him where it is. For example, there are 950,000 more elective admissions compared with 1997—that is improvement. There is a 59 per cent. increase in heart operations and a 70 per cent. increase in cataract operations. Every single waiting time and waiting list is down from 1997.

Let us compare that with the right hon. and learned Gentleman's record in government—when waiting lists rose by 400,000, when training places for nurses and GPs were cut, when 60,000 general and acute beds were lost and when the entire hospital building programme ground to a halt. This Labour Government, through investment and reform, are making the health service better. His only response is not a right to choose, but a right to charge.

Mr. Howard: I am afraid that my constituent will have noticed that the Prime Minister has not answered the question I put to him, and it was a very simple question. He is denying her the choice she needs to get her radiotherapy treatment and he will not explain or justify that.

The Prime Minister has just produced a list; well, I have a list too. Let us be clear: after seven years of Labour, and record spending, we still have 1 million people on waiting lists; average waiting times are up; deaths from superbugs have doubled; there are three new managers for every new doctor, and two for every new nurse; administration costs are up by £2 billion; Britain is now 18th out of 19 in the international health league table; and the Organisation for Economic Co-operation and Development, which he is very fond of quoting, says that there have been no real improvements in health care under Labour.

So, the real question is, how do we make things better? The Health Secretary said this morning that the answer is more targets. Does the Prime Minister agree with him?

The Prime Minister: I simply do not know the details of the case of the right hon. and learned Gentleman's constituent—he cannot expect me to—but the notion that the treatment of breast cancer has got worse in this country under this Government is utterly absurd: it has got better on every single measure. He says that we should get rid of all performance targets. Let me explain to the House what that means: getting rid of any targets for maximum waiting times and waiting lists, getting rid of the improvements in our accident and emergency departments, and getting rid of the obligation to treat people with breast cancer more quickly—that is what it means.

Let me tell the right hon. and learned Gentleman what I will not do. I will not introduce, as he apparently wishes to—and perhaps we can now discuss this—a subsidy to those who take out private health care, which would mean that if people wanted to avail themselves of it they would have to pay, under his proposals, some £2,000 for a cataract removal, £5,000 for a hip replacement and almost £10,000 for a heart bypass.

The difference is very simple: we are, as capacity expands, introducing the right of choice within the health service; the right hon. and learned Gentleman would introduce, having opposed every penny piece of that money for capacity, a right to charge, and patients would end up having to pay 50 per cent. of the cost of their operation—what a typical Tory measure that people will reject.

Mr. Howard: They are paying already under this Government—not 50 per cent., but 100 per cent.—and 300,000 of them a year, which is three times as many as were paying when the Prime Minister came into government. That is the truth of the health service under his Government, and he cannot even bring himself to say whether he agrees with what his Health Secretary said this morning.

Let me tell the Prime Minister what his Health Secretary did say. He said of the NHS that "it needs . . . more targets". Does not that tell us everything we need to know about this Government? Is it not the truth that there are two visions for the future of the national health service: the Labour vision of more targets, more bureaucrats, more centralisation, less freedom for doctors and nurses, and phoney choice for patients, and the Conservative vision of an end to centralisation and targets, real freedom for doctors and nurses, and the real right to choose for patients?

That is what works in other countries such as France and Sweden, which have better health care than we have here. Why will the Prime Minister not let us have that here?

The Prime Minister: May I say how delighted I am that the right hon. and learned Gentleman has decided to make the national health service the battleground for the next election? I welcome that very much. He has one problem, however: his record. For 10 years, he was a member of a Government who put up every single waiting list and under-invested in the national health service. It is true that they had performance targets—they had a performance target that everyone had to be treated within 18 months: the trouble is, they never met it. Let me tell him what the difference is—we have put in the money, which has got the largest hospital building programme under way, which has provided 70,000 extra nurses and thousands of extra doctors and which is making sure that waiting lists and waiting times are falling, that cancer deaths are down by 10 per cent., and that cardiac deaths are down by 20 per cent.

What is the right hon. and learned Gentleman's proposal? It is incoherent in virtually every aspect, but as with the pupil's passport, in the end, whatever gyrations of policy his party goes through, one thing is always consistent—it is a subsidy to the private sector to get people out of a public service. That is the Conservative party's policy. It will mean that people have to pay for half the cost of their operation outside the health service. Up to the next election, we will remind the British people not just of the Conservative party's record, but of the proposal that it now has to take money out of the health service and subsidise private health care—same old Tories, same old policies, same old philosophy, and the same old rejection by the British people.

John Mann (Bassetlaw) (Lab): Two years ago, there were 80 burglaries a month in Worksop; last month, there were 18. Two years ago, there were 11 overdose deaths from drug addiction in Bassetlaw; this year, to date, there has been none. Two years ago, no one was being treated by GPs for drug addiction; today, there are 150, and that is going up. Is that not the way forward for drug treatment in Britain?

The Prime Minister: I pay tribute to my hon. Friend, who has campaigned long and hard on this issue. He sensibly recognises that the programme that we are now embarked on—we are at the start of it—will allow us eventually, throughout the country, to offer a clear choice, if I may put it like that, to drug abusers who are also criminal offenders: they can either get drug treatment, and we will help to cure their addiction, or they will face increasing penalties, and they will be less likely to get bail and more likely to receive a custodial sentence. That measure of toughness on sentencing, and ensuring that we give them treatment, is the best way to proceed.

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): Does the Prime Minister recognise the force of the argument being made today by the chairman of the Audit Commission? He makes the central point that

"providing widespread choice across public services would require impractical levels of extra resources".

Does the Prime Minister agree with that analysis?

The Prime Minister: No, I am afraid that I do not. If I may say so, I am rather happily placed between the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), who wants choice to get out of the public service, and the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy), who does not want choice within the public service. If there is choice within a system in which there is not increased capacity, the bulge will simply be moved around the system. Therefore, the important thing is to increase capacity and then provide the choice. That is what we are doing, people are welcoming it, and it is one of the reasons why waiting times and waiting lists are falling so rapidly.

Mr. Kennedy: I am sure that the chairman of the Audit Commission will note with great interest the Prime Minister's comments on his remarks. Was not the lesson for us all from the recent local elections that for many people the debate about choice misses the point? What people want are quality public services available to them locally, not a false debate about choice.

The Prime Minister: I do not know whether the right hon. Gentleman's experience of the local elections was quite the same as mine. I did not think that the issue at the local elections was choice in the health service. In fact, I seem to remember the Liberal Democrats fighting on a slightly different tack from that in most of their propaganda.

The right hon. Gentleman rather misdescribes the article by the chairman of the Audit Commission that was in the *Financial Times* this morning. I read it and I think that it was more balanced than he suggests. Of course what people want is a decent hospital or school right on their doorstep. However, what is important is that, as a means of getting that—let us be honest about it: not everyone is in the position where they have a decent hospital or school on their doorstep—if there is spare capacity elsewhere within the system as we increase capacity, they should have the freedom to go elsewhere within the national health service. That is precisely what we are advocating. *[Interruption.]* We are not advocating a subsidy to private health care, which is the policy of the Conservative party. Therefore, I think that we have the perfect point and counterpoint. The right hon. Member for Ross, Skye and Inverness, West wants an unreformed national health service. The right hon. and learned Member for Folkestone and Hythe wants to support the private sector at the expense of the health service, and we want a reformed and modernised national health service for the 21st century. I think that that is exactly the position that we should be in.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Does the Prime Minister accept that a large part of the huge increase in NHS spending rightly goes to pay substantial increases in salaries to GPs and consultants? Will he therefore remind the consultants in particular that we expect value for money and priority for NHS patients?

The Prime Minister: That is exactly what the new contract helps with, and, of course, the single tariff within the health care system will allow that to happen to an even greater extent. Interestingly, as a result of the

reforms that we are introducing, the private sector cost, when that sector contracts with the national health service, is falling, so we are getting major gains in the interaction between public and private sector—but to the benefit of NHS patients.

Mr. Howard: Does the Prime Minister agree with Home Office expert Robert Owen, who told Swansea Crown court that

"it was accepted"

by Government

"that the true figure of immigration was considerably higher than the official figure"

and that, for example, the number of people from China living in Manchester is six times higher than Government figures suggest?

The Prime Minister: There is obviously an issue to do with illegal immigration in particular. We have tightened the immigration rules, and the other day we announced further measures. Of course, there are issues about immigration in this country, as there are in every major developed country around the world, but, for example, in respect of asylum, which was a particular problem in our system, the asylum numbers are now well down on where they were a short time ago, and we are now processing claims in an average of about two months, which used to be 18 months under the right hon. and learned Gentleman. I do not doubt that there are still issues in relation to immigration. Of course there are, but we are tackling them systematically.

Mr. Howard: Mr. Owen also said—on oath—that the number of routes into Britain was "unbelievable" and that some criminals had abandoned drug dealing because people smuggling is more lucrative. In the light of those remarks, how can anyone have confidence in the Government's control of immigration?

The Prime Minister: Many people have different views about how serious the issue to do with immigration is. We have accepted the fact that there are abuses in the system. That is why we are tackling them systematically, but I hope that the right hon. and learned Gentleman accepts, as I do, that it benefits this country to have people coming here to study, for example, or on work permits. It is absolutely correct, however, that we need to expand the numbers within the immigration and nationality department, as we have been doing, in order to tackle illegal immigration, drug smuggling and people smuggling. That is why we are setting up the new serious organised crime agency and why we will make certain proposals on organised crime over the next few months, but it would be wrong to suggest that these problems are new, and that they are simply limited to this Government in this country. We are taking measures to tighten the procedures. Many of those measures to tighten the procedures and, for example, to restrict the right of appeal, which elongates proceedings unnecessarily, have been opposed by the Conservatives in the House of Lords.

Lynne Jones (Birmingham, Selly Oak) (Lab): Will the United Kingdom Government be supporting the United States Government in their attempt to get a renewal of the United Nations Security Council resolution that exempts US troops from the jurisdiction of the International Criminal Court—and if so, why?

The Prime Minister: The Foreign Secretary has just helpfully told me that discussions are taking place at the moment—hon. Members can work that one out for themselves. Whatever the position of the United States on the International Criminal Court, we have always made it clear that we take a different position. We have been one of those who have moved very strongly in favour of having an International Criminal Court, and I happen to think that the concerns of the United States, although I understand them, are misjudged when one looks at the facts. However, we have made that position clear to the United States throughout and it is for the United States to take forward its position and for us to take forward ours. I hope that we can reach an agreement—this is what I would prefer—whereby both we and the United States were satisfied with the workings of the International Criminal Court.

Q2. [179845] **Pete Wishart** (North Tayside) (SNP): Given the deteriorating situation in Sudan, with 1.2 million people now displaced and the prospect that an estimated 360,000 will die in the next two months, will the Prime Minister commit his Government to working fully with the international community to ensure that that horrendous situation is addressed? Will he personally go to the United Nations to ensure that a Security Council resolution is secured and delivered?

The Prime Minister: We have, of course, supported Security Council resolution 1547, which urges the Government of Sudan and the various groups in Darfur to observe the ceasefire, allow unimpeded humanitarian access and conclude a political dialogue without delay. As the hon. Gentleman knows, we are the second biggest bilateral donor in that situation. My right hon. Friend the Secretary of State for International Development went out to Sudan to look at the situation there and see what more we could do to help. As a Government, we have been in touch with the Untied Nations as well as with the Government of Sudan. The situation is very serious, but I assure the hon. Gentleman that we are doing everything that we possibly can to deal with it. The Foreign Secretary had a meeting with the relevant officials this morning to work out how we can take the matter forward.

Mr. Malcolm Savidge (Aberdeen, North) (Lab): Would it not strengthen Britain's moral leadership, in seeking to use our presidency of the G8 and the EU next year to focus the world community on initiatives to tackle global poverty, if we were to set a clear timetable for reaching our UN target of giving 0.7 per cent. of GDP in overseas aid?

The Prime Minister: We are committed to meeting the UN target. It is correct that we have not as yet set a specific timetable to do that, and my hon. Friend will know that there are bound to be resource constraints, although I have to say that we are making steady progress towards the target. It is worth pointing out that in 1997, the proportion that we gave in aid was 0.26 per cent. and that by 2005–06 it will be 0.4 per cent.

Obviously, we want to see that figure move higher, but that will be the highest level since 1981. We will be committing in bilateral aid about £1 billion a year to Africa. I have already indicated that for our G8 chairmanship next year, the two key priorities should be Africa and climate change. We will therefore focus a great deal of our effort on Africa, through the Commission for Africa in particular.

Q3. [179846] **Mr. David Heathcoat-Amory** (Wells) (Con): As the Prime Minister knows, EU institutions are the subject of repeated scandals about waste and fraud, and the auditors have refused to sign off the European accounts for the past nine years. Under the European constitution, however, the same bodies will have more powers in 11 new areas. Why does the Prime Minister want to give more power to institutions that are inadequate even for their existing tasks? Specifically, why did the Government representative on the Convention that drew up the constitution fail to table a single amendment—or to support mine—to clean up and reform the same institutions?

The Prime Minister: I agree, and there is no doubt that these institutions need to be reformed. Indeed, one of the jobs of the new Commission President—when he or she is appointed—will be to take that programme of reform forward. That is absolutely clear. I have to tell the right hon. Gentleman that, whatever the difficulties, in my book that is no reason for leaving the European Union or for trying to renegotiate our essential terms of membership.

It was no surprise that the right hon. Gentleman made a point about the EU, but the fact of the matter is that he and several of his colleagues—possibly now a majority of his colleagues on the Conservative Benches—want to use rejection of the treaty to force a renegotiation of Britain's existing membership and relationship with the EU. They will use any argument to do so. In my view, if there are problems of accountancy or fraud within the EU, we stick in it and sort them out; we do not get out of the EU, which would not be good for Britain or for British industry.

Mr. Harry Barnes (North-East Derbyshire) (Lab): My right hon. Friend has stressed the democratic advantages in the proposed European Union constitution for our Parliament. Will the proposals bring similar advantages to the European Parliament? Surely we should be advancing towards all power to all the Parliaments.

The Prime Minister: In certain areas, there will be a greater right of co-decision through the European Parliament. That is important, but there will also be—*[Interruption.]*—a good balance between the European Parliament and the national Parliaments, which for the first time will have the ability to have some say in Commission proposals. People have missed the significance of that. The ability of one third of the national Parliaments to send proposals back to the Commission will give a greatly enhanced right—indeed, a right for the first time—for those Parliaments to have a say in European legislation. I think that that will help. Yes, there will be greater co-decision in the European Parliament and there will also be greater ability for the European Parliament to interact with national Parliaments.

Q4. [179847] **David Burnside** (South Antrim) (UUP): Let me try to help the Prime Minister regarding his press conference on Friday this week at Lancaster house, which he will chair after yet another meeting of the political and local parties from Northern Ireland to assess whether progress has been made in the peace process. When he is talking to all the political representatives there, will he attempt to tell the republican leadership that its time has run out and that it is holding up the establishment of Stormont four years after the end of decommissioning as specified in the Belfast agreement? After he has told that leadership that its time has run out, will he turn to the leaders of the democratic parties—the Ulster Unionist party, the Democratic Unionist party, the Social Democratic and Labour party and the Alliance party—and facilitate, by legislation if necessary, the formation of a cross-community Executive? We could then have devolution up and running at Stormont and no longer vetoed by Sinn Fein-IRA.

The Prime Minister: I have been making it clear since my speech of November 2002—the so-called acts of completion speech—that there is no way in which we can get these institutions back up and running unless there is a complete and total cessation of all paramilitary activity. That has been made clear throughout. I can assure the hon. Gentleman that I will be making exactly the same points again. However, it is important to try, if we possibly can, to reach agreement on a basis that includes all political parties. That has to be on a clear, shared democratic understanding. I can assure him that there is no way in which we will try to force people into an Executive to share power with others unless they are prepared to give up their paramilitary activity completely. I do say to him, however, that I hope that if the IRA definitively and clearly ceases paramilitary activity and gives it up so that the campaign of violence in all its aspects becomes a thing of the past, the Democratic Unionist party and the Ulster Unionist party will be prepared to go into government with it. In my view, the challenge is for the IRA to give up violence completely, and then the challenge is for all the parties to come together and make the Executive and institutions work.

Siobhain McDonagh (Mitcham and Morden) (Lab): The South West London elective orthopaedic centre, which serves my constituency, is the largest orthopaedic centre in Europe. It has been open only three months and this year has the capacity to undertake 3,150 hip and knee replacements. May I ask the Prime Minister to ensure that the centre continues to get the funds to help the many people who need it, rather than subsidise private operations for the few?

The Prime Minister: I can absolutely assure my hon. Friend that we will certainly continue funding for that centre. Indeed, we will have more such centres up and down the country so that people can have more choice. However, I point out to the Opposition that they opposed our introduction of diagnosis and treatment

centres. They go on about choice, but I repeat that the choice that they offer is to leave the NHS. The Government are giving people choice inside the NHS.

Q5. [179848] **Mr. Simon Burns** (West Chelmsford) (Con): Will the Prime Minister accept the clear recommendations of the Electoral Commission and the Select Committee before all-postal ballots are extended? Does he agree that there should be better safeguards against fraud, including individual voter registration?

The Prime Minister: I think that the Under-Secretary of State for Constitutional Affairs, my hon. Friend the Member for Shipley (Mr. Leslie), said yesterday that we would study those recommendations carefully. Of course we want to make sure that we minimise any possibility of fraud, but I remind the hon. Gentleman that postal voting means that we get a higher turnout.

Anne Picking (East Lothian) (Lab): Does my right hon. Friend agree that, although the Scottish National party wants to change its leader as often as the Tories, the people of Scotland will never take on an independent—

Mr. Speaker: Order. That has nothing to do with the Prime Minister.

Q6. [179849] **Mr. David Amess** (Southend, West) (Con): When the Prime Minister next discusses working-class issues with his Health Secretary, will he consider the widespread concern around the country about the siting of telecommunications masts? Will the Government consider altering the planning laws, so that applicants will have a duty to prove that there is a need for a mast, and that there are no associated health risks?

The Prime Minister: What we should do is make sure that we proceed carefully, according to the scientific evidence. Experts in the field prepare reports and reviews for the Government, and we must take account of them, but it would be foolish for us to make a decision that was not based on the scientific evidence. Therefore, I will proceed very carefully—as the Government are doing—but the decision that we reach will be in the interests of all the community, and it will be based on proper scientific knowledge and expertise.

BILL PRESENTED

FOOD JUSTICE STRATEGIES

Alan Simpson, supported by Mr. David Amess, Mr. Don Foster, Mr. Simon Thomas, Dr. Ian Gibson, Mr. David Drew and Dr. Howard Stoate, presented a Bill to require the Secretary of State and the National Assembly for Wales to draw up and implement strategies to promote food justice and to eradicate food poverty; to specify certain matters that shall be considered in the strategies; and for related purposes: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed. [Bill 125].

Cinemas (Rural Areas)

12.32 pm

Mr. David Rendel (Newbury): I beg to move,

That leave be given to bring in a Bill to make provision about cinemas in rural areas

I am delighted to have this opportunity to present a Bill that will increase the opportunities for filmgoing in rural areas. There are two important trends at present in UK cinema exhibition. First, the good news: cinema audiences and the number of cinema screens are both growing. However, the bad news is that there is a growing concentration of that capacity, to the exclusion of many of our communities.

The latest figure show that, in 2003, 44.3 per cent. of all screens are in city-centre locations, and that 52.2 per cent. are in suburban, edge, or out-of-town locations. Only 3.5 per cent. of screens are in rural areas. In London, there are 6.5 screens for every 100,000 people. That compares with 3.5 per 100,000 in the north-east, and 3.8 in the south-west.

Across the country, many small local cinemas are closing. In 1988, multiplex venues accounted for only 10 per cent. of the UK's cinema screens. That figure rose to 37 per cent. by 1995, to 57 per cent. by 1999, and to 71 per cent. by 2003.

More than three quarters of multiplex screens are owned by just five companies, and more than 50 per cent. are owned by just three companies. That raises serious questions about whether there is a level playing field for competition in the industry. Richard Cobden might have had something to say about that.

My point is not that multiplex cinemas are a bad thing—we would dearly love to have one in Newbury—but that the closure of the smaller cinemas that tend to serve the rural communities has resulted in a serious problem of access in many small towns and rural areas. As John Woodward, the chief executive of the UK Film Council stated it in a letter to a local campaigner on this issue:

"Over the last ten years, despite huge growth in the number of cinemas and screens in the UK, audience choice has not increased, with fewer titles in wide distribution and a film diet comprising mainly Hollywood blockbusters."

Why should we worry about the closure of what is often described as the local fleapit? First, cinemas are an important part of local history. Local historian Frances Berry has described cinemagoing in Newbury in the era of silent films:

"We sat on wooden chairs which were constantly on the move as the occupants got more and more excited at the drama unfolding before them, during which they would cheer the heroes and boo the baddies, all the while tucking into a variety of edible items, more often than not fruit from the local stalls."

Above all, cinema was a communal experience—people used to bring their fish and chip suppers with them—and they were part of the life and vibrancy of the town. The trend today is in a very different direction. Cinema is less likely to be a local or a communal experience. The dominance of the multiplex has resulted in what is often a more sterile, individualised filmgoing experience.

Secondly, local cinemas make an important contribution to the economic and social vitality of local communities and to social inclusion. Their closure

[Mr. David Rendel]

means that people have to travel in order to reach a cinema, often for a considerable distance and almost always by car. At the same time, many people are simply excluded from access to the cinema: if one is elderly or a child, or if one has poor access to transport or is unable to afford ticket prices, the nearest multiplex venue may not be an option. The closure of small-town cinemas runs counter both to the Government's efforts to safeguard the environment from the unnecessary use of cars and to minimise social exclusion.

Thirdly, local cinemas are important because a free and diverse society benefits from the widest possible public access to the arts in all their diversity. Cinema speaks in a universal language. It deals with universal themes of love, sadness, joy and loss. But films are also grounded in a specific cultural context. Because they communicate the particular in a language that is universal, they are powerful mediums of cultural understanding. In a society with large communities from the Indian sub-continent, for example, we all benefit from having access to Indian films. As we struggle with our identity as European citizens, we benefit from having access to continental European cinema. And, of course, British films—an important source of cultural understanding for our ethnic minorities—often struggle to get a screening. The closure of local cinemas is therefore worrying because it restricts choice and the variety of films on offer.

Fourthly, we all complain about vandalism and yobbish behaviour in this country. The Government's only answer is ever more restrictions, particularly on young people. Why not take a more positive line? Why not offer young people who want to spend time with their friends and away from their homes an opportunity to enjoy a good film? Not only social inclusion but social cohesion can be enhanced by a good local cinema.

What can be done? First, it is important to acknowledge the valuable work already being done by the UK Film Council. The digital fund for non-theatrical exhibition, involving £500,000 of lottery money, offers opportunities to film clubs, local film societies, community groups and mobile film exhibitors to buy DVD-based digital projection equipment. Awards under the scheme cover 50 to 80 per cent. of the costs of the equipment, or up to £5,000. The Film Council is also working on a grant award scheme for film societies, aimed at improving the film programming services available locally. Meanwhile, the Film Council's distribution and exhibition fund is distributing £13 million of lottery money to create a digital screen network, with the aim of expanding access to specialised films, particularly in areas of social exclusion.

Those are important initiatives, and the Film Council deserves our congratulation and support for its work. However, it is operating under significant financial constraints: only 2 per cent. of the lottery budget for good causes is allocated to its work; moreover, there is no dedicated public funding stream to facilitate capital investment in new cinema capacity in areas where there currently is none. I understand that the UK Film Council will be in a position later this year to announce some money for capital work, but we are talking about a relatively small amount to cover small-scale investment in fixtures and fittings, rather than a major investment programme of the kind needed. I hope that the Government will take seriously the case for increased public support from lottery or non-lottery sources for cinema exhibition.

So much for why my Bill is needed: let me now explain the four proposals contained within it. The first two relate to planning law. First, my Bill will remove cinemas from the use class category D2 (Leisure). At present, a change of use involving a cinema building need not require planning permission if it involves movement within the same use class. For example, a building may move from being a cinema to being a bingo hall. By removing cinemas from the leisure use class, my Bill would extend to them the same protection that applies to theatres and give local authorities an important tool with which to prevent the closure of existing cinemas.

A second change to planning law would help to facilitate the opening of new cinemas. My Bill would require the Secretary of State to bring before Parliament regulations to ensure that cinemas are included among acceptable objects for planning gain. The third proposal is an expansion of the market towns initiative to include support for cinema capacity in small rural towns. The fourth is to allow local authorities to provide business rate relief on a discretionary basis to local cinemas. That would require an amendment to the Local Government Finance Act 1988, in much the same way as the Local Government Act 2003 already enables rate relief for community amateur sports clubs. Together with my proposed change to planning rules, that would give extra discretion to local councils to safeguard vulnerable cinema facilities and, perhaps, introduce new ones.

Cinema has been described as an everyday magic. It is part of social and cultural history. But, as I have tried to show, cinemas are important for the economic and social vitality of small towns and village communities. This is not just about protecting the local fleapit for nostalgic or sentimental reasons. It is a contribution to a much wider policy agenda, relating to the reduction of crime and vandalism and to the economic, social and environmental sustainability of local communities. For those reasons, local cinemas deserve political support. I hope, therefore, that the House will support my Bill.

Question put and agreed to.

Bill ordered to be brought in by Mr. David Rendel, Mr. Don Foster, Sue Doughty, Andrew George, Sandra Gidley, Mr. Phil Willis, Nick Harvey, John Mann, Jane Griffiths, Mr. Derek Wyatt, Hugh Bayley and Mr. David Curry.

Cinemas (Rural Areas)

Mr. David Rendel accordingly presented a Bill to make provision about cinemas in rural area: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 126].

Domestic Violence, Crime and Victims Bill *[Lords] [Ways and Means]*

12.42 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I beg to move,

That, for the purposes of any Act resulting from the Domestic Violence, Crime and Victims Bill [*Lords*], it is expedient to authorise the payment into the Consolidated Fund of any amounts recovered in respect of payments made under the Criminal Injuries Compensation Scheme.

As part of the Government's strategy for making criminals pay for their crimes, we have tabled an amendment to the Domestic Violence, Crime and Victims Bill that will ensure that more offenders contribute towards repairing and rebuilding the lives of the victims they have harmed. The aim of the amendment is to give the Criminal Injuries Compensation Authority a power to recover from offenders the money it has paid in compensation to their victims under the criminal injuries compensation scheme. In practice, where the Criminal Injuries Compensation Authority has paid compensation to a victim of violent crime, the authority will be able to pursue the offender for some or all of that compensation through the civil courts.

The amendment will insert a new clause into the Criminal Injuries Compensation Act 1995, which is the Act that paved the way for the introduction of the present tariff-based compensation scheme. The amendment will give the Criminal Injuries Compensation Authority the powers it needs to pursue offenders. It will also provide that the money recovered from offenders should be paid into the Consolidated Fund. That is a standard provision and is consistent with the current arrangements for victims. Under the scheme, sums recovered from victims who have secured compensation from other sources in addition to the compensation scheme—for example, from the offender himself—are also paid into the Consolidated Fund. Payments going into the Consolidated Fund are deemed to create a charge upon "the people", and this in turn necessitates a ways and means resolution, which is why I seek the approval of the House today.

This is not the occasion to discuss the merits of the amendment, as they will be considered as part of the deliberations of the Committee, which, I can report to the House got off to a positive start yesterday. However, I can confirm that the amendment limits recovery of compensation to those who have been convicted of an offence in the criminal court and makes it clear that the amounts recovered must be confined to the compensation paid for the injuries or harm that results from the offence or offences for which the offender was convicted.

The proposal to give the Criminal Injuries Compensation Authority a right to recover money from offenders was one of a number of proposals set out in the consultation paper, "Compensation and Support for Victims of Crime", issued on 12 January 2004. More than 30 respondents to the consultation commented on that proposal and the overwhelming majority were strongly in favour. In the light of that widespread support, we decided that we should give effect to the proposal as soon as possible. We shall be inviting the Committee to approve the amendment, which is why we are seeking the approval of the House for the Ways and Means motion.

I am sure that the House will agree that it is right, wherever possible, that offenders should be made to pay for the consequences of their crimes. If so, it follows that it must also be right for the Criminal Injuries Compensation Authority to be armed with the necessary powers to pursue offenders for the compensation that it has already paid out to their victims from public funds. I therefore commend the motion to the House.

12.46 pm

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): First, Mr. Speaker, may I take this opportunity to apologise for my inelegant exit from the Chamber earlier, in a vain attempt to switch off a pager that I thought was on silent? My apologies to the House for the disruption I caused.

As I made clear during the Second Reading of the Domestic Violence, Crime and Victims Bill, the Opposition broadly support the intentions of the measure and intend to work constructively to ensure that a well-drafted Bill enters the statute book. The costs associated with the Bill are not enormous, but they are nevertheless significant. I shall ensure that my remarks are relatively brief.

It is worth considering the overall costs. The explanatory notes estimate a total annual cost of £40 million and an insignificant increase in public service manpower. It is envisaged that there will be a relatively small increase in the work of the police, the Crown Prosecution Service and the courts and, in the case of the measures for victims, the parliamentary ombudsman's office. However, we must not lose sight of the fact that the police, the CPS and the courts are already extremely busy and that even a relatively small increase in work, or in the number of cases coming before the courts, could be hard to accommodate within existing structures.

Nevertheless, we have to consider the costs of the Bill in increased public expenditure and manpower against the estimated costs of domestic violence. According to the regulatory impact assessment that accompanied the Bill, the immediate and long-term human costs of domestic violence are profound; we all agree that the financial costs to the public purse and to society in general are immense. It would thus be of long-term benefit to the public purse to tackle domestic violence; it is estimated that even reducing it by 1 per cent. would save us £52.5 million a year, which is not to be sneezed at. The RIA illustrates that by the Hackney example; the full costs for the London borough of Hackney are estimated to be close to £7.5 million, which is equivalent to £37.50 per resident. The annual cost to the whole public purse could thus be about £2.25 billion. That shows in no uncertain terms the economic case as to why it is right to tackle domestic violence.

We should not be a responsible Opposition, however, if we did not scrutinise Government expenditure or proposals and it certainly was not clear from the explanatory notes that accompanied the Second Reading what the financial and manpower impact of the new provisions on compensating victims of crime will be, because those provisions were drafted so late in the

[Mrs. Cheryl Gillan]

day. In fact, I am pleased to hear that the Minister has tabled those amendments. I have yet to see the latest set—*[Interruption.]* Oh, fine. The Minister is telling me that they are not yet tabled.

Paul Goggins: I was doing my best to indicate to the hon. Lady that the amendment that relates to the ways and means resolution was tabled towards the end of last week. The other amendments that relate to other measures to do with victims have not yet been tabled. I promised yesterday that they would be tabled in the next couple of days. She needs to give me a little more time, but I promise that they will be tabled, as I promised yesterday.

Mrs. Gillan: I am glad that the Minister is making that clear, but I am being uncharacteristically generous to the Government. Even though the ways and means resolution relates to a single, narrow amendment, it would be helpful to set it in the light of the other amendments and proposals. Bearing it in mind that the Government have not tabled any of those amendments for us to look at and that we are already well into the scrutiny of the Bill in Committee, I hope that the Minister will ensure that they are certainly on the amendment paper by the end of today.

On the day that the House gave the Bill a Second Reading, the Home Secretary issued a press release that read:

"A Victims Fund will put more money into services such as practical support, information and advice to victims of rape and sexual offences, road traffic accident victims and those who have been bereaved as a result of crime. We want to provide more funding to the voluntary sector and communities to meet local needs. I have already dedicated £4 million from the proceeds of crime to this fund. The measures we are announcing today will further help to ensure that offenders contribute more to supporting victims."

Clearly, the Opposition welcome increased support for the victims of crime, but concern was expressed on both sides of the House, as well as in the country, at proposals to fund the compensation scheme out of surcharges on motoring fines. People felt that that proposal was unjust, and I am glad that the Government have reached similar conclusions. If anybody is to fund the scheme, it should be those with criminal convictions and those responsible for antisocial behaviour. We will obviously discuss the measures in detail during the consideration of the Bill, but I should like to put on record the fact that we welcome the Minister's shift in approach on this matter.

The Minister will know that unpaid fines have been a serious problem—I have raised the issue before. There has been a recent increase in the level of fines paid, but can the Minister assure the House that that increase will be sustained and does not simply represent a blip, following certain Government action? The Minister will accept that the credibility of these measures will depend on fines being paid on time, and I still remain dubious about the collection mechanisms and the level of collection. I should be grateful to the Government for any estimate of the increased work load that the proposals will cause to the people who administer court fines. We support the idea of increasing support for the victims of crime, not of increasing fines and surcharges to pay for more bureaucracy.

Will the Minister clarify whether the increased expenditure will be met by central Government, or will local authorities, for example, be expected to meet the costs? The police will be expected to find £6.5 million to comply with the code of practice, mainly to pay for the extra staff who will have to deal with complaints. Will that cost be met by an increase in central Government grant or from existing police expenditure? Overall, we have welcomed the Government's measures, and the sums involved appear to be fairly modest. Nevertheless, I would not want to give the Government a blank cheque, and I hope that the Minister can answer those brief points.

12.57 pm

Mr. David Heath (Somerton and Frome) (LD): As has been pointed out already, this is not the time to discuss the detail of the Government's proposals. However, as the Minister knows, we have broadly welcomed not only the initial idea, but the modification that the Home Secretary announced in his statement on Second Reading, when he indicated that he would seek payments from the mugger, rather than from the motorist. That is an important point, but there are still an awful lot of unanswered questions. Until we see the detail of the Government's proposals, it is difficult to give a reasoned view of their likely effectiveness. We certainly do not intend to divide the House on the ways and means resolution, but our difficulty is simply that it will allow sums to be recovered from criminals and taken into the maw of the Treasury, but victims will not get a better deal from the criminal compensation arrangements.

Mr. Dominic Grieve (Beaconsfield) (Con): Does the hon. Gentleman agree that the suggestion was that the money would be recovered from the specific offenders who had committed offences against individuals? In fact, we are talking about the recovery of sums from offenders as a class generally.

Mr. Heath: That is precisely what the Government intend. The proposal is effectively a tax on fines, or a tax on criminals, although I am not sure whether one would argue that it is particularly progressive or regressive. The Government intend to tax criminals to provide money, one hopes, for a worthwhile objective, but the important difficulty is that we also hear that the criminal compensation fund is capped—the funds available to the victim will not increase. I am not clear how victims will be any better off.

Is this simply not another way to raise revenue—albeit from a source that is likely to find favour with the great mass of the population, because making criminals pay for their crimes sounds good—without doing anything to help the victims? That is what we wish to test in Committee and during the Bill's later stages. I will expect the Minister to tell us that although the moneys recovered will go into the Consolidated Fund, an additional sum will be immediately taken out and made available for victims' compensation, so that victims, not the Treasury, will be better off as a result of the proposals.

This is a very crude form of restorative justice. I strongly commend such justice, as does the Liberal Democrat party. I believe that huge advances can be

achieved in making criminals come face to face with their victims and provide some recompense for the mischief that they have committed. That must be the right way forward, but it sounds very much as though no explicit connection will be made. Criminals will simply be charged an additional sum, which they will consider to be part of their fines or part of the cost of imprisonment, and the money will go to the Treasury: the individual victims of those criminals will not receive a penny piece more as a result. If so, the scheme will fail our test of effectiveness. I hope that it will not fail.

I hope that the Minister can reassure us that a direct connection between cause and effect will be explicit throughout the proposals, but we cannot be convinced of that until we see the detail. I do not intend to oppose the ways and means resolution, but I look forward to a great deal more information on the workings of the scheme becoming available as we make progress with the Bill.

12.58 pm

Paul Goggins: With the leave of the House, I wish to respond briefly to the points made. I am tempted to go slightly wider than the motion, but I entirely endorse the spirit of the initial comments made by the hon. Member for Chesham and Amersham (Mrs. Gillan). An analysis of the costs and benefits in relation to domestic violence and other issues associated with the victims of crime shows that we can gain much from the added protection that the Bill will provide. I very much welcome her remarks in that regard. She is right to say that the overall cost of the Bill is estimated at a little more than £40 million, but we are not discussing that funding today. We are discussing something very narrow indeed.

I can confirm to the hon. Lady and the hon. Member for Somerton and Frome (Mr. Heath) that a regulatory impact assessment of this specific measure and the Government's response to the consultation will be available very shortly. Again, I trust that I shall not try the hon. Lady's patience too much if I say that that will happen in the next couple of days.

Mrs. Gillan: The Minister is trying my patience a little, so I shall take one of my gloves off and ask him to guarantee that we will have it before the House rises tomorrow.

Paul Goggins: If the hon. Lady is asking about the Government's response to the consultation, I confirm that it will be available before the end of business tomorrow. I cannot say when the regulatory impact assessment in relation to this specific measure will be laid, but it will be as soon as possible. As for the further amendments, I repeat what I said earlier and yesterday: they will be tabled as soon as possible. Yesterday I promised that that would happen in the next day or two, which leaves little time, but that promise will be fulfilled. If nothing else, this debate has caused me to make a clear commitment in that respect. We shall, I hope, be able to discuss the further amendments in Committee in the consensual manner that we have shown thus far. I welcome the hon. Lady's comments on the press statement made to coincide with Second reading.

The power is a narrow one to allow the Criminal Injuries Compensation Authority to reclaim from offenders that which has been paid out as compensation to victims. The money paid out by the CICA is paid from the Consolidated Fund; the measure simply puts money into the Consolidated Fund. Neither the Chancellor nor anyone else is being given an opportunity to make off with the cash and use it for other purposes. Money paid out to victims is merely being recovered from offenders. If the hon. Member for Somerton and Frome wants to call that a tax on offenders, he may do so.

Mr. Grieve: It is important for the record that we understand what is involved. We are talking not about the CICA paying £6,000 to the victim of a violent assault, then reclaiming £6,000 from the perpetrator of the assault, but about the CICA, having paid out £6,000 to a victim, looking to the levy and surcharge that will be applied to offenders under the Government's proposal to create a fund from which such compensation can be paid. As the Minister is aware, until the Government backed down on the suggestion that speeding motorists be liable for the levy, that was a fairly contentious issue.

Paul Goggins: The debate is becoming slightly confused. The measure that we are discussing now does not relate to the victims fund; it deals with where the money that has been recovered from offenders goes when compensation has been paid out to a victim. All the measure does is allow money to be paid into the Consolidated Fund—the same fund that makes payments to victims. The victims fund is separate and will be discussed separately in Committee—a debate to which I look forward, as does the hon. Gentleman, I am sure.

Mr. Grieve: The Minister has clarified the matter in a slightly unexpected fashion. At present, perpetrators of offences can be ordered to pay compensation to their victims, so why is the ways and means resolution needed—unless the system is being substantially altered by means of the Bill?

Paul Goggins: It is being substantially altered in one respect: the CICA will now be able, through the courts, to recover money from offenders. That is the new power that we seek, and the ways and means resolution is needed if the Committee is to be able to consider the relevant amendment. Whether one calls the measure a tax on offenders or not, it is wholly right and I invite the House to support the motion.

Question put and agreed to.

Parliamentary Contributory Pension Fund

1.4 pm

The Deputy Leader of the House of Commons (Mr. Phil Woolas): I beg to move,

That Mr Barry Gardiner be discharged as a Managing Trustee of the Parliamentary Contributory Pension Fund and Mr Tony Colman be appointed as a Managing Trustee in pursuance of section 1 of the Parliamentary and other Pensions Act 1987.

Mr. Speaker: With this it will be convenient to consider the following motion:

That Mr Barry Gardiner be discharged as a Managing Trustee of the House of Commons Members' Fund and Mr Tony Colman be appointed as a Managing Trustee in pursuance of section 2 of the House of Commons Members' Fund Act 1939.

Mr. Woolas: The motions are tightly drawn and neither is a Government motion. Although I do not wish to detain the House, let me briefly set out some of the background to the trustees and the funds.

The parliamentary contributory pension fund is managed by a board of nine trustees—eight serving Members of Parliament and one pensioner trustee, currently the right hon. Lord Stewartby—all of whom are volunteers. By convention, the chairman is an Opposition Member, and I am delighted to see that the hon. Member for Bournemouth, West (Sir John Butterfill) is present. I put on the record the House's thanks to him and his colleagues for their work, to which they bring considerable expertise.

I hope that the House will join me in thanking my hon. Friend the Member for Brent, North (Mr. Gardiner) for his service on the board of managing trustees, and my hon. Friend the Member for Putney (Mr. Colman) for kindly agreeing to serve. Like his predecessor, my hon. Friend the Member for Putney brings direct professional experience to the board of trustees, and I am sure that it will prove invaluable. He is a successful private sector business man turned local authority leader turned Member of Parliament. His biography lists his other achievements to date, including his membership of the Treasury Committee. In addition, he is a former member of the Price Commission and, until May 1998, he was chair of the UK steering committee on local government superannuation and the local authorities mutual investment trust.

Let me take this opportunity to congratulate some of the trustees on recent examination successes. I am delighted to report to the House that the chairman of the trustees of the fund, in addition to being a qualified chartered surveyor and property expert, has recently gained the Pensions Management Institute's certificate of essential trustee knowledge, as have his fellow trustees my hon. Friends the Members for Brent, North and for Dartford (Dr. Stoate) and the right hon. Member for Hitchin and Harpenden (Mr. Lilley). Congratulations and thanks are due.

Routine administration of the fund falls to its secretary, the director of operations of the Department of Finance and Administration, Mr. Archie Cameron, CBE. Mr. Cameron, who has also recently gained the PMI certificate, is to retire from the service of the House at the end of September, after 16 years' service. He will be much missed.

Let me now explain the background to the second motion. The Members' fund is managed by a board of six trustees, all of whom are serving Members. Some, but not all, are also trustees of the parliamentary contributory pension fund. Again, by convention the chairman is an Opposition Member, in this case the right hon. Member for Hitchin and Harpenden. The fund's trustees are, of course, accountable to the House. We are grateful to my hon. Friend the Member for Brent, North for his service on the fund and to my hon. Friend the Member for Putney for agreeing to serve. Again, administration is carried out by Mr. Cameron and his colleagues. I put on the record the thanks of the House to the right hon. Member for Hitchin and Harpenden and his colleagues as managing trustees of the fund. The fund is inspected by the internal review service of the House and by the National Audit Office, both of which scrutinise the accounts and the general running of the fund. The Government Actuary's Department provides relevant professional assistance. In conclusion, the House of Commons Members' fund provides a valuable service and is well managed by the managing trustees. I believe that my hon. Friend the Member for Putney will bring useful experience to the board, so I commend the motions to the House.

1.10 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): May I associate myself with the remarks of the Deputy Leader of the House? We are fortunate that right hon. and hon. Members are prepared to take on those duties. The hon. Member for Brent, North (Mr. Gardiner) has acquitted himself well in his role, and we look forward to the hon. Member for Putney (Mr. Colman) taking up his position. He has main board experience, and has taken an interest in pensions for many years, so we have confidence in his abilities.

I congratulate my noble Friend Lord Stewartby on his work for the fund. He is my constituency predecessor, representing Hertfordshire North as it then was, and is a former Treasury Minister who is very knowledgeable in this area. My hon. Friend the Member for Bournemouth, West (Sir John Butterfill) has gained great knowledge of pensions over the years, and has attained the new qualification, on which I congratulate him. I pay tribute to the work of all the other trustees, including my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley). He is my neighbour and a distinguished former Secretary of State for Social Security with a demonstrable knowledge of pensions. I, too, pay tribute to the work of Archie Cameron, who has retired after performing sterling service for all of us. We do not wish to divide the House, and I support the tributes to the trustees.

1.12 pm

Sir John Butterfill (Bournemouth, West) (Con): May I say how much the other trustees and I value the contribution over several years of the hon. Member for Brent, North (Mr. Gardiner), who has been an

assiduous and dedicated member of the board of trustees? We are sorry to lose him, but we wish him well in his future career. I welcome to the board the hon. Member for Putney (Mr. Colman), who has considerable expertise in the field and has demonstrated significant business acumen, so we look forward to his contributions to our discussions. Finally, I pay tribute to Archie Cameron, to whom I owe a personal debt of gratitude. He has been a rock for the trustees in supporting our activities and, while we shall sorely miss him, we wish him a very happy retirement.

1.13 pm

Mr. John Burnett (Torridge and West Devon) (LD): I wish to say a few words as chairman of the pension fund and a member of the Members' fund. The hon. Member for Brent, North (Mr. Gardiner) has performed valuable work for both funds, as he is extremely conscientious and pays great attention to detail. The whole House should be grateful to the hon. Member for Bournemouth, West (Sir John Butterfill), whose chairmanship of the pension fund is superb, and the right hon. Member for Hitchin and Harpenden (Mr. Lilley), who is an outstanding chairman of the charitable fund. We work together very well, and we look forward to the hon. Member for Putney (Mr. Colman) joining us. He has a distinguished record in the private sector, and we look forward to having the benefit of his knowledge and expertise.

Finally, as a member of both funds, I believe that we owe a debt of gratitude to Mr. Archie Cameron, and it is a matter of great regret that he is leaving us. He has guided us through difficult times, and has advised us extremely soundly. The whole House should be immensely grateful to him for all his fantastic work.

Question put and agreed to.

HOUSE OF COMMONS MEMBERS' FUND

Ordered,

That Mr Barry Gardiner be discharged as a Managing Trustee of the House of Commons Members' Fund and Mr Tony Colman be appointed as a Managing Trustee in pursuance of section 2 of the House of Commons Members' Fund Act 1939.—*[Mr. Woolas.]*

HIGHER EDUCATION BILL (PROGRAMME) (No. 5)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003].

That the following provisions shall apply to the Higher Education Bill for the purpose of supplementing the Orders of 27th January 2004 and 31st March 2004:

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at this day's sitting.

2. Those proceedings shall be taken in the order shown in the first column of the following Table, and each part of those proceedings shall (so far as not previously concluded) be brought to a conclusion at the time shown in the second column.

TABLE

Lords amendments	*Time for conclusion of proceedings*
Amendments Nos 5, 15 to 20, 22 to 24	One hour after the commencement of proceedings on consideration of Lords amendments.
Amendments Nos 3, 4, 2, 6 to 8, 13, 9 to 12, 14, 1, 21, 25 to 27	Three hours after the commencement of those proceedings.

Subsequent stages

3. Any further Message from the Lords may be considered forthwith without any further question being put.

4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement—*[Gillian Merron.]*

The House divided: Ayes 267, Noes 140.

Division No. 201] **[1:15 pm**

AYES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beard, Nigel
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blizzard, Bob
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, Andy
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Challen, Colin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Cooper, Yvette
Corston, Jean
Cousins, Jim
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Drew, David *(Stroud)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Hendrick, Mark

Hepburn, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hoey, Kate *(Vauxhall)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Iddon, Dr. Brian
Irranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Ann *(Brentford)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Linton, Martin
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McWalter, Tony
McWilliam, John
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moran, Margaret
Morgan, Julie
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prosser, Gwyn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Robertson, John *(Glasgow Anniesland)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Simon, Siôn *(B'ham Erdington)*
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Helen
Squire, Rachel
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dan *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Trickett, Jon
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Wareing, Robert N.
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Ms Bridget Prentice and Gillian Merron

NOES

Allan, Richard
Arbuthnot, rh James
Bacon, Richard
Baker, Norman
Baron, John *(Billericay)*
Barrett, John
Beggs, Roy *(E Antrim)*
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Collins, Tim
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Doughty, Sue
Evans, Nigel
Ewing, Annabelle
Fabricant, Michael
Foster, Don *(Bath)*
Francois, Mark
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Hague, rh William
Hammond, Philip
Harvey, Nick
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Howarth, Gerald *(Aldershot)*
Jack, rh Michael
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert *(Salisbury)*
Knight, rh Greg *(E Yorkshire)*
Lait, Mrs Jacqui
Lamb, Norman
Laws, David *(Yeovil)*
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
McIntosh, Miss Anne
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Pickles, Eric
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond

Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Tonge, Dr. Jenny
Tredinnick, David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Viggers, Peter
Watkinson, Angela
Weir, Michael
Whittingdale, John
Wiggin, Bill
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Wilshire, David
Wishart, Pete
Younger-Ross, Richard

Tellers for the Noes:
Gregory Barker and
Mr. Geoffrey Clifton-Brown

Question accordingly agreed to.

Orders of the Day

Higher Education Bill

Lords amendments considered.

Mr. Speaker: I inform the House that privileges are involved in Lords amendments Nos. 4 and 20. If the House agrees to those amendments, I will arrange for the necessary entries to be made in the Journal.

There is an error in Government amendment (a) to Lords amendment No. 23. It should read:

"Line 5, after '31(a)' insert '32'."

The House has now been informed.

Clause 29

DIRECTOR OF FAIR ACCESS TO HIGHER EDUCATION

Lords amendment No. 5.

1.30 pm

The Minister for Lifelong Learning, Further and Higher Education (Alan Johnson): I beg to move, That this House disagrees with the Lords in the said amendment.

Mr. Speaker: With this it will be convenient to discuss Lords amendment No. 15 and Government motion to disagree, Lords amendment No. 16 and Government motion to disagree, Lords amendment No. 17 and Government motion to disagree, Lords amendment No. 18, Lords amendment No. 19 and Government motion to disagree, Lords amendment No. 20 and Government amendments (a) and (b) thereto, Lords amendment No. 22, Lords amendment No. 23 and Government amendment (a) thereto, and Lords amendment No. 24.

Alan Johnson: The group of amendments is a mixed bag. It contains a number of important amendments clarifying how the director of fair access will operate and providing for greater parliamentary scrutiny of regulations relating to their role. It also contains Lords amendments that would do great damage to the cause of fair access.

Lords amendment No. 5 is the first damaging amendment. It would make the Secretary of State subject to the Civil Service Commission's code of practice when appointing the director of fair access. That code of practice is splendid—for civil servants—but we are appointing the head of a public body, and it is therefore the wrong code.

The understandable concern was raised in the other place that the appointment should be fair and should be made on the basis of merit. We agree with that concern and gave firm assurances in the other place, which I am happy to repeat, that the director of fair access will be appointed in accordance with the Nolan principles, which are enshrined in the code of practice of the Commissioner for Public Appointments. The director will be a public appointment made by the Secretary of State, and the code of practice for public appointments is mandatory in those circumstances.

The Lords amendment does not make sense. The Office of the Civil Service Commissioners says that its code is not the right code for that appointment. In its

[Alan Johnson]

report, "The Regulatory State: Ensuring its Accountability", which was published in May, the Lords Constitution Committee stated:

"Ministers should remain responsible for appointing regulators, subject to Nolan rules, to ensure proper responsibility and accountability."

I am sorry that the other place saw fit to ignore its own advice, and I hope that this House can rectify the situation.

Lords amendment No. 15 would create a host of problems. One problem is that it deletes the power of the director of fair access to issue guidance to institutions, and I cannot see the benefit of denying institutions such help and assistance. The amendment gets worse in that it also delegates the regulation-making power on the approval of plans. In the draft regulations, hon. Members will have seen how we intend to use those powers to ensure dialogue between the director and the institution before any decision is made, and we want to reinstate that regulation-making power. The power is important, and it will also enable us to introduce the review procedure, which we agreed in principle in the other place and about which I shall say more.

Those aspects of Lords amendment No. 15 are bad enough, but it is particularly strange in that it implies a duty on institutions to provide a strategic plan to the funding councils. I presume, although it is not defined, that that means the Higher Education Funding Council for England, the Higher Education Funding Council for Wales and the Teacher Training Agency. That implied duty would lie on the face of the Bill in perpetuity.

Lords amendment No. 15 also places a duty on the director to require institutions to supply details of the financial assistance offered to students. That is in addition to the strategic plan, which would mean duplicate reporting. In drawing up our policy for access plans, we have tried hard to make sure that access plans do not create unnecessary burdens for institutions, which is why we have consistently said that access plans will subsume the widening participation strategies that institutions currently provide to HEFC, and we have discussed those strategies with both the sector and HEFC itself. Lords amendment No. 15 is confused and confusing. It would increase bureaucracy, and this House should reject it.

Lords amendment No. 16 is also faintly peculiar, in that it gives a regulation-making power to the funding councils on the duration of plans, presumably to make the access plans coterminous with the strategic plans, which would be bound to lead to the focus of access plans being lost in the swathe of documentation that the funding councils would require. Although it is not unknown, it is hardly conventional for organisations such as funding councils to make regulations, and it does not make sense for them to have the power to decide the length of plans. Our draft regulations provide for a length of up to five years, which seemed acceptable when we scrutinised the Bill in this House, and I therefore believe that Lords amendment No. 16 should be rejected.

Lords amendments Nos. 17 and 19 cover England and Wales respectively, and they strike at the very heart of our proposals for protecting access. In England, we have made it clear that in return for the freedom to charge higher variable fees, institutions must plough back some of that extra income into outreach and financial support for students. That will make a difference, because universities will make more contacts with under-represented groups, and more bursaries will be available for poor students.

The Lords amendments remove the power of the relevant authority—in England, the director of fair access—to sanction an institution if it reneges on that commitment. I am sure that most institutions will stick to their plans, but it is essential that the relevant authority has the power to sanction them if they do not do so. I hope that the House will reject those damaging Lords amendments, particularly in view of the safeguards inserted in the other place, which we are prepared to accept and which I shall now outline.

Mr. Graham Allen (Nottingham, North) (Lab): I hope that my right hon. Friend will give those amendments short shrift. Many Labour Members feel that the office for fair access has already had its teeth pulled, not least by some of the amendments in the other place. We are now down to the gums, and to remove further authority from the office for fair access would render it useless, so I ask my right hon. Friend to hold firm in his resistance to the Lords amendments.

Alan Johnson: Ironically, we may discuss dentistry under a later amendment. I remember the points that my hon. Friend the Member for Nottingham, North (Mr. Allen) made in an important contribution in Committee, and I ask the House to stand as firm as the Government for the reasons that he set out eloquently in Committee.

I have reached the amendments that the Government believe will make a contribution and provide the necessary safeguards for those who are concerned about the introduction of the regulator. Government amendment (a) to Lords amendment No. 23 and Lords amendments Nos. 22 and 23 make a number of the Secretary of State's key regulation-making powers subject to the affirmative procedure.

In the House of Lords, we tabled amendments in Committee to make regulations on the contents of plans and on the financial penalties that might be imposed by the director if plans are breached subject to affirmative resolution. That was in response to the House of Lords Delegated Powers and Regulatory Reform Committee report, which recommended the affirmative procedure for those particular regulation-making powers. The affirmative procedure would apply to regulations made by the Secretary of State in respect of England only, because the legislation-making procedures in Wales are different.

The Government have introduced an amendment to ensure that the regulation-making power in respect of clause 32 for the approval of plans is also subject to affirmative resolution, which recognises the importance of regulations made under that clause.

We are also prepared to accept Lords amendments on the duty of the office for fair access to make decisions, especially to apply sanctions in a reasonable manner. Lords amendment No. 18 deals with that. It is a general point of law that the director of fair access is obliged to

act reasonably. That includes refraining from sanctioning an institution that had done everything that it reasonably could to comply with its plan. If he failed to do that, he would be subject to judicial review, whether the amendment was accepted or not. We have always supported the principle that institutions that take all reasonable steps to comply with their access plans should not be penalised when factors beyond their control prevent them from doing what they said that they would do.

The Secretary of State's draft letter of guidance, which we published, makes it clear that

"an institution's failure to meet milestones should not in itself be grounds for any kind of sanction."

Lords amendment No. 18 enshrines the principle of reasonableness, which, as I have said, reflects a general point of law in primary legislation. I assure hon. Members that the amendment would not transform light touch into soft touch. If an institution has no good reason for not complying with its plan's provisions, two sanctions are available to a director: to direct the Higher Education Funding Council to reduce the institution's grant or to refuse to renew that institution's access plan.

The other place tried to get rid of the director's sanctioning power but we seek the House's assistance to overturn the relevant amendment. We have constantly argued that the Bill constitutes a finely balanced package, of which sanctions are an important part. The amendment does not weaken the sanctions but enshrines a general principle of law—that the director must use his or her powers in a measured and reasonable fashion—in the Bill. I therefore commend Lords amendment No. 18 to hon. Members.

Mr. Allen: Does my right hon. Friend accept that, as well as the stick that he describes there is also the carrot of best practice? For example, universities such as Nottingham and Nottingham Trent already undertake a great many things that we all urge universities to do. Does he agree that, if we can spread best practice, the regulator will probably never feel the need to intervene with the stick because everyone will aspire and compete to achieve that best practice?

Alan Johnson: My hon. Friend makes his intervention at exactly the right time because I was about to move on to spreading best practice. Not only do I agree with my hon. Friend, but the other place tabled amendments to help achieve what he described.

Peter Bradley (The Wrekin) (Lab): I am sure that my right hon. Friend agrees that, although best endeavours are an important part of the process, outcomes are the most vital aspect of broadening access to our universities. If the access plan is set for four years and it is clear after one or two years that the required outcome is not being achieved, what powers will the regulator have to try to intervene, perhaps on a mutual basis, to redirect the plan to secure the intended outcome?

Alan Johnson: The plans last for five years—I misled my hon. Friend earlier. The regulator's sanction is not to renew an access plan. It is almost inconceivable that, after five years and a university's best endeavours through its access plan, there would be no change in the milestones that the university sets. However, in those circumstances, the regulator would ask questions to discover why that had happened. He or she would not agree the next access plan and the university would be unable to charge more than the standard £1,000-odd fee. That is an important sanction that applies not only to the current round of agreements on access plans but all future renewals.

Mr. James Clappison (Hertsmere) (Con): A few months have passed since we debated the measure in Committee. The Minister made the important point in response to the question of the hon. Member for The Wrekin (Peter Bradley) that universities that do not achieve the milestones that are set for them will be in trouble with the regulator and could face substantial loss of fee income by not having their agreements renewed. Will the Minister remind us of the milestones? What are the hoops through which the universities have to jump?

1.45 pm

Alan Johnson: They are not hoops but milestones that the universities set. As I explained in Committee, universities are pleased to be involved with that. The Russell group is often criticised as if its members were not interested in widening access. They set their milestones to help them achieve their ambition to improve the social class mix. The Secretary of State's letter to the regulator said that failure to achieve the milestones would not in itself lead to sanctions. The plans can be renegotiated at any time by agreement during the five years. However, if a problem remains at the end of five years and the regulator believes that the relevant university is not doing enough to tackle it, the sanction of not agreeing to the new access plan is available.

Alan Howarth (Newport, East) (Lab): Although I agree that it is essential that universities have access plans that should be monitored and that the role of OFFA, as the Government set it out, is reasonable and appropriate, does my right hon. Friend accept that the factors that determine how rapidly we proceed towards narrowing the social class gap in participation in higher education are largely outside universities' control and depend above all on what happens in schools?

Alan Johnson: My right hon. Friend makes a relevant point. We have repeated exhaustively since publishing our consultation document on widening participation that we are considering aspiration, attainment and application. The provision that we are discussing is intended to encourage youngsters from poorer backgrounds, who get the required level of attainment and have the right aspirations, to apply to the university that best fits their attainment and aspirations. That is the focus of clause 35 but it is by no means the panacea for resolving the problems of widening access to higher education.

Peter Bradley: The access plans will be more onerous for the universities that are further behind in fulfilling the Government's agenda for widening access, but five years is a long time. Given that the take-up of places in Oxbridge by working-class or lower-income students is

[Peter Bradley]

no more than 10 per cent. and that we are not setting quotas—that might be a dangerous practice—what estimate would my right hon. Friend give of that percentage at Oxford and Cambridge after five years? What is an acceptable, indicative figure in his view?

Alan Johnson: I shall resist the temptation to suggest an indicative figure. The point of appointing access regulators is for them to make such decisions. I would not want to make them for the regulators.

Let us consider Lords amendments Nos. 20 and 24 and amendments (a) and (b) to Lords amendment No. 20. Some anxieties were expressed when the measure was previously discussed in the House about the lack of a right of appeal against the director's decisions. Noble Lords in the other place shared those concerns. There was a general, cross-party concern that judicial review should not be the only recourse against the director's decision. We understand those anxieties and have been especially keen to achieve two objectives in responding to them.

First, any decision about an access plan should be the director's. We accept that the director could make a mistake, although we expect him or her to take care to avoid that. Lords amendment No. 20 would provide for the director to be asked to reconsider. However, it would not remove the director's final say on agreeing a plan. That power would not be given to a third party.

Mr. Simon Thomas (Ceredigion) (PC): The amendments would also apply to Wales and give the Assembly the right to appoint someone to conduct a review of a conditional decision by the office in Wales, where there is no director as such. I welcome the Government's acceptance of the amendments, which put in place the necessary checks and balances. They allow the House to continue to support the Minister's line on other Lords amendments so that OFFA and the equivalent body in Wales have the power to ensure that the access plans work.

Alan Johnson: That is our intention, and I value that contribution by the hon. Gentleman, who made an equally valuable contribution in Committee.

The first objective was to ensure that the director had the final say. The second was to avoid any process that required the setting up of a permanent, brand new tribunal or panel for what we think will be a tiny number of appeals. This amendment fits the bill in that regard, because it allows the Secretary of State to identify and appoint people who would be able to review a decision of the director, but who would be paid only for the time that they spent conducting reviews. I would expect the review process to be entirely paper-based.

Alan Howarth: An additional important point about the appeal system that the Government are introducing is that it will be cheaper and more accessible for those who wish to use it. It will be much less cumbrous and formidable than judicial review. Is not that an important justification for it?

Alan Johnson: Yes, I think it is. Indeed, the process mirrors arrangements that already work very well with Ofsted. However, on the right to go for judicial review, once the director's provisional decision has been reviewed and if the director sticks to that decision, that option will remain for people to pursue, although it will be a rather expensive option, as Members in this House and the other place have said.

Mr. Tim Collins (Westmorland and Lonsdale) (Con): The Minister said that he expected the review process to be "entirely paper-based". The amendment simply provides a power for measures to be specified in regulations. Is he saying, therefore, that he expects the regulations to specify that there would be no possibility of oral hearings, even if those holding the appeal and those appealing to the panel thought that such hearings would be appropriate?

Alan Johnson: I do not think that I would go that far. It is an expectation that, generally, we would deal with these matters in an inexpensive and non-time-consuming way. I have not thought as far ahead as the framing of the regulations, but I think that it would probably be wrong if we insisted that every single case had to be paper-based. I hope that, in saying that, I am not making a rod for my own back when the regulations come before the House.

Lords amendment No. 24 simply puts the provisions into the commencement clause of the Bill. We also want to take this opportunity to do a little tidying up of the amendments. Amendments (a) and (b) to Lords amendment No. 20 make it clear that the appeals process should extend to decisions to approve a plan. That was always the intention, but amendments tabled in another place made it rather hard to achieve by removing the whole section involved. This is a sensible system—as I have said, it is similar to the one that works successfully for Ofsted—and I commend the amendments to the House.

Mr. Collins: The bulk of the comments to be made from this Dispatch Box this afternoon will be made by my estimable hon. Friend the Member for Epsom and Ewell (Chris Grayling), but I did not want to miss an opportunity to reunite the happy band of brothers and sisters who served on the Committee—that was a very convivial time—and to exchange views once again with the Minister. I hope that he will forgive me when I say that I am confident that he will be in the Cabinet after the next reshuffle. I can think of no member of Her Majesty's Administration more deserving of being in the Cabinet, after the way in which he has handled our deliberations on the Bill. I promise him that I do not intend to ruin his career by saying that, and I am sorry if I just have.

The amendments tackle a number of issues, and I shall begin as the Minister closed by considering those that deal with the provision of an appeals procedure against decisions reached by the director for access. We welcome the proposals for the appeals procedure that were introduced in another place, and the fact that the Government have been gracious, both here and in another place, in conceding the need for such a procedure.

I should like to place on record that our preference would have been to have a procedure that was wholly independent of the Secretary of State rather than one

involving people appointed by him, and we would like to ensure that the procedure will be robust. None the less, the Government have made a concession on this, and it has been welcomed by the universities. The Government are to be commended for listening to the arguments that were advanced on that issue both here and in the other place.

Generally, the Bill has come back from the other place a better Bill than it was when it departed from here. I hope that that will still be the case even after we have voted on various issues, because the Government have accepted some amendments but not others. The Bill is better than it was, but, lest anyone should be concerned, we remain opposed to its fundamental underlying principles. We are merely seeking to ameliorate provisions that would otherwise be damaging.

I smiled wryly to myself when the Minister referred to the undesirability of one of the amendments introduced in another place, which he said would lie "in perpetuity" on the face of the Bill. We shall disagree on whether this legislation is going to last even 12 months beyond the next general election, and, even though I am sure that it will be regarded in future years as the Johnson memorial Act, I am not sure that it will lie "in perpetuity", whether amended or not.

Mr. Allen: I share the hon. Gentleman's remarks about the conduct in Committee. It was an extremely helpful and rational exercise. Since he occupies the position that he does for his party, however, and having raised the spectre of abolition if his party were to come to power, it is incumbent on him to make it clear to my constituents, many of whom will benefit from a £3,000 a year grant, whether that grant would then have a question mark over it. Will he make it absolutely clear what his policy is on that?

Mr. Collins: I was merely making it clear that the position has not altered. The hon. Gentleman will remember what was said from this side of the House in previous stages of our deliberations, which was that we would publish our full alternative proposals later this year, and that they would provide clear answers to every question that the hon. Gentleman might have. In parenthesis, I would like to point out that, while it is true that his Government are giving some of his constituents £3,000 a year in grants, they are also requiring them to pay £3,000 a year in fees. Some people would regard that package as not entirely generous, overall.

Mr. Clappison: Would my hon. Friend also find it helpful to remind the constituents of the right hon. Gentleman—I mean the hon. Gentleman; he should be a right hon. Gentleman—that the £3,000 grant to which they are entitled will taper out at a family income of the grand total of £22,000. Beyond that level, families will still have the £3,000 in fees to find?

Mr. Collins: My hon. Friend, as ever, makes an extremely powerful case. I am not sure that he and I will immediately be leafleting the constituency of the hon. Member for Nottingham, North (Mr. Allen) to make that point, although there might be an opportunity to do so at some point. By the way, I do understand his other point. Without seeking to prejudice decisions that are in the hands of the Prime Minister, I cannot think of an hon. Gentleman on the Labour Benches who would more befit the title of right hon. Gentleman than the hon. Member for Nottingham, North, and perhaps that will be corrected in due course.

Peter Bradley *rose—*

Mr. Collins: We are having such a love-in here this afternoon that there are clearly other volunteers eager to see whether they receive my commendation. I give way to the hon. Gentleman.

Peter Bradley: I want to correct the impression that the hon. Member for Hertsmere (Mr. Clappison) just created. It is not the families who will be required to pay back the £3,000 a year in fees, but the graduate, once they are earning above a certain threshold, and on an interest-free basis. That is a fairly generous settlement. Perhaps when the hon. Gentleman and his hon. Friend understand that, they will agree.

Mr. Collins: I am sure that that is what the hon. Gentleman believes, but we shall see, at the time of the next election, whether that is what students, parents and others believe. He might find that his view, which is held by only a narrow majority in his parliamentary party, is not held by a majority in the country as a whole.

2 pm

I want to discuss Lords amendment No. 5. One reason for my praising the Minister earlier is that he is good at departing from an official brief, putting points in his own way, listening to debates and answering responsibly, so this failing on his part is uncharacteristic. He advanced what sounded like a bureaucratic argument against the amendment, which is, in effect, "It's not that we think there is anything in the civil service code that should not apply to the appointment of the director of OFFA. It's just that, since he is not technically a civil servant, we don't think that that is the right code to apply to him. It should be another code."

In addition to the welcome general sentiments expressed in the other place and by the Minister this afternoon in terms of the appointment being made on the basis of merit and proper access—it would be rather ironic if the director for fair access was appointed following a procedure that did not involve fair access—it would be helpful if the Minister explained whether there are any specific requirements in the civil service code that he would not want to apply to the Secretary of State's appointment in this instance?

I leave aside the question whether the post is purely that of a civil servant or that of a regulator. Are there any specific points that the Minister thinks it would be damaging, unwise or unacceptable to the Government to apply? If he clarifies whether this is simply a bureaucratic point, we can argue about whether it is an important bureaucratic point. It would be helpful to delve below the surface to see whether there is more to be found there.

The meat of the debate—in fairness to the Minister, the meat of his remarks—relates to Lords amendments Nos. 15, 16 and 17. We had an interesting debate

[Mr. Collins]

involving a number of the Minister's Back Benchers. It struck me that a review of proceedings in the other place shows a reverse of the pressure being put on Ministers there compared with that being put on the Minister here. In the other place, not only Conservatives and Liberal Democrats, but Cross-Benchers and, indeed, the majority of Labour Back Benchers who spoke around the subject of the powers, functions and role of the regulator, put overwhelming pressure on the Government to recognise the need for academic freedom and the need to reduce the burdensome nature of what many in higher education fear will come from OFFA.

As a result of that, a very significant and welcome concession was made—the Minister did not refer to it, but it is certainly welcome on this side of the House, although it may not be universally welcome on his—that the Government should write into the Bill specifically a requirement that the director of OFFA will not have a role in the criteria for admissions.

We talked around that issue during debates in Committee, and the Minister would go only so far as saying that admissions policies would not be a matter on which the director could intervene. Moving beyond that to say that admissions criteria shall not be a matter for the director is a welcome concession. I hope that we have an opportunity to talk about it, although I am not sure that we will.

The point about Lords amendments Nos. 15, 16 and 17 from the other place is that they pushed the Government a little further in that direction. What became clear from our debate earlier is that the majority of those who intervened from the Government side of the House—there was one exception—are arguing that the director of OFFA should have more teeth, be more interventionist, be more activist and deploy, to use terminology used earlier, sticks as well as carrots. It was also suggested that there should be no question of any further removal of tooth or gum. I think that that was another analogy that was used.

I do not envy the Minister in this respect. He is trying to balance not only the interests of higher education and the interests of those of his Back Benchers who are concerned to try to persuade higher education that its primary duty is to get people in on some basis other than academic merit, but what Labour Back Benchers are saying in one House of this Parliament and what they are saying in the other.

The point about Lords amendments Nos. 15, 16 and 17 is that they would not have the damaging effects that the Minister set out. I understand why he does not like them, but he is slightly overstating the case, if I may say so, in saying that they are as absurd as he suggests. They would further put in place some protections for higher education institutions against the director of OFFA. That is explicitly the intention of the other place.

The Minister slightly gave the game away when he said that the Government want to move away from the current situation in which wider participation agreements are made between universities and the Higher Education Funding Council. The amendments would take things back much closer to the current system in which HEFC, acting as something of a barrier between the politicians in Whitehall and universities, can try to ensure that proper participation strategies are pursued, but in a way that does not interfere with universities' freedoms.

Although it is pretty clear from what the Minister said that the Government are not minded to accept the amendments on this occasion, I hope that they may be prepared to be persuaded to look again at the matter, were the other place to return to it in similar vein. They have made welcome concessions on OFFA, and the logic of those concessions is that we ought to have a genuinely light-touch OFFA regime.

The Minister said—this, again, is the balancing act that he is trying to preserve—that he wants a light touch, not a soft touch. It almost goes without saying that we on the Conservative Benches want an OFFA with no touch, because we do not want an OFFA at all. However, if we are to have an OFFA, it should be as non-interventionist as possible.

It is important to leave time for others to contribute to this important debate, so, in conclusion, I hope that the Minister recognises the fact that the Government's attitude in the other place was very welcome as they were prepared to concede ground on a number of points. They will do themselves even more favours, with the higher education world in particular, if they are prepared to reconsider the spirit behind amendments that they have said this afternoon that they cannot accept.

Mr. David Rendel (Newbury) (LD): I, too, want to start by commending the Minister on how he conducted the Government's affairs in Committee. That is probably no commendation as far as he is concerned, in that the Prime Minister will not want him to be supported more on some occasions by Members on this side of the House than by Members on his own side. Nevertheless, it is sensible and right to put on record our gratitude for how he handled things, not least his acceptance of significant changes to the Bill.

It is important that we in the House are used sensibly and that we try to make good amendments, even if we disagree with a Bill as a whole. We sadly failed on Second Reading to have the Bill taken out altogether—although by a very small margin, I remind the Minister—so it is good news that he was prepared to accept an amendment in Committee. My hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) and I could have been knocked down with a feather when we suddenly found out that one of our proposals was being accepted by the Government. We certainly had not expected that, but it was very welcome and it is also welcome that the Government have now agreed to accept at least some amendments from the other place, which have undoubtedly improved the Bill.

In the spirit of conciliation and as I am praising the Minister, may I say that, despite our earlier efforts to change how the regulator is to be appointed through insisting on the civil service regulations, we see that there are merits in the Government's arguments on this point? I am therefore prepared to concede that perhaps their arguments in favour of the Nolan proposals should now be accepted. I would no longer wish to argue against that part of the Bill.

The amendments made in the other place are worthwhile in general, however. They come close to the proposals that we made in Committee and in this place

in arguing that there is little point in setting up a new regulator outside HEFC and that all the functions to be fulfilled by OFFA could equally well be fulfilled within HEFC. That, I remind the Minister, would be a much less bureaucratic way of dealing with ensuring fair access to universities. After all, HEFC will, I understand, provide a lot of the personnel for OFFA through secondment, and it will provide all the funding that will go through OFFA and all the offices. It appears that most of the functions of OFFA will be dealt with through HEFC, so setting it up as an entirely separate body seems rather unnecessary. However, that argument has perhaps been lost. Let us at least accept that the amendments get as close as we are now going to be allowed to get, given that the matter has now gone through the other place.

We all recognise, of course, that the whole point about OFFA was originally to be a sort of sop to the Chancellor and some of his supporters, who were worried about access. It is still there, I guess, because the Government insist on having this sop. That is a pity, but let us make it as good as we can meanwhile.

Mr. Allen: In terms of making education a continuum, the hon. Gentleman will know as well as the rest of us that people often miss out and fail at the transition point in education—on entering school at five, and at the transitions between primary and secondary school, secondary and further education and secondary and higher education. Would not a more consistent approach be for Ofsted to do the whole structural analysis and review, throughout the whole education system, rather than having bits and pieces of regulatory bodies here and there? Would that not help everyone to come to terms with the system as a comprehensive whole?

Mr. Rendel: I may have misunderstood the hon. Gentleman, but he seems to be making an entirely new suggestion that did not come before the Committee at all. Perhaps the Committee stage of the Bill would have been the moment to make that suggestion if he had really intended to do so. Certainly, I have not thought about it—it comes to me entirely new. I hesitate to answer him directly, but I would have thought that starting to introduce Ofsted to the university sector would be going further than his Government, let alone us, would want.

Our problem with the way in which OFFA is being set up, and the reason we would prefer the powers to remain with HEFC, is that it seems punitive and almost vindictive in terms of the universities. The powers of OFFA seem to be there to punish universities for doing the wrong thing, rather than to encourage them to do the right thing. The idea of fining universities seems unnecessary, as HEFC should already have the power to refuse the right to charge top-up fees, which should be sufficient to ensure that access plans are worth while, and that they provide better access for those who come from less traditional backgrounds and from some of the poorer communities in our country. If we are to have OFFA, surely it would be better were it about promoting, encouraging and helping to install best practice throughout universities, rather than fining those universities that fail to comply properly.

Peter Bradley: A few minutes ago, the hon. Gentleman talked about the Chancellor of the Exchequer and those who are concerned about access as if they were a small minority. I would hope that his party, like Labour Members, was concerned about broadening access. What does he mean by a traditional background?

Mr. Rendel: First, of course, we are worried about access, which is why we have made various suggestions, not least that top-up fees should not be introduced at all. That is one of the reasons why access will be restricted for certain groups in our community, particularly those who come from non-traditional backgrounds. I apologise if I said traditional when I meant non-traditional. To be honest, I cannot remember—I may have misused the word, and I apologise if I did. Certainly, I was talking about those who come from backgrounds in which family members have not traditionally been sent to university.

The Minister claimed that there would be a lot of extra bureaucracy as a result of the amendments from the other place. My view is that asking universities to include access plans in their overall strategic plans is not a matter of great extra bureaucracy. Indeed, it is really common sense. It seems to me natural that any university that tries to provide an overall strategic plan for its future is bound to want to include in such a strategic plan some sort of plan for access, which should be part of its evolution strategy. I would have thought that it was obvious that that would happen anyway. Simply allowing that to be used as the access plan that can then be examined by HEFC or OFFA, whichever of them ultimately has the power to do so, would not introduce extra bureaucracy; indeed, it would be easier than the Government's plans.

The amendments from the other place do all that is necessary to ensure fair access. As I mentioned a moment ago, we are as keen as anyone else that there should be fair access. A number of statements and speeches that we have made on this subject over the last year have proved that time and again. We are keen to see fair access and widening access to those who come from non-traditional backgrounds. We believe that the Lords amendments ensure fair access and that the House should leave them as they are.

2.15 pm

Mr. Clappison: May I endorse the remarks made by my hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins) regarding the Minister and the way in which he has taken this Bill through the House, which, in addition to my earlier, sincerely meant remarks about the hon. Member for Nottingham, North (Mr. Allen), continues the spirit of friendship expressed during consideration of the Bill?

I am afraid that the same spirit does not extend to the Bill itself. Welcome though the concessions made in the other place are, I remain concerned about the effects of the Bill and the way in which those will be reinforced by what the Government are asking us to do this afternoon, as far as the amendments are concerned. I apologise to the Minister for missing his opening remarks about Lords amendment No. 5. Were it to increase bureaucracy, that would be very worrying, because the Bill is already bureaucratic enough. In relation to Lords

[Mr. Clappison]

amendment No. 17, and the other amendments concerning OFFA, I am really concerned. As I put it to the Minister in my intervention, I have been and remain concerned about what will happen in practice when OFFA gets up and running, and the approach that universities will be compelled to take. The Minister said that universities are keen to improve access and set milestones—well, my goodness me, they will have to be, if we consider the apparatus that the Government have put in place.

Of course, universities do a great deal to broaden access. As has been mentioned, the Russell group universities—particularly Oxford and Cambridge—already do a great deal to increase access and to promote themselves as widely as possible. As the right hon. Member for Newport, East (Alan Howarth) implied in his intervention, however, there is a limit to how much universities can achieve in determining their admissions through trying to generate extra applications, if admissions are genuinely decided on merit. There is a limit to what they can do to change, in some cases, deep-rooted cultural factors and a lack of aspiration, which we would all agree needs to be increased.

At the end of the day, universities will be judged on admissions. That much was implicit in some of the interventions that we heard from Labour Members on whether universities have complied with milestones. That is what worries me in relation to Lords amendment No. 17 and the Government's insistence that the regulator will have powers to enforce his will on universities and to enforce the milestones. My goodness me, the universities will certainly be concerned about that. They face fines, as the hon. Member for Newbury (Mr. Rendel) mentioned, but on top of that, they fear that they will not be allowed to charge the variable fee at all. That establishes a clear nexus between the financial pressure on universities and the university admissions system. That is unhealthy, and, in the long run, inconsistent—and will prove to be so—with admissions purely on merit.

The amendments and the whole bureaucratic apparatus being put in place form an amazing edifice. The Government, through the charging of fees, are putting the strongest possible economic disincentive on the very families that they propose they want to help. Families on moderate incomes will find themselves facing for the first time substantial fees. I do not want to go too far down that road but it is relevant to the amendment because it calls into question—

Peter Bradley *indicated dissent.*

Mr. Clappison: The hon. Gentleman thinks that the answer is that the fees will be repaid by students only on graduation. He can try to sell that as a deal to families in his constituency on an average income of, say, £20,000 or £25,000. At the moment, families on a combined income of £25,000 do not have to pay the variable fee. Therefore he is creating a debt for those students that they will have to pay. Under present arrangements, apart from the standard fee, they do not have to pay that.

Peter Bradley: Does not the hon. Gentleman acknowledge that, for school leavers with ability from low-income backgrounds, one of the most difficult barriers to accessing university is the up-front costs that they face—the student living costs? Does he acknowledge the contribution that the reinstatement of the maintenance grant will make to removing that barrier from that very large body of school leavers?

Mr. Clappison: I suggest that the hon. Gentleman take the case of the family on a combined income of £25,000 and look in a little more detail at the matter. I do not think that he served on the Committee, so he will not have gone through the Bill in detail, and I can understand that. Such families are simply not eligible under the new maintenance grant arrangements. He may look puzzled, but if he looks at the Government's figures, and the Minister will confirm this, the new maintenance grant tapers out at about £22,000.

Peter Bradley: It does not.

Mr. Clappison: I am afraid that it does. On the Government's own figures, the new maintenance grant tapers out at above £22,000. Students will continue to get some remission of fees, as they do at present, but they will not be eligible above that level. A debt is being created. For the first time, they will have to pay the variable element of fees.

I find it amazing that students from households that the hon. Gentleman mentioned will be given that tremendous disincentive. He mentions what those students look at. One of the biggest disincentives for students from families on low incomes is how much it will cost and how much indebtedness they will incur. Through these proposals, for a family on an income of £25,000, he is quadrupling the amount—albeit paid back on graduation—that will have to be paid back for the cost of education.

Mr. Allen: I am sure that an accurate figure will be put on the record by the Minister but, from memory, the taper does not run out until about £32,000. I am sure that the hon. Gentleman, like all of us, wants the people who will be eligible for a grant to understand their full eligibility, and that he is not intending to scare some of the very families whom we are trying to persuade that their youngsters should take up higher education. I am sure that he will be grateful to get a definitive correction from the Minister when he replies to the debate.

Mr. Clappison: I was talking about the new maintenance grant that the Government are putting in place. It is right that students will continue to receive some help with remission up to £33,000—I think that that is the figure. They get that at present, but above £22,000 they will not be entitled to any of the new maintenance grant.

Alan Johnson *indicated dissent.*

Mr. Clappison: The Minister can shake his head but it is there in the Government's own figures. The new maintenance grant will taper out at about £22,000. Above that, students will still get the help that they get at the moment for fee remission; that help is there at the moment.

We were told that the new maintenance grant was the unique selling point of the Government's proposals. That tapers out at about £22,000. Above that level, the only help that the families will get will be the help that they get at present, based on fee remission of £1,200. Therefore the amount that a student from a family on an income of £25,000 will have to pay will be quadrupled. It is fair to say that that will be upon graduation.

I remember all those years when the Labour party campaigned against tuition fees in general and variable fees in particular. It campaigned against the previous Government on that basis, even when they were not proposing to bring in variable fees or tuition fees. The Labour party campaigned consistently against that. I do not remember a distinction being made at the time between up-front fees and fees payable on graduation. That was never mentioned. The Labour party was concerned about the effect on students.

Peter Bradley: I am keen to correct another misapprehension under which the hon. Gentleman is labouring. The fee is not repayable on graduation. It is repayable on an income-contingent basis. That is a crucial issue. It is repayable when the graduate begins to reap the income dividend of the degree that he or she has achieved.

Mr. Clappison: If the previous Government had introduced such fees upon an income-contingent basis, I do not think that the Labour party, which was then in opposition, would have said that that was the solution. It was the principle of paying for education that it was concerned about, whether the payment was up front or through extra indebtedness.

It is amazing that the Government should put in place a bureaucratic edifice after creating strong economic pressure entirely in the opposite direction. There can be nothing more likely to put off students from families on low incomes who do not traditionally send their youngsters to university than the prospect of vast debt. I do not think that the Government edifice that the amendments put in place will succeed in counteracting that pressure. We will see some serious distortions in university admissions, from which a very large number of families will be the loser. They will have the opportunity to pass their judgment shortly.

Alan Johnson: I thank the hon. Member for Westmorland and Lonsdale (Mr. Collins) for his gracious comments. He put me in the Cabinet and then on to the Opposition Back Benches all in about one minute. It was a bit of a career change but, at the risk of turning the Chamber into a mutual admiration society, I congratulate him on his well-deserved promotion and I am sure that he will rise further through the ranks of the shadow Cabinet over the years to come.

The hon. Gentleman rightly said that the Bill has come back in better shape from the other place. May I place it on record that that was due to a number of factors, the most significant of which was the role played by my noble Friend Baroness Ashton, who led the debate in the other place superbly and with great distinction?

I have a short time left to me. The hon. Gentleman, almost in passing, talked about Lords amendment No. 5 and said that I gave a bureaucratic reply. He asked whether there were any points within the civil service code that I would question. The whole point of the Lords amendment, I presume, was the one significant part of that code that I do object to, the part that removes the role of the Secretary of State in appointing the regulator. While it was a bureaucratic point—I accept that—it is significant that the civil service commissioners themselves believe that it is the wrong process to use in relation to the regulator that we are setting up, which is a non-departmental Government body.

The hon. Gentleman raised concerns about Lords amendments Nos. 15, 16 and 17. We have tried hard. He mentioned the acceptance of Lords amendment No. 13, which puts the fact that the regulator will not be involved in admissions in the Bill, but the amendments that he referred to would completely destroy the office of the regulator. That is why he supports those amendments. They would mean that the regulator had no sanctions, even if the university said that it was going to charge £2,000 and decided to charge £3,000—even, I presume, although I am not absolutely sure, if it charged more than the £3,000 cap. There would be no method for the regulator to apply any sanctions if we accepted Lords amendment No. 15. It is also technically deficient. It goes to the heart of everything we have attempted to do in relation to the regulator.

I appreciate the gracious comments of the hon. Member for Newbury (Mr. Rendel), too. I also appreciate his support for Lords amendment No. 5. He presented two arguments, one of which was presented by Liberal Democrats in Committee, which was about the Higher Education Funding Council for England taking over the role of the regulator, so that we did not need to set up the Office for Fair Access. I said at the time, in Committee, that that was not a completely outrageous suggestion, and it was one that we considered. However, we thought that it would mix up a funding body with a regulator, and on balance we felt that that was the wrong route to take. The hon. Gentleman's second argument, however, on the access regulator and the issues that he perceived to be involved, was—

It being one hour after the commencement of proceedings, MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [this day].*

Lords amendment No. 5 disagreed to.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Government amendments (a) and (b) to Lords amendment No. 20 agreed to [Special Entry.].

Lords amendment No. 20, as amended, agreed to.

Government amendment (a) to Lords amendment No. 23 agreed to.

Lords amendment No. 23, as amended, agreed to.

Lords amendment No. 15.

Motion made, and Question put, That this House disagrees with the Lords in the said amendment.—*[Alan Johnson.]*

The House divided: Ayes 309, Noes 149.

Division No. 202] **[2:31 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dismore, Andrew
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
Gerrard, Neil
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Iranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Killoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
MacDonald, Calum
McDonnell, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Mandelson, rh Peter
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Mooney, Dr. Lewis
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
Olner, Bill
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prescott, rh John
Price, Adam *(E Carmarthen & Dinefwr)*
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simon, Siôn *(B'ham Erdington)*
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*

Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Wareing, Robert N.
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Williams, Hywel *(Caernarfon)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Nick Ainger and Gillian Merron

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Arbuthnot, rh James
Bacon, Richard
Baker, Norman
Barrett, John
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burnett, John
Burnside, David
Burstow, Paul
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Foster, Don *(Bath)*
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Hague, rh William
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howarth, Gerald *(Aldershot)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lamb, Norman
Laws, David *(Yeovil)*
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Selous, Andrew
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Tonge, Dr. Jenny
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, David
Williams, Roger *(Brecon)*
Willis, Phil
Wilshire, David
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Geoffrey Clifton-Brown and Gregory Barker

Question accordingly agreed to.

Lords amendment disagreed to.

Simon Hughes (Southwark, North and Bermondsey) (LD): On a point of order, Mr. Deputy Speaker. Can you help colleagues and I—

Michael Fabricant (Lichfield) (Con): Me—accusative.

Simon Hughes: Colleagues and me, correct. We came to vote, but by the time we arrived, the Tellers had disappeared. There were four Opposition Members whose votes were not counted. Can you advise us, Mr. Deputy Speaker? *[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I can probably help the House on this matter. I obviously express my regret to the hon. Member and others who were deprived of having their vote counted. However, the Chair has to accept the Tellers' report. There is a system in operation whereby the Tellers are informed whether the Lobby has been emptied of all those who were willing to come out and be counted. *[Interruption.]* If an honest mistake has been made, it has been made, but the result must stand as it is.

Simon Hughes: I understand, Mr. Deputy Speaker, that honest mistakes can be made, but let me make it absolutely clear that my hon. Friend the Member for Romsey (Sandra Gidley), other colleagues and I were not only ready, but very willing to vote—and in the right place at the right time.

Mr. Deputy Speaker: It therefore becomes even more a matter of mystery why, within the time available, everyone had not exited from the Lobby. I really do not think that I can add anything more to that. *[Interruption.]*

Order. There will be more opportunities for hon. Members to vote.

Lords amendment No. 16 disagreed to.

Lords amendment No. 17.

Motion made, and Question put, That this House disagrees with the Lords in the said amendment.—*[Gillian Merron.]*

The House divided: Ayes 312, Noes 164.

Division No. 203] **[2:48 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dismore, Andrew
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
Gerrard, Neil
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Irranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
MacDonald, Calum
McDonnell, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mandelson, rh Peter
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Milburn, rh Alan
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
Olner, Bill
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prescott, rh John
Price, Adam *(E Carmarthen & Dinefwr)*
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simon, Siôn *(B'ham Erdington)*
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela

Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Wareing, Robert N.
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Williams, Hywel *(Caernarfon)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*

Tellers for the Ayes:
Mr. Nick Ainger and Gillian Merron

NOES

Allan, Richard
Ancram, rh Michael
Arbuthnot, rh James
Bacon, Richard
Baker, Norman
Barrett, John
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burnett, John
Burnside, David
Burstow, Paul
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Hague, rh William
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lamb, Norman
Laws, David *(Yeovil)*
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
May, Mrs Theresa
Moore, Michael
Mosa, Malcolm
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Reid, Alan *(Argyll & Bute)*
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Selous, Andrew
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Teather, Sarah
Tonge, Dr. Jenny
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Roger *(Brecon)*
Willis, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Geoffrey Clifton-Brown and Gregory Barker

Question accordingly agreed to.

Lords amendment disagreed to.

Clause 23

DUTY OF SECRETARY OF STATE TO IMPOSE CONDITION AS TO STUDENT FEES, ETC

Lords amendment No. 3.

Alan Johnson: I beg to move, That this House disagrees with the Lords in the said amendment.

Madam Deputy Speaker (Sylvia Heal): With this the House may consider Government amendments (a) and (b) in lieu of the Lords amendment.

Alan Johnson: The Government have considered carefully the Lords amendment on gap years. We cannot accept it for technical reasons, but we accept the principle behind it. In combination, our amendments in lieu would achieve the same policy intent, but in a more tightly drafted way.

We have previously argued that the decision on whether to exempt gap year students in 2005 from higher fees is more properly a question for individual universities than for the Government. The point of variable fees was to give universities flexibility to respond to a perceived threat. However, we have been swayed both by the arguments in this House and the other place and by the stance taken by the universities themselves. They have made it clear through their support for the Lords amendment that they support a sector-wide response on this particular issue and are content for the Government to legislate.

[Alan Johnson]

By providing the protection in the amendments, we avoid the risk, however small, that some students will choose to forgo a gap year in 2005, thus placing extra pressure on places in the higher education system that year. The advantage to students of putting the provision into the Bill is certainty about the fee regime and the student support package to which they are entitled no matter which university they attend. The students will qualify for the same student support arrangements that will exist for students who began their courses before 2006 but are still studying in that year. That includes eligibility for a deferred loan to pay their lower standard rate fees, eligibility for the £1,000 grant and fee remittance of approximately £1,200.

The Government amendments in lieu also address the situation of the very small number of students who, because of a successful appeal against their A-level results, miss out on a university place in 2005 and have to start instead in 2006. We might fairly describe that as an enforced gap year.

I shall say a little about how our amendments in lieu differ from the Lords amendment so that right hon. and hon. Members may be confident about the need for them. First, the Lords amendment includes a reference to "years", which we have replaced with "academic year", in line with the rest of that part of the Bill.

Secondly, the Lords amendment refers to "designated" courses. To be sure that we cover a broader group of students who might wish to take gap years in 2005, the Government amendments refer to "qualifying" courses, which are the subject of separate regulations and which is the correct description of courses for which student support is available.

Thirdly, we have structured the Government amendments to reflect the structure of the rest of part 3 of the Bill—that of an access plan, with the associated right to charge higher fees, linked into the condition of grant in clause 23(1). Our amendment would mean that an access plan cannot allow a higher education institution to charge higher fees to gap year students in 2006, which would make matters watertight.

Fourthly, the Lords amendment contained no provision for sanctions should a higher education institution seek to charge higher fees to the gap year cohort. Those are the very students whom the amendment sought to protect, but it provided no enforcement arrangements. The amendments in lieu correct that by making it clear that clause 23(1)(b) and the sanctions contained in clause 21(3)(b) will apply to that cohort.

Finally, the Lords amendment was based on the first set of regulations that we made in 1998 when a similar arrangement applied, rather than on the regulations as subsequently amended.

Mr. Phil Willis (Harrogate and Knaresborough) (LD): We are grateful to the Minister for the way in which he has dealt with this issue. Will he confirm that for a student who goes up to university in 2006, the old fee regime will apply to all three years, or to four or five years for, for example, a medic or an architect? Alternatively, will just the first year be covered, after which they go on to the higher fee regime?

Alan Johnson: It applies to all the years—three for a traditional honours degree course, or four for chemistry and so on.

Mrs. Anne Campbell (Cambridge) (Lab): I am interested in the fee to be charged to the gap year student, the way in which eligibility for a grant is affected and the debt repayment terms, which are advantageous for many students. Will the new conditions applying to grants, fee repayment and so on apply, or will the old conditions pertain?

Alan Johnson: As always, my hon. Friend makes her point clearly, and it is an important point. We will treat the students as if they started their university course in 2005. They cannot have the best of both worlds. They will have the lower fee, the fee remission of £1,200 will continue and they will have access to the £1,000 grant: they will not have access to the larger grant of £2,700. However, if students felt strongly about that, they could take their gap year, reapply to university and become part of the 2006 intake. In that sense, they do have the best of both worlds. The arrangements mean that the 2005 position will be retained in all senses, including the student support package.

I was explaining about the two sets of regulations. The amendment in the other place would amend the original regulations from 1998, but we changed those regulations in 2000. The regulations differ in the way in which they treat students who change courses between acceptance by a university and the start of the courses a year or more later, either because the original course for which they were accepted no longer exists or because they have decided to take a different course. The second set of regulations is a little less restrictive on what students are allowed to do when changing courses if they are still to qualify for the concession. I am sure that hon. Members would want us to replicate the regime that worked well in 1998, and that is what the amendment in lieu would achieve.

Mr. Simon Thomas: I welcome the Minister's comments, although the provisions will apply only to students in England. They will apply to students from Wales who study in England, but we do not yet know what will happen in Wales on the introduction of top-up or additional tuition fees. The National Assembly may introduce them at a later stage, but it has not yet decided to do so. As we need primary legislation to address the issue of gap year students in England, will the Assembly be able to address the issue as it desires under this legislation or will we need another dose of primary legislation here? Is the Minister confident that the Bill gives sufficient powers to the National Assembly to deal with the issue of gap year students in Wales when that matter arises?

Alan Johnson: Sometimes when I cannot immediately think of a response to a question, inspiration strikes, amazingly, when I sit on the Front Bench for a few

minutes. I hope that by the end of the debate I will be able to give the hon. Gentleman the answer to his question.

Chris Grayling (Epsom and Ewell) (Con): The date in the amendments in lieu is 1 August 2005, but that may mean that they do not affect those students who secure a place through the clearing system. If they do not achieve the grades that they expected, but obtain a university place none the less later in August or in September through the clearing system, would they be excluded from the exemption that the amendments in lieu provide?

Alan Johnson: I hope not. We have tried hard to ensure that the exemption applies to students who make their applications in the traditional way and the minority of students who wait for clearing before they make an application. I would have thought that those students would be covered. I understand his point about 1 August, and I may be able to provide a more considered response to that question by the end of the debate.

I urge the House to reject the Lords amendment, in the best possible spirit, and accept the amendments in lieu.

Chris Grayling: I welcome the Government's decision to accept the principles behind the amendments that were first tabled by me and my hon. Friends, and then by our colleagues in the other place. In the spirit in which the Minister rightly paid tribute to his colleague, Baroness Ashton, for the work that she did, I congratulate Lord Forsyth, who did a tremendous job on this Bill. Many sixth formers should feel great gratitude to him, because his work has contributed to the concessions that the Government are making this afternoon. Those concessions are enormously welcome for those sixth formers and others who have been concerned about the issue.

3.15 pm

The flaw in the Government's original proposals was that anyone leaving school in the summer of 2005 and deciding not to take up their place for a year—as many thousands of young people do—would be forced to start university under the new funding regime, with £3,000 fees, rather than under the old regime with £1,125 fees. Any hon. Member who has visited a school sixth form recently—I have and I am sure that others have done so—and has asked those in the lower sixth, who will be those affected by the issue, about their intentions for 2005 will know that many have decided to go to university straight away and miss out on a gap year. Indeed, the specialist gap years organisation Gap Year Fairs says that the soundings that it has taken in sixth forms suggest that as many as three quarters of those who would normally take a gap year had decided against doing so because they wanted to avoid the higher fee regime that will be in effect from 2006.

It was not only those planning to take a gap year for the potential experience who were set to lose out as a result of the Government's plans. People do not take a gap year only for the experience. There are many students who work to raise money for their university costs, and they would have also lost out. I await with interest the Minister's clarification on the issue of clearing, because many people only obtain a university place through the clearing system after 1 August. Others find that their results were much better than they expected, so they take a gap year, reapply for a place and start university a year later. I hope that the Minister will address the problem faced by young people in that position. Some, for example, expect to get three Cs, apply for a university course that is realistic given their abilities and then discover that their results are better than that. What will happen to those people? Does the amendment take their situation into account?

The Government have rightly identified in the amendment the situation of those who appeal against the grades that they have been given. They are also at risk of losing out. I welcome the fact that that has been addressed. What made the situation particularly absurd was that when this same situation arose back in 1998 when university fees were first introduced, the Government did allow transition arrangements that ensured that no student would lose out financially by having a gap year. However, when we debated the issue in Committee and on Report both the Minister and Labour Members were unconvinced. The Minister said that those affected this time had had plenty of notice—three years' notice, he claimed—but no doubt they are the same students who were told at the time of the last general election that the Government would not introduce top-up fees.

The hon. Member for Nottingham, North (Mr. Allen) was even more dismissive. He said in Committee that the amendments we were putting forward were for just one group of people in society, and that for many of his constituents a gap year would be working in the shop of the same name to save money for university. Actually, he is right, and the amendments in lieu will make it easier for those of his constituents fortunate enough to go to university. We look forward to more of them doing so. The change will give them the opportunity to work and save money, if they believe that that is the right approach for them.

Mr. Allen: I was alluding to the fact that as I represent the constituency that sends the fewest young people to university, most of my constituents do not have the privilege or pleasure of going to university and therefore do not have to make onerous decisions about gap years. Unless the Conservatives come to power and remove the £3,000 grant that will apply to most of the youngsters in my constituency, more and more will probably take up that option and will face the dilemma of what to do in their gap year.

Chris Grayling: In that case, I hope that the hon. Gentleman will welcome the changes made to the Bill as the result of our debates on the issue, which will mean that those in his constituency who plan to take a year out to save for university will now have the opportunity to do so in 2005.

Of course, even when the issue reached the other place, the Government were still lukewarm. The Minister in the Lords—getting warmer—had accepted that there was a problem but said that it should emphatically be left to the universities to do something

[Chris Grayling]

about it. Happily, their lordships disagreed and the Minister for Lifelong Learning, Further and Higher Education has now accepted that they were right.

Their lordships disagreed because they realised that the proposals would have an impact not simply on students but also on universities. Without the amendments that the Government are proposing today, the next application year—2005—would have been a nightmare for universities. Students who would normally have gone to university in 2006 would have started a year early; tens of thousands more students than usual would have been trying to get into university; and people would have been turned away by universities because there were not enough places. Those students would also have been losers without the amendment.

What an irony if the Government had refused to accept the wisdom of our arguments. It is hard to see how the view of the Minister and the Secretary of State could have been squared with that of the Chancellor of the Exchequer, because 2005 is the international year of the volunteer and the Chancellor sees that as a big opportunity to encourage young people to participate actively in helping the developing world and to get involved in worthwhile causes. Recently, he even held a summit at No. 11 Downing street to bring together all kinds of voluntary organisations, to encourage young people to use 2005 as the opportunity to do their bit in the voluntary sector. He talked about the importance of volunteering and of young people offering to volunteer. He talked about students using their gap year to do good work as volunteers. The focus was all on 2005: the international year of the volunteer—the very same year in which the Secretary of State and the Minister had planned to scrap the gap year for so many young people. What nonsense it would have been if the Government had not agreed to this concession today.

I congratulate the Minister on his belated conversion to our arguments, or perhaps it should be on his decision to succumb to the pressure from No. 11. Either way, those affected will not mind. All the groups of young people to whom I and other Members have spoken will greet the decision with a sigh of relief. It will be hugely welcome. The last time I visited a sixth form in my constituency, I asked for a show of hands from those students who had decided not to take a gap year in 2005: hands went up all over the hall. On that day, I promised those students that we would carry on fighting the battle for them. Thanks to the efforts of our colleagues in another place, the Minister has agreed that we were right and we have won. For that, we, and especially those sixth formers, should be grateful. I congratulate the Minister; we shall be delighted to support the amendments.

Mr. Rendel: I, too, am delighted to support the Government's proposals. We are very pleased that they have changed their mind. As the Minister and others in the House who have been attending to the business know, we have been fighting on the issue for a long time—almost since the suggestion in the White Paper that such a problem might arise. At that time, charities organising gap year placements for young people immediately began writing to us to explain that they felt it might cause them great danger, and that some of them might go to the wall, were there to be one single year when nobody would take a gap year. I am therefore delighted that the Minister has decided to go along with the wishes of many Members about gap years.

There is no question but that the Government's original plans would have been bad for the tens of thousands of students who wanted to take a gap year in 2005; they would have been bad for the charities, as I pointed out; and they would have been bad for organisations that have come to rely on the voluntary help of gap year students, especially in third-world and deprived countries. The plans would also have been bad for the universities. It came as no surprise when the Minister said that the universities had been pressing for change; without exception, every vice-chancellor to whom I have spoken has told me that they prefer gap year students. On the whole, they tend to be the best students and are obviously more mature than some of those who do not take gap years. They tend to make the best possible use of their university education. The change will benefit the universities, too, so I am delighted that it will be made.

The most important reason for the change and the one that made the Government's previous position untenable, as I have said on many occasions, is the effect on students who come, in the main, from less traditional university backgrounds and the poorer areas of the country. They would have been excluded from university because in that one year many more applicants—many from the independent schools and the richer parts of the country—would not have taken a gap year and would thus have pushed out some of the more marginal students from less traditional backgrounds. It was for their sake that the change was so necessary. It is also in line with the Government's efforts to widen access to universities.

Mrs. Anne Campbell: Given that universities are under some obligation to try to increase the number of students from non-traditional backgrounds, I fail to see why a glut of applications in any one year would mean that the less traditional students were less likely to get places than those from the independent sector.

Mr. Rendel: If the hon. Lady studies the statistics she will see that, on the whole, students from less traditional backgrounds and from the poorer parts of the country tend to get into university with rather lower grades than some of those from the independent schools, who tend to take a gap year. At present, almost by definition, a student taking a gap year will have high A-level grades; they would not try to take a gap year unless they were sure that they would be accepted for a deferred place. In order to be accepted for a deferred university place, one almost certainly has to have better grades, so on the whole gap year students will inevitably push out the more marginal students with lower A-level grades. That is why the original plans would have been bad for inclusivity.

Mr. Tim Boswell (Daventry) (Con): But does the hon. Gentleman not acknowledge that gap year organisations are anxious to increase the number of their participants from the less privileged socio-

economic groups for reasons of balance, so Government supporters should not misinterpret the amendment as being class-slanted?

Mr. Rendel: Absolutely. I entirely accept the hon. Gentleman's point and I hope that I was not misleading the House by what I said. I certainly accept that it is extremely important to widen the group of people from whom those who take gap years are selected. We should try to give everybody that opportunity whether or not they come from traditional university backgrounds and whether they are rich or poor. The effect of a gap year on a young person is equally beneficial whatever their background, so I entirely accept the hon. Gentleman's point.

The Government advanced two arguments against our original proposal. One has already been mentioned—that students had long enough to think about the situation. I found that argument slightly hard to understand, because the longer students had to think about it, the more likely they were to realise that taking a gap year was a bad idea. They would be more likely to refuse to take a gap year, thus causing the problem to get worse. I did not understand why having a long time to think about that would help the Government's original point of view.

Despite being grateful to the Minister for the change that he has made, I cannot resist teasing him a little by pointing out that his other argument was that, in practice, a lot of people would be so attracted by the new regime that they would all suddenly go on gap years instead of those who wanted to do so under the old regime. Given the move he has made, perhaps he now accepts that that is a load of nonsense. It is certainly a load of nonsense, given the survey that we undertook in my constituency and that of my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis), which clearly showed that the number of those who want the new financial regime is negligible. We found one person, out of some 300, who wanted to take a gap under the new regime. I hope that we have laid that one to rest at last.

Alan Johnson: I just want to make a few remarks. If I entered into the debate, I should be arguing from a previous position: much of the debate has been about the arguments that I was putting before I was persuaded to go down this route. So it would be perverse to go through all those arguments again, but the hon. Member for Epsom and Ewell (Chris Grayling) tempted me to do so by over-egging the pudding. I think that "The Dambusters March" was bursting out at the end in terms of the huge achievement.

The hon. Gentleman made an important point about the cut-off date of 1 August, and I was hoping for some further time to inspire me to respond. Such places must be offered before 1 August 2005, so clearing places offered before that date would be covered. Why? The reasons are, first, that that was the case in 1998, so we used that date, and secondly, that date was included in the Lords amendment. So the triumph in the Lords that he mentioned contained that date, but that gives me some cause for concern for the reasons that he gave.

Given the point about university flexibility, however, the universities could still recognise that there was unfairness. Looking back to what happened in 1998, when they would not have had such discretion—they would still have had to charge the £1,000 fee—we can be safe in agreeing to that part of the Lords amendment, replicating what we did in 1998, but I need to make some further inquiries, and if we find some problems we can ask the sector to resolve them itself.

3.30 pm

Chris Grayling: I ask the Minister to bear in mind two factors. First, A-level results do not come out until mid-August, so it would be impossible for students to go through the clearing process before 1 August. Secondly, I remind him that the amendments that we tabled in the House set a cut-off date of 1 April 2006, which would have allowed the whole clearing process to be completed in plenty of comfort before unconditional offers were generated by the following year's A-levels. If it is possible for him to reconsider and make any necessary modification before the Bill receives Royal Assent, assuming that there is a little bit of further debate in the Lords, it would be appreciated.

Alan Johnson: That is a very sensible point, and it allows me to say a few words before I take the next intervention.

Mr. Willis: Such a concession was given in the 1998 legislation—the wording is the same as that included in that legislation—and reference was made to the offer of a place on a qualifying course, as is stated in paragraph (a). In fact, that does not affect the clearing process, provided that the application reaches the Universities and Colleges Admissions Service in time. Students can be offered a place that is conditional on achieving certain grades. If they do not achieve those grades, the offer remains, but students go into the clearing system thereafter. I had not considered the difficulty until it was mentioned by the hon. Member for Epsom and Ewell (Chris Grayling), and it arises with those people who do not apply at all before they get their results and who, depending on their results, apply for a place and ask for a gap year. A very small group of students is involved, but it would be worth covering them during whatever deliberations the Minister can have.

Alan Johnson: I am genuinely grateful to the hon. Gentleman for making that point, which clarifies one of the aspects raised by the hon. Member for Epsom and Ewell. I recognise that a small minority is involved, which includes a charming girl who works in my office who did not fill in an UCAS form and waited until clearing to apply to university. I will take advantage of the time that we have before the Bill returns to the other place to find out whether we need to do anything differently, but I re-emphasise that that date was used both in 1998 and in the Lords amendment.

My hon. Friend the Member for Nottingham, North (Mr. Allen) had replayed to him the very valid points that he made in Committee about who takes gap years and how we can help youngsters from poorer backgrounds to receive the benefit of a gap year, even though they may not go on to university. The Under-Secretary of State for Education and Skills, my hon. Friend the Member for Bury, South (Mr. Lewis), reminds me that we have been operating a pilot scheme precisely to discover whether we could provide 18-year-

[Alan Johnson]

olds from poorer backgrounds with the opportunity to do voluntary work in that way. I guess that it could be said that we are bringing gap years to the people, using that pilot. Those points were worth mentioning.

The hon. Member for Newbury (Mr. Rendel) made two points during his little tease. I should say, just to set the record straight, that we argued that the gap year provision was essential in 1998, because the legislation was put before Parliament in 1997 and became law when students would have already signed up and made commitments to their gap years. The circumstances now are different, not because students have had longer to think about it but because they knew what was coming, unlike the students in 1997–98, who had no idea that a fees regime would be put in place.

There was some logic to the argument that there might be students who wanted to start in 2006 because of the package available at that point. What I had not realised is that, in a fit of outstanding generosity, we were going to abolish all up-front fees from 2006. Many Labour Members understood that students who took a gap year and started in 2006 would get the new regime of deferred fees, whereas those starting in 2005 would have to pay £1,000 up front for every year of their course, which would usually last three years. However, we said in the White Paper that there would be no up-front fees after 2006—we had already made that decision and started work on that basis. In a sense, that makes the argument advanced in Committee by Opposition Members that there would be a gap year problem stronger. However, students who start in 2005 will pay £1,000 up front for one year, and the £1,000 fees for the following two years of an average course will be deferred. We had not appreciated our own generosity in that respect.

I should apologise to the hon. Member for Ceredigion (Mr. Thomas), because the thought that entered my mind when I was listening to him was, "We are not absolutely sure." Higher education institutions in Wales could decide to act collectively.

Mr. Simon Thomas: I am grateful to the Minister for thinking about the matter. Let me put my concern on the record, in the hope that he will find time in his busy schedule to reflect on it. It seems to me that if the National Assembly wants to help gap year students in Wales after the introduction of tuition fees, what will be needed is primary legislation passed by this place, not regulations made by the Minister. Had the measure been in regulations, the National Assembly would be able to act because the matter would be devolved, but it appears in primary legislation. I want the National Assembly to be able to deal with the matter in Wales, if it wants to. The Minister suggests that a voluntary agreement might suffice, but I would appreciate it if he considered the matter in detail.

Alan Johnson: I shall of course reflect on that important point.

In conclusion, I urge the House to reject the Lords amendment and to accept the amendments in lieu.

Lords amendment disagreed to.

Government amendments (a) and (b) in lieu of Lords amendment No. 3 agreed to.

Clause 27

SECTIONS 22 TO 26: SUPPLEMENTARY PROVISIONS

Lords amendment No. 4

Alan Johnson: I beg to move, That this House disagrees with the Lords in the said amendment.

Madam Deputy Speaker: With this it will be convenient to take Lords amendment No. 2 and the Government motion to disagree.

Alan Johnson: What the two amendments have in common is that they would have an impact on the funding delivered to higher education. I hardly need to remind the House that providing HE institutions with a sustained income stream to address the funding gap in higher education is one of the principal reasons why we have introduced variable fees with a cap of £3,000 to replace the current system of fixed up-front fees of about £1,000. The Government believe that we should give universities greater freedom and flexibility to charge fees within the prescribed limits. The Lords amendments are an odd combination, professing to understand the value of additional fees income to universities on the one hand while taking a substantial chunk of that money away with the other.

Lords amendment No. 2 would not only stop universities charging higher fees, but abolish all fees after the third year. Not only would it remove the universities' ability to increase fees in the fourth year and beyond but it would take away the fees that they already receive in that period, which raises questions about whether universities would want to continue to run longer courses. They might prefer to close those courses rather than run them without fees. Key courses to be affected include medicine, dentistry, veterinary science, architecture, engineering, modern language courses in which students spend a year abroad, and sandwich courses in which students spend a year working in industry. All those courses are strategically important for the country.

Abolishing fees beyond the third year would be a major disincentive to universities to offer those long courses. The other place hoped that the amendment accepted on Report would protect such courses, but in fact it would jeopardise them. Third Reading was interesting because it demonstrated that their lordships realised what they had done and were concerned about it. A parallel amendment that would have had the same effect in Wales, for instance, was not pressed to a vote, demonstrating the inconsistency of their actions. An amendment seeking to make the Secretary of State pay for the costs was defeated because it was accepted that there is only one pot of money and, come what may, the higher education sector would end up paying for that ill-considered proposal.

As for costs, it is difficult to be precise because fees are variable and we do not know yet what universities will charge, but we estimate that Lords amendment No. 2 would cost universities £130 million to £180 million a year, depending on the level of fees charged and the proportion of students on longer courses. As

hon. Members will know, we have asked Sir Alan Langlands to conduct a review, "Gateways into the Professions", which will look at the relevant disciplines. Under the amendment, however, his work would be made much harder, with institutions closing such courses before the review was complete.

Mr. Boswell: Is it not virtually inconceivable that Sir Alan Langlands would propose limiting the time required for students to reach professional standards on such courses to three years? I do not necessarily accept the argument but the logic appears to be, either do part of the course in three years or do not do it at all.

Alan Johnson: I accept the hon. Gentleman's point, but Sir Alan Langlands is not looking at changing the length of courses. His role is to look at best practice in both public and private sectors in "Gateways into the Professions" to see what institutions and the Government are doing, and to spread that best practice. The amendment, however, would take £60 million away from universities immediately, so universities that believe there is a funding gap would have that gap extended and their reaction might well be that they could no longer sustain certain courses.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Some of my old friends and colleagues in the House of Lords have great experience of university matters, including funding. I am therefore surprised by the amendment, which is damaging to university finances, as we heard in evidence from the Higher Education Funding Council in the Education and Skills Committee. The British Medical Association produced some extraordinary figures when we debated the Bill in the House on a previous occasion. Are those figures accurate, and is the medical establishment still making those claims?

3.45 pm

Alan Johnson: I have not heard too much about the matter since that extraordinary figure—I met the British Medical Association to discuss it—of a debt of £64,000. That has never been justified or substantiated. It seems like "think of a number and double it", literally—Barclays was talking about a debt of £32,000 or £33,000. Although medical students will obviously incur a greater cost because of the length of their course, £64,000 was incredible. My hon. Friend makes a valid point. I do not know whether those arguments were used in the debate in the other place, but if they were, it may have been one of the reasons why many noble Lords regretted the decision they had made and sought, unsuccessfully, to rectify it last night.

We should recall, too, that the less money universities have in fee income, the less money they can recycle in the form of bursaries and grants to their students, so the amendment militates against widening participation.

Mr. Allen: That point was made many times in Committee. Youngsters who currently cannot get to university because there is no support for them would get a £3,000 a year grant—that would apply to most families in my constituency. On top of that, if the universities were properly financed, as my right hon. Friend says, they would receive an additional bursary from the university. Will he write to me and other colleagues and list the universities that are offering such a bursary or, if he cannot answer immediately, will he place that information in the Library? We heard eight or nine examples in Committee, and I am sure that as time has gone by, more universities must be offering more bursaries to assist students from non-traditional backgrounds—that rather patronising expression, which to me means working-class kids—get to university? Will my right hon. Friend tell us if there has been progress?

Alan Johnson: I am pretty sure that there have been no more announcements. The university of Surrey was the last one. That is not surprising because the system that many universities have to go through to determine those factors can sometimes be rather time consuming—I will not use the word "tortuous".

Dr. Ian Gibson (Norwich, North) (Lab): Tedious.

Alan Johnson: There speaks the voice of experience. I would not take the fact that there have been no further announcements as a sign that other universities will not offer the same.

A student studying medicine at Cambridge who comes from the background that my hon. Friend the Member for Nottingham, North (Mr. Allen) mentioned would receive a £7,000 package—£3,000 from the state and £4,000 from the university—for the entire length of the course. Under the amendment, the student would stop building up fees after year three of the course, but would still get the Government support and the bursary support—without the money being switched, incidentally. The likely result is that the university, which has control over the bursaries that it offers, would reduce the bursary.

Chris Grayling: The Minister is speaking about people from non-traditional backgrounds. He will recognise, I am sure, that the son or daughter of a teacher who chooses to do a six-year veterinary course in London will run up £3,000 a year in fees plus another £6,000 or £7,000 a year in living costs. Over six years that comes to £60,000. However, the son or daughter of a dustman who goes on to become a merchant banker will get substantial support from the state. The Minister must therefore understand what a problem his proposal represents for those who are on middle incomes in the south-east.

Alan Johnson: That reminds me of an argument that I heard from a medical student on television addressing the Prime Minister round about last February. I was interested in what medical students—not the Government—said about such arguments in the BMA's magazine, *BMA News*. The whole page was full of critical letters. In one of them a medical student at St. Andrews university wrote:

> "Medical students are in the fortunate position of being almost guaranteed a large income over their lifetime, paid for by the taxpayer.
>
> It is reasonable that we should make a small contribution towards the cost of our own education if we can afford it."

[Alan Johnson]

Another wrote:

"Does"—

I will not mention the girl's name, but the reference is to the person who made the criticism—

"not realise that she is about to enter a very privileged profession, enjoying a good income and job security? Maybe her next seminar should be on humility."

The argument about dustmen and so on is well dealt with in that exchange.

Mr. Willis: I accept the Minister's point, but will he accept that the professions that require more than a three-year degree—in particular, medics, dentists, architects and vets—are currently dominated by the higher socio-economic groups, particularly ones and twos, and by white, middle-class males? What difference will his proposals make to getting people from all backgrounds, irrespective of their race, creed, colour or financial background, into our hospitals, architectural practices and veterinary surgeries? I cannot find a justification or argument for the envisaged debts on five-year courses attracting people from the lowest financial backgrounds.

Alan Johnson: I am being tempted into a Second Reading debate about the whole question, but the hon. Gentleman raises an important point. In the 36 years of free higher education post-Robbins and pre-Blunkett, the social class gap widened rather than narrowed for all courses, including medicine and architecture, so free higher education with maintenance grants did not close the social class gap. The hon. Gentleman argues that the introduction of variable fees, which will be deferred until after graduation and which all students will pay following the change from fee remission to grants, will inhibit the resolution of the social class gap problem on longer courses, but the majority of Labour Members and I take the view that that is not the case.

If some aspects of the package were different, the hon. Gentleman's argument might be correct, but when the bright, working-class kid, about whom we have spoken on many occasions, reaches the qualifying, attainment stage when they are 18 years old, they are as well-equipped as someone from a more middle-class background to realise the benefits from studying medicine, architecture or veterinary surgery—incidentally, veterinary surgery is hugely over-subscribed, and there is no sign that fees will make any difference.

Such young people can make that decision, particularly if they come from the background that my hon. Friend the Member for Nottingham, North mentioned, which means that they will receive a £3,000 grant and a bursary from the university. For such students, the fee will be deferred and will be repaid on the basis not of what they owe but of what they earn, and the threshold on repayment will be higher. The regulator will ensure that institutions encourage applications, so universities will become more encouraging and welcoming to applicants who think that they will feel like misfits.

We are also providing extra money to expand places and to allow 50 per cent. of 18 to 30-year-olds to have the benefit of a university education rather than 44 per cent. The hon. Member for Harrogate and Knaresborough (Mr. Willis) speaks with passion and from the same perspective as me and other hon. Members, but we disagree about that issue. I am convinced that the solution does not lie in the amendment. There may be an argument about whether fees are appropriate, but to say that, irrespective of the profession, longer courses should not involve fees after year four is not the solution.

Mr. Sheerman: I do not want to make my right hon. Friend's life difficult, but it is important to clear up some factual points. The hon. Member for Harrogate and Knaresborough (Mr. Willis) is wrong to describe medicine as a white, middle-class male profession—he is certainly wrong on gender when it comes to current recruitment. How big is the difference between long courses in dentistry and in medicine, where the fifth and sixth years are paid for by the NHS, and veterinary medicine?

Alan Johnson: The student pays. I am pretty sure that we provide no assistance in those circumstances.

Mr. Rendel: I declare an interest as someone who is married to a GP. The hon. Member for Huddersfield (Mr. Sheerman) is right that many of our medics, especially those who enter medical schools nowadays, are female. Does not that counter the Minister's point that all medics may pay much more in fees but will ultimately earn good salaries? Many will not get good salaries because they will take part-time work, at least while they have families. Their salaries will not necessarily be that good. If they marry people who do not earn much, they may have to get a mortgage to buy a surgery as well as a home. They may be in difficult circumstances.

Alan Johnson: That is a valid criticism of some of the loan repayment schemes but not of the measure. The new system is income-contingent. If, for any reason, salaries drop below £15,000, graduates will pay nothing back. There is no real rate of interest and no money is clocking up. Debt is always called in at some stage; under the proposed system, it is never called in. Indeed, after 25 years, it is forgiven. I do not therefore accept the hon. Gentleman's points but the difference of opinion at least reinforced the point of my hon. Friend the Member for Huddersfield (Mr. Sheerman) that the gender balance is much better in the medical profession, although there are other aspects to consider.

Mr. John Randall (Uxbridge) (Con): The Minister is presenting some reasonable views. The fact that I can understand them is good if a little worrying. I took a four-year language course, starting a language from scratch. What is the incentive under the new system for someone to study a language at university, which is not one of those taught in school, if the course lasts four years? Are we not in danger of providing a disincentive to people to learn other languages?

Alan Johnson: No. There are problems with specific modern languages but the Langlands review has been set up to consider such issues, among others.

I do not claim that hon. Members' have not made relevant points about some professions but that the amendment is a blunderbuss that tries to resolve all problems by simply providing for no fees, removing £60 million from the universities immediately and between £130 million and £180 million by 2006. That is not the solution.

We should have a system whereby courses are accessible and attractive, whatever their length. That needs to be achieved by a proper method of targeted recruitment incentives not by a centralised, blanket, inflexible approach such as that in the amendment. We already have a flexible system that allows us to target support at the subjects and students that most need it, without inflicting financial damage on universities.

Significant measures already exist to support students on longer courses. That reflects the importance that the Government attach to such courses and the need to encourage entry into the professions to which they lead. For example, fees are paid for medical students in their fifth and sixth years of study. They also receive means-tested national health service bursaries for those years. We have been over that ground previously in Committee and on Report and I shall not repeat the details of other incentives that we have put in place.

Evidence shows that the incentives work. We have more teachers with qualified teacher status in our schools now than at any time since 1984. Applications to medical schools in the United Kingdom have increased dramatically since 1998, as has the total number of students who study medical courses. Places on veterinary science courses are heavily over-subscribed.

The amendment would create curious anomalies. I shall give two examples. Students who repeat a year, perhaps because they failed parts of their course, would effectively be excused from paying a fee for the extra year. That would be unfair. Let us consider students on sandwich courses, whereby they spend a year out, often in paid employment in industry. They are charged only a half-rate fee in the year out because they get less from their institution but the amendment would give them a free year as well as the reduced-rate sandwich year.

Mr. Boswell: As time presses, and without prejudice to the general arguments that we had in Committee on policy, but in the real world where the Government can sometimes get their way even if we do not believe that they should, will the Minister at least undertake to consider, in any brokering with another place, a compromise, which would freeze the commitment beyond year three at the existing fee? That would remove the difficulty of the argument that he has deployed but provide at least a limited income to the university without getting people into racking up additional commitments. That is the genuine concern of everyone who supports the amendment.

4 pm

Alan Johnson: I never like to be difficult with the hon. Gentleman, but the answer is no. I see no point in considering that proposal at all, but it was a nice try. Neither do I think, incidentally, that the noble Lords would expect me to consider it, particularly after the debate that they had last night about trying to find the funding for this gap.

I have outlined the key arguments against the amendment, but before I finish, it would be remiss of me not to point out that it is also technically flawed, in that it sets a condition but provides no means of enforcing it. On a more minor note, the term "eligible student" is defined in the student support regulations, not the Bill, so the effect in this context would be ambiguous.

Lords amendment No. 4 would have a significant effect on future decisions about public spending, and should therefore be rejected on the ground of privilege. It would tie the hands of future Governments and prevent them from determining their spending priorities in the light of the circumstances at the time. We are all concerned with the important issue of funding for higher education, but the amendment goes further than ensuring that the new fee income would be additional, and guarantees that public funding for higher education could never decrease, regardless of the needs of other public services.

If we were to accept the amendment, we would be setting a strange and dangerous precedent. We could hardly offer such a guarantee for higher education without recognising the needs of schools, hospitals, and other vital public services. This illustrates the traditional argument against hypothecation; the provision would lead us quickly to a position in which every part of the public sector had its own special case for protection.

Lynne Jones (Birmingham, Selly Oak) (Lab): I agree with the arguments that my right hon. Friend has just articulated, but should not the Government have tabled their own amendments to ensure that higher education spending kept up with other increases in public spending, or with the generality of education spending, to ensure the additionality of the fee income over general Government spending?

Alan Johnson: I do not think that we can do that in legislation. We have given an assurance that we would stand by the sector, and the Chancellor gave that assurance again in his Budget speech in March. It would be dangerous to write such restrictions into the Bill. Incidentally, we are starting a very interesting debate with Universities UK about how better to define the unit of funding to provide greater clarity and a better understanding of how this all works. I do not think that there is a legislative solution here, and it is certainly not the one that my hon. Friend suggests.

Under the terms of the amendment, there would ultimately be no flexibility at all for the Government to determine their spending priorities, and a dangerous precedent would be set. Even if there were major and significant financial pressures on this Government or a future Government, the effect of this amendment would be that higher education would have to be protected above all other priorities. That cannot be right.

Earlier debates in the other place also touched on some of the practical difficulties inherent in the amendment, including potential unintended consequences. For example, the amendment refers to the average funding over the previous three years. That would mean that no sensible Government would ever seek to provide a one-off injection of funding to meet some perceived need, because that would increase the average and could therefore be unsustainable in the

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future. The result would be that the funding would be kept at the lowest level permissible under the legislation, irrespective of whether additional funding might have been available in any one year. So the amendment would serve only to work against higher education's interests.

To summarise, the first of the amendments should be rejected on the ground that it would deprive universities of funding, and the second should be rejected on the ground of privilege, in that it would tie the hands of any future Government in making decisions on expenditure. I hope, therefore, that the House will join me in rejecting both of the Lords amendments.

Chris Grayling: We have reached two extremely important parts of the debate and I listened carefully to the Minister's comments. First, Lords amendment No. 4 comes down to the question of trust: do we trust the Government when they say that the money raised from fees will go to universities and will not simply be used by the Treasury as a stealth tax? Secondly, Lords amendment No. 2 deals with concerns about the impact of the proposals on key groups of students doing courses longer than the conventional three years.

I shall start with Lords amendment No. 4. We know that in 1998 student fees were introduced, so the Government told us, as a way to get more money into universities, but despite the Minister's claims to the contrary in Committee, the reality is that the Government clawed back all the money raised in fees by cutting the money they spent in real terms on universities. How do we know this for sure? Because it is here in black and white in the Department's own report, which we need to consider.

Fees were introduced late in the 1998–99 financial year. In that financial year, real-terms funding per student was £5,160. The following year—the figure includes the £1,000 of student contributions—it had fallen to £5,110. So it is absolutely clear in black and white that the money was clawed back. Incidentally, the amount that the Government spend per student is still lower in real terms than at that time and has been increased only courtesy of the student contributions. The Government are contributing less per student than when they took office and less than was contributed by the last Conservative Government.

Mrs. Anne Campbell: Can the hon. Gentleman confirm that when the last Conservative Government left office their spending plans for the following two years involved a reduction in that unit cost for university students of 6 per cent. each year? That is what this Government inherited when they took office in 1997. Obviously, they had to put some of that money back, and do so through the introduction of fees.

Chris Grayling: I am mystified by the Government's pride in following Conservative policies for the first two years of their term of office, particularly when the former Conservative Chancellor said that he would not have followed them as rigidly.

Given all that, it is hardly surprising that there is a little scepticism about what the Government plan to do, particularly when the cost of their proposals is so great for the taxpayer. Taking their own figures from the regulatory impact assessment, the amount that they will have to spend each year in the total student support package to introduce the new system is £1.1 billion. The estimated extra revenue to the universities over and above what they get at the moment, again according to the Government's own figures, is £900 million. It would be cheaper to stay where we are and for the Government to write a cheque to the universities.

Why on earth would the Government go through all the political grief of the past few months? Their majority was almost destroyed in the vote on Second Reading, there has been huge unrest, they nearly lost a flagship Bill—which would have entailed a great deal of embarrassment—and lasting damage has been done to their relations with many of their Back Benchers.

Also, huge damage has been done to the Labour party on campuses. I have been around many universities in the last few months. Members should try to find an active Labour party student branch on campus these days. They would find active Conservative branches, and in a few places they would find active Lib Dem branches, but they would never find an active Labour branch. That has disappeared—it is an extinct species.

Why do all this when it would have been cheaper to write a cheque to the universities? The truth is that many in the university sector believe it to be a precursor to another clawback. That is the only way in which these proposals make economic sense.

Mrs. Campbell: To put the hon. Gentleman right, there is an active branch of Labour students at Cambridge university, the president of which is a young lady called Jane Jacks. I thought he might like to know that.

Chris Grayling: I commend the hon. Lady. It is clear that her stand against the Bill, although perhaps not as complete as that of some of her colleagues, has encouraged those in her own university town to continue to back her. I doubt, however, that they would express support for the Government's policies. I might disappoint her by saying that if she visits many other universities she will find that many of her colleagues are not as fortunate as she.

Why would the Government do all this? Clearly, there is a real fear in the university sector that it is a precursor to a clawback. Indeed, the Association of University Teachers has rightly pointed out that back in 1998, when fees were introduced, the issue of a clawback was raised. The Lords passed an amendment then that did very much the same as the amendment that we are considering today. Ministers at the time said that it was not needed, and that they would not accept it. What happened? They clawed it back. All that the Chancellor of the Exchequer has done is to guarantee funding until 2007–08, which is well before the full impact of tuition fees is even fed through to the universities. The Minister cannot give a commitment beyond that. He could do if he accepted this amendment, but the reality is that people in the university sector are not confident that the same will not happen again.

Mr. Willis: I am trying to follow the hon. Gentleman's argument. In terms of belief and credibility, throughout

Second Reading and in Committee, and throughout Second Reading in the other place, its Committee stage, Report and Third Reading, the Conservative party never once said how it would fund the proposals to get rid of tuition fees and top-up fees and to sustain the level of spending predicted by this Government. We now hear that the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) will follow Labour's spending plans for the first two years of a Conservative Government, were such a thing to take place. I will support this Lords amendment, but whence would the Conservative party get the resources to meet the pledges that it has made in this House and to the student body?

Chris Grayling: The hon. Gentleman is right to be interested, and I am delighted that he is. He will have to wait a little bit longer. We in the Conservative party believe that we should get our policies right and have them stick until the general election, and not have to change them a few months later, as his party did in relation to the £100 reduction in council tax. We will get it right, and we will publish our plans when we are ready.

The other part of this debate is equally important. The practical consequences for individual students of what the Government are doing will be extremely severe. Those students who do four, five or six-year courses, many of whom enter professions that are not particularly well paid, will see a huge increase in the burden of cost that they will bear as a result of the Government's measures. The Government have totally failed to understand the impact of their proposals on those key professionals, who are the real losers as a result of this change, and the ones who will really feel the extra costs. Those people will be put off pursuing the professions in which this country needs people.

It is extremely revealing. The Government have admitted this afternoon that this amendment could cost £180 million. We know that the total extra amount that will be raised from top-up fees is £900 million. What the Government are saying is that £1 in every £5—20 per cent. of the extra cost of these measures—is being levied from those who already bear the highest cost from being at university. That is not acceptable.

The Minister made a point about students missing a year. Let me tell him about the student to whom I talked recently who had to give up in the middle of her second year because her father was dying of cancer, and who therefore missed the year. Subsequently, she came back to finish her university course, and was deeply frustrated and bitter that she not only had to pay the fees for the year that she had missed but the fees for the additional year. Does he honestly believe that it is right and proper that someone who must give up their course temporarily in such a situation must pay an extra year's fees in order to complete it? I do not think that that is acceptable.

Mr. Clappison: May I respectfully invite my hon. Friend to examine some of the evidence received by the Constitutional Affairs Committee from the legal profession about what it thinks the impact of tuition fees will be? It relates to the decisions of those who enter the profession as to what branch of the profession they choose and what sort of work that they do. In particular, it relates to the effect on the numbers who come into the profession to undertake legal aid work, which is notoriously poorly paid. The fear is that the able students entering the profession will choose increasingly to do highly paid work in City firms, and big commercial work, as opposed to representing people on lower incomes through legal aid work.

4.15 pm

Chris Grayling: My hon. Friend makes an important and powerful point. It is replicated by another important profession—vets. As the Minister said, vets do not get any support from the Government. The proposals have caused great anxiety in the veterinary profession. He will be aware that the Royal College of Veterinary Surgeons expressed great concern about the White Paper. It said that it would

"deter many young people from applying to study veterinary medicine in the future and deter graduates from entering careers in areas of greatest public interest where salaries are lowest, i.e. in veterinary research, in farm and livestock animal practice, and from rural-based practices in general."

The Minister will remember how serious the shortage of public sector vets was during the outbreak of foot and mouth disease, and how much more difficult it made the task of combating the disease. How will levying higher fees over six years on young vets attract more people into key public sector roles in the veterinary profession? It is madness.

The British Veterinary Association recently carried out a survey on the costs today of going through a six-year course. The study found that 45 per cent. of current veterinary students would seriously have reconsidered even starting had they known how much debt was involved. The report on the study said:

"This is very bad news for the profession and should cause great concern to the Government but nobody seems to be paying attention."

The Royal Institute of British Architects published figures recently estimating average debts of £57,000 if tuition fees at the Government's planned level are introduced. Top-up fees of £3,000 a year, living costs of £6,000 or £7,000, particularly in London, multiplied over a six-year course, comfortably add up to £50,000 or £60,000. That is a massive increase on the previous estimate by the RIBA 18 months ago and represents a powerful deterrent to those wishing to enter the architecture profession. I encourage the Minister to look at the letter in *Building* earlier this year from a consultant in Kent, which states:

"I want to express my outrage at the government's proposal to increase tuition fees to undergraduates.

With our industry failing to attract and retain bright young graduates, we will be forced to look abroad to find our future leaders.

Consultancies are already faced with a chronic skills shortage and should the government steamroller this proposal through, it will lead to nothing short of an industry meltdown."

How will we find the architects that we need in both the public and private sectors if young architects are deterred through the sheer weight of debt?

The Minister mentioned the medical profession. I commend to him the communication that was sent to all of us by the chairman of the British Medical Association's medical students committee. He said not only that he was concerned about the impact of higher debt on doctors but that he believed that the Government's measures would have a significant

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adverse effect, as has been mentioned, on efforts to bring people from all backgrounds into the medical profession.

I give the Minister further food for thought. I suspect that he has not really thought about this properly. It was articulated well by Lord Campbell-Savours in the other place. Many of those who do the Government's foundation degrees, a two-year course, and follow through into higher education to finish that experience will go beyond the three years. They will be faced with three, four or five years of costs. The Minister says that he is planning to widen participation. Is it really his intention that those people should end up paying fees over a prolonged period? If he does not believe that will happen, he should just talk to the vice-chancellors of some of the universities offering foundation courses. He will be surprised at the fees that they are planning to charge after the autumn of 2006.

The higher education sector does not trust the Government not to claw the money back, and the professions are profoundly anxious about the impact of the Government's proposals on their opportunity to recruit. Both the amendments drive to the heart of those concerns. They deserve the support of the House and it is to the discredit of the Government that they are so determined to stand against them.

Mr. Willis: These are the two key amendments from the other place. They go to the heart of the Bill and the principles behind it. The Liberal Democrats accept that the Minister and Baroness Ashton have approached the whole Bill with much sensitivity and attempted to address all the main issues. I do not believe that they have won the argument on fees, and we will continue to fight that case, including at the next general election, but it is not a case for today.

The other principle relating to the Bill is that now that the votes on fees in this House and another place have been won, we want to guarantee that the money coming from those fees is additional. The whole principle behind Lords amendment No. 4 is to seek to guarantee additionality. There is no doubt that in another place, Lord Phillips of Sudbury and my noble Friend Baroness Sharp, who did tremendous work on our behalf in the House of Lords, supported by Lord Dearing—who is certainly not a lightweight in these matters, having produced the Dearing report back in 1997—Baroness Warwick, the chief executive of Universities UK, Lord Ricks, and Lord Campbell-Savours all supported the simple principle that additionality must be written in as part and parcel of the legislation.

Why did those peers do that? Why did all those people, with their backgrounds and expertise, all—perhaps with the exception of my noble Friend Baroness Sharp—great supporters of the Government in their own ways, say that we had to have that written into the legislation? That is not simply because we do not believe the Government, although the Bill is a betrayal of the 2001 manifesto. There is a belief that the Teaching and Higher Education Act 1998 was also a betrayal of the statements made by the then Secretary of State for Education and Employment, the right hon. Member for Sheffield, Brightside (Mr. Blunkett). He promised at that time that the money from tuition fees would be additional income to our universities. The hon. Member for Epsom and Ewell (Chris Grayling) was absolutely right to say that we have seen not only what is really replacement funding through fees, over the years from 1998 to 2002–03, but a reduction in the percentage of GDP that the state spends on higher education. Had it not been for the introduction of tuition fees in 1998, we would have seen our universities suffer worse cuts than the 6 per cent. cuts that the Conservatives predicted when they left office. Lords amendment No. 4 asks the Government to make it clear that they mean what they say, by being prepared to include that in the Bill.

Why does the Minister persist in the ludicrous argument that he cannot bind a future Government to the spending commitments? This Bill's implications start with a future Government—they are likely to start after the general election in 2005, so these measures will bind a future Government, future generations of students and future universities into those spending commitments.

Alan Howarth: The hon. Gentleman's position is an assault on the authority of this House, and the arguments that his party and the Conservative party have put forward are arguments to undermine the authority of this House on the occasions in the parliamentary calendar when we vote on estimates. We have the Government's word that the funding will be additional. Of course it is up to the House of Commons to monitor that, but we have the opportunity in our conventional procedures, year by year, to vote on estimates and to hold the Government to account in that respect.

Mr. Willis: I thank the right hon. Gentleman for his intervention, but in this year's Budget speech, the Chancellor of the Exchequer said:

> "The settlement will maintain the level of real-terms student funding per head, and ensure that universities receive in full the benefit of additional revenue from the Government's higher education reforms."—[*Official Report*, 17 March 2004; Vol. 419, c. 335.]

That is a clear statement by the Chancellor that not only will funding be maintained in real terms but the money that the Bill will bring in will be additional resources. Why cannot the Government translate that into a simple clause in the Bill to guarantee it? That is all we are asking for, and all that the hon. Member for Epsom and Ewell, representing the Conservative party, is asking for. That is the principle behind the amendment.

Lords amendment No. 2 deals with the issue of the fourth year. I listened to the debate on Third Reading yesterday in the other place. The Minister is right that the issue of who should pay for the additional resourcing—whether it be £130 million or £180 million—is relevant. I believe that we have the right to know where the resources stipulated in amendments should come from. Clearly, there are two ways of paying: either through the Higher Education Funding Council or by the universities themselves.

Throughout the passage of the Bill, the Government have continually claimed that the introduction of differential or top-up fees will give universities the flexibility to be able to meet their differing

circumstances. The Secretary of State, who is now in his place, said when the White Paper was issued last year, that Departments such as the Home Office, the Department of Health and the Department for Education and Skills would engage with the Bill to provide the bursaries and support that students studying beyond three years would require. Yet as the Bill has progressed, we have heard absolutely nothing about that. Lords amendment No. 2 is simply an attempt to make the Government put into practice what they promised in the White Paper and during the Bill's passage. In tonight's vote, I hope that both Lords amendments Nos. 2 and 4 will be supported and the Government's opposition to them rejected.

Alan Johnson: I should like to respond briefly to the main points.

The hon. Member for Epsom and Ewell (Chris Grayling) sometimes damages his own case by the use of hyperbole. There was an argument somewhere, but it was so over-egged that it did not come across. One of the main problems with his position was pointed out in an intervention by the hon. Member for Harrogate and Knaresborough (Mr. Willis). Her Majesty's official Opposition have no solution to the higher education funding problem, whereas the Liberal Democrats at least have a policy—that the funding should be provided by the taxpayer—and have stuck to it.

It seems that the Conservatives are now taking us back to an endowments policy. That should, perhaps, cheer us up. When the right hon. Member for Charnwood (Mr. Dorrell) was the shadow education spokesman, he welcomed Dearing and supported absolutely what he said. We are now introducing Dearing's recommendations. Then the Conservative policy changed to endowments, which the hon. Member for Esher and Walton (Mr. Taylor) described as a "fantasy" rather than a "policy". In the 2001 election, the Conservatives stood on the basis of the endowments policy. Then, however, the position changed and we were told that we needed to cut the number of students attending university. Now that we are going back to endowments, surely the next step should be to go back to supporting Dearing and therefore the principles contained in the Bill. It should be a happy day for us today.

The hon. Member for Epsom and Ewell also said—we have heard it before—that instead of going through all this process, we might as well hand over the £1 billion to the universities. If we did that, it would mean no abolition of up-front fees, no 25-year cut-off point for repaying loans, no maintenance grant—an expanded maintenance grant is an important part of the debate—no increase to the student loan for living costs and no independent sustainable source of income for universities in the long term. Once again, the total funding would depend on the taxpayer. Dearing's national committee of inquiry, set up by the Conservatives when they were in power, eloquently expressed the reason why higher education had run into the funding gap—because it depended constantly on the taxpayer and there were other priorities.

I turn now to the point raised by the hon. Member for Harrogate and Knaresborough. We can argue all we like about 1998, but the truth is that the Conservative Government proposed a funding cut of 6 per cent. Dearing recommended a cut of 1 per cent. We were able to effect a 1 per cent. reduction, but the introduction of fees did not reduce the funding provided by the taxpayer.

I therefore ask the House to reject Lords amendment No. 2, and Lords amendment No. 4, which breaches privilege.

It being three hours after the commencement of proceedings, MADAM DEPUTY SPEAKER *put the Question already proposed from the Chair, pursuant to Order [this day].*

The House divided: Ayes 291, Noes 194.

Division No. 204] **[4:30 pm**

AYES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Byers, rh Stephen
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coffey, Ms Ann
Coleman, Iain
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corston, Jean
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dismore, Andrew
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
Gerrard, Neil
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*

Healey, John
Henderson, Doug *(Newcastle N)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hodge, Margaret
Hope, Phil *(Corby)*
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Irranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
MacDonald, Calum
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Mandelson, rh Peter
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Simon, Siôn *(B'ham Erdington)*
Singh, Marsha
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Ms Bridget Prentice and Vernon Coaker

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Bacon, Richard
Baker, Norman
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Bruce, Malcolm
Burnett, John
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Collins, Tim
Corbyn, Jeremy
Cormack, Sir Patrick
Cotter, Brian
Cousins, Jim
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Ewing, Annabelle
Fabricant, Michael
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Francois, Mark
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Heald, Oliver
Heath, David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Holmes, Paul
Hopkins, Kelvin
Horam, John *(Orpington)*
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Jack, rh Michael
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Laing, Mrs Eleanor

Lait, Mrs Jacqui
Lamb, Norman
Laws, David *(Yeovil)*
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
Luff, Peter *(M-Worcs)*
McDonnell, John
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
Marshall-Andrews, Robert
Maude, rh Francis
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
Oaten, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Ruffley, David
Russell, Bob *(Colchester)*
Salmond, Alex
Sanders, Adrian
Sedgemore, Brian
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Alan *(Nottingham S)*
Simpson, Keith *(M-Norfolk)*
Skinner, Dennis
Smith, Sir Robert *(W Ab'd'rns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wareing, Robert N.
Watkinson, Angela
Webb, Steve *(Northavon)*
Weir, Michael
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Wilshire, David
Winterton, Ann *(Congleton)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Gregory Barker and
Mr. Geoffrey Clifton-Brown

Question accordingly agreed to.

Lords amendment disagreed to.

Lords amendment No. 2.

Motion made and Question put, That this House disagrees with the Lords in the said amendment.—*[Derek Twigg.]*

The House divided: Ayes 302, Noes 187.

Division No. 205] **[4:46 pm**

AYES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Byers, rh Stephen
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Cooper, Yvette
Corston, Jean
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dismore, Andrew
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
Gerrard, Neil
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hodge, Margaret
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Irranca-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Killoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*

Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
MacDonald, Calum
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mandelson, rh Peter
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simon, Siôn *(B'ham Erdington)*
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Ms Bridget Prentice and Vernon Coaker

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, rh James
Bacon, Richard
Baker, Norman
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Bruce, Malcolm
Burnett, John
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cousins, Jim
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Ewing, Annabelle
Fabricant, Michael
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Francois, Mark
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Hendry, Charles
Hoban, Mark *(Fareham)*
Holmes, Paul
Horam, John *(Orpington)*
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Jack, rh Michael
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lamb, Norman
Laws, David *(Yeovil)*
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
Maude, rh Francis
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
Osten, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Ruffley, David
Russell, Bob *(Colchester)*
Salmond, Alex
Sanders, Adrian
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*

Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Watkinson, Angela
Webb, Steve *(Northavon)*
Weir, Michael
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Geoffrey Clifton-Brown and
Gregory Barker

Question accordingly agreed to.

Lords amendment disagreed to.

MADAM DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Lords amendments Nos. 6 to 8, 13, 9 to 12, 14, 1, 21 and 25 to 27 agreed to.

Committee appointed to draw up Reasons to be assigned to the Lords for disagreeing to their amendments Nos. 2, 4, 5, 15 to 17 and 19 to the Bill: Chris Grayling, Alan Johnson, Mr. Bob Laxton, Derek Twigg and Mr. Phil Willis to be members of the Committee; Alan Johnson to be the Chairman of the Committee; Three to be the quorum of the Committee.—*[Derek Twigg.]*

To withdraw immediately.

Reasons for disagreeing to certain Lords amendments reported, and agreed to; to be communicated to the Lords.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

CRIMINAL LAW

That the draft Criminal Justice and Court Services Act 2000 (Amendment) Order 2004, which was laid before this House on 12th May, be approved.—*[Mr. Ainger.]*

Question agreed to.

Madam Deputy Speaker (Sylvia Heal): I propose to put together the Questions on the two motions on Government resources and accounts.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

GOVERNMENT RESOURCES AND ACCOUNTS

That the draft Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2004, which was laid before this House on 7th June, be approved.

That the draft Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2004, which was laid before this House on 7th June, be approved.—*[Mr. Ainger.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

URBAN DEVELOPMENT

That the London Thames Gateway Development Corporation (Area and Constitution) Order 2004, dated 6th May, a copy of which was laid before this House on 11th May, be approved.—*[Mr. Ainger.]*

The House divided: Ayes 294, Noes 163.

Division No. 206] **[5.02 pm**

AYES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Burden, Richard
Burnham, Andy
Byers, rh Stephen
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clarke, rh Charles *(Norwich S)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*

Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Healey, John
Henderson, Doug *(Newcastle N)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Iranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moran, Margaret
Morgan, Julie
Morris, rh Estelle
Mountford, Kali
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simon, Siôn *(B'ham Erdington)*
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Wareing, Robert N.
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Paul Clark and
Ms Bridget Prentice

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, rh James
Bacon, Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Barrow, John
Beresford, Sir Paul
Boswell, Tim
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Bread, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Bruce, Malcolm
Burnett, John
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Francois, Mark
Garnier, Edward
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Hayes, John *(S Holland)*
Heath, David
Hendry, Charles
Hermon, Lady
Holmes, Paul
Horam, John *(Orpington)*
Hughes, Simon *(Southwark N)*
Jack, rh Michael
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lamb, Norman
Lewis, David *(Yeovil)*

Lewin, rh Oliver
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
O'Brien, Stephen *(Eddisbury)*
Opik, Lembit
Osborne, George *(Tatton)*
Paice, James
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Russell, Bob *(Colchester)*
Sanders, Adrian
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyrie, Andrew
Walter, Robert
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Williams, Hywel *(Caernarfon)*
Willis, Phil
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Roger Williams and
Mr. Geoffrey Clifton-Brown

Question accordingly agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

Marketing of Maize Genetically Modified for Glyphosate Tolerance

That this House takes note of European Union Document No.8235/04, draft Council Decision concerning the placing on the market, in accordance with Directive 2001/18/EC, of a maize product (Zea mays L Line NK603) genetically modified for glyphosate tolerance; and supports the Government's view that Monsanto's NK603 maize, to be used as any other maize but excluding cultivation, meets the necessary requirements for authorisation under Directive 2001/18/EC.—*[Mr. Ainger.]*

The House divided: Ayes 282, Noes 66.

Division No. 207] **[5:13 pm**

AYES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Beckett, rh Margaret
Bell, Sir Stuart
Benton, Joe *(Bootle)*
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Byers, rh Stephen
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Cooper, Yvette
Corston, Jean
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Healey, John
Henderson, Doug *(Newcastle N)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, rh John
Iddon, Dr. Brian
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*

Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Merron, Gillian
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moran, Margaret
Morgan, Julie
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Diana
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simon, Siôn *(B'ham Erdington)*
Singh, Marsha
Skinner, Dennis
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Thomas, Gareth *(CWyd W)*
Thomas, Gareth *(Harrow W)*
Todd, Mark *(S Derbyshire)*
Trickett, Jon
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Wareing, Robert N.
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Paul Clark and
Ms Bridget Prentice

NOES

Allan, Richard
Baker, Norman
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Brake, Tom *(Carshalton)*
Breed, Colin
Brooke, Mrs Annette L.
Bruce, Malcolm
Burnett, John
Burnside, David
Burstow, Paul
Calton, Mrs Patsy
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chidgey, David
Corbyn, Jeremy
Cotter, Brian
Davey, Edward *(Kingston)*
Donaldson, Jeffrey M.
Doughty, Sue
Drew, David *(Stroud)*
Ewing, Annabelle
Foster, Don *(Bath)*
George, Andrew *(St. Ives)*
Gidley, Sandra
Green, Matthew *(Ludlow)*
Harvey, Nick
Heath, David
Holmes, Paul
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Lamb, Norman
Laws, David *(Yeovil)*
McWalter, Tony
Marsden, Paul *(Shrewsbury & Atcham)*
Marshall-Andrews, Robert
Öpik, Lembit
Price, Adam *(E Carmarthen & Dinefwr)*
Pugh, Dr. John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Russell, Bob *(Colchester)*
Salmond, Alex
Sanders, Adrian
Shepherd, Richard
Simpson, Alan *(Nottingham S)*
Smith, Sir Robert *(W Ab'd'rns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Steen, Anthony
Stunell, Andrew
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Walter, Robert
Webb, Steve *(Northavon)*
Weir, Michael
Williams, Hywel *(Caernarfon)*
Willis, Phil
Wishart, Pete

Tellers for the Noes:
Mr. Roger Williams and
Richard Younger-Ross

Question accordingly agreed to.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): On a point of order, Mr. Deputy Speaker. I seek your guidance. When the motion on which the House has just divided was debated in European Standing Committee A on Monday, I made it clear that the official Opposition had some concerns about the motion, but that we would not oppose it. However, not only did the Liberal Democrats not oppose the motion then, but no Liberal Democrat Member of Parliament attended the Committee. Is it in order for the Liberal Democrats to divide the House when they could not even be bothered to turn up when the matter was debated?

Mr. Deputy Speaker (Sir Michael Lord): That is not a point of order for the Chair—*[Interruption.]* Order. It is much more a matter for debate. How Members vote this evening is entirely a matter for them, but the point that the hon. Gentleman has made is obviously on the record.

PETITIONS

Shanklin Jobcentre

5.25 pm

Mr. Andrew Turner (Isle of Wight) (Con): This is a petition of 536 residents of the Isle of Wight and others. It was organised by Geoff Lumley and Val Urquhart, and it states:

The petition of residents of the Isle of Wight and others, declares that Shanklin Jobcentre provides a valuable public service to employers and the local community of all ages and circumstances; that any disabled access problems can be addressed by 'reasonable adjustments' to the building; that it is unreasonable to expect residents of the south east Wight area, many with limited means and generally reliant on public transport, to have to travel to Ryde and Newport to access

Jobcentre Plus services; but notes that the District Manager for Hampshire and the Isle of Wight Jobcentre Plus has declared the intention to close Shanklin Jobcentre in October 2004.

The Petitioners therefore request that the House of Commons urge that the Secretary of State for Work and Pensions do all in his power to ensure that the services currently available in Shanklin Jobcentre remain, either by reasonable adjustments being made to the existing building or alternative suitable accommodation being identified in Shanklin or the surrounding area.

To lie upon the Table.

King George III

5.26 pm

Jim Knight (South Dorset) (Lab): I have been asked by my constituent Mr. Martin Ball of 18 Cunningham close, Weymouth, to present this petition to the House.

These are his words:

The petition of Martin Ball

Declares that the History of England appears to have been re-written. Academic institutions, including BBC History, which the Country is required to fund, seem to be preventing official study of the authentic memoirs of King George III, his sixth Seal and his real life and times.

The Petitioner therefore requests that the House of Commons establish an inquiry into the allegation that to all intents and purposes an Englishman may not study this chapter of the History of his own country.

And the Petitioner remains, etc.

To lie upon the Table.

Turkey (EU Accession)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Ainger.]*

5.27 pm

Mr. Wayne David (Caerphilly) (Lab): On 1 May, the European Union concluded a successful phase in its development when 10 new countries joined, but another phase in the enlargement process is already before us. It is to be hoped that in 2007 Romania and Bulgaria will be able to join the EU, and at the weekend European summit the green light was given for negotiations with Croatia on joining the EU to begin early in 2005. In December, the European Council will consider whether to give the green light to Turkey to start its negotiations for entry.

It is worth noting that the summit's presidency conclusions state:

"The Union reaffirms its commitment that if the European Council decides in December 2004, on the basis of a report and recommendation from the Commission, that Turkey fulfils the Copenhagen political criteria, the EU will open accession negotiations with Turkey without delay."

That point was made after several positive points about how Turkey had made real progress over the last few years on its application for membership. I want to emphasise some things that have been happening in Turkey over the last 18 months to two years.

In May this year, we saw a number of extremely important constitutional reforms adopted. Turkey has also agreed to reassess cases found unfair by the European Court of Human Rights, and to dismantle state security courts. In addition, the death penalty in the country has been abolished, and general moves are being made to create an independent judicial service.

Moreover, and very importantly, the influence of the army is clearly diminishing in the country. In May this year, I and two parliamentary colleagues visited Turkey, and saw at first hand tangible changes taking place. Many progressives whom we met saw the army not as a threat to a developing democracy in the country but as an instrument that helps that process gather momentum, while ensuring that Muslim fundamentalism is not a threat to democracy. That case can be overstated, but nevertheless, the influence of the army is not what it was, and clearly, it nas diminished significantly compared with what it was just a few years ago.

Some of the most impressive changes in the country have occurred with regard to the Kurdish minority. Books about the Kurdish insurgency are now permitted in the country, and deaths of left-wing activists and Kurdish activists are very much a thing of the past. We are seeing permission given for the establishment of Kurdish private language courses, and laws restricting freedom of expression have been repealed. The progress in that regard was well stated by *The Guardian*, which reported on 21 June that

"June 9 was a splendid day for Turkey's 12 million-odd Kurds".

By that, it meant that on that day, state-run Turkish television transmitted the first ever broadcast in the most widely spoken Kurdish dialect, Kurmandji. That was of enormous symbolic importance to the Kurdish minority. Indeed, earlier today, I spoke to the hon.

[Mr. Wayne David]

Member for Cynon Valley (Ann Clwyd), who cited a Kurd to whom she had spoken who had sold his only cow so that he could buy a satellite dish to enable him to watch that broadcast.

On that same day, only hours later, a Turkish appeal court released Leyla Zana, the country's most famous female politician. Along with her, three other Kurdish colleagues were released who had been in prison for the previous 10 years. Leyla Zana walked free pending an appeal on 8 July. After her release, she was mobbed by an ecstatic crowd, and commentators right across the country commented that the end of a long national conflict over state recognition of Kurdish culture and language rights was taking place. Indeed, Leyla Zana said:

"I believe that a new period has started in this country, and a new page is opened".

I believe that that is true. Only yesterday, the Council of Europe passed two significant resolutions. In one of them, it lifted Turkey out of the watch list, under which it has been for a number of years, and instead placed Turkey on the post-monitoring list. As a spokesman for the Strasbourg-based Council of Europe said:

"Turkey has achieved more reforms in a little over two years than in the previous decade. Given the progress achieved since 2001, the assembly is confident that the Turkish authorities will apply and consolidate the reforms."

That said, there is, clearly, much more to be done. Only the other day, Amnesty International wrote to me pointing out that although the situation in Turkey is undoubtedly improving, ill treatment of detainees in police custody persists, and legally prescribed detention procedures are sometimes not adhered to. For example, the right to immediate access to legal counsel or the right to have next of kin informed of the detention are not always honoured. Similarly, Amnesty pointed out that there is still excessive use of force in the policing of demonstrations, continuing brutality against detainees, and the number of prosecutions against alleged perpetrators is worrying low. Amnesty also believes that although progress has been made, there are still articles in the Turkish penal code that restrict freedom of expression and freedom of assembly, and, it is alleged, human rights activists still suffer intimidation and threats.

Just a few days ago, Amnesty International published a new report entitled, "Turkey: Women confronting family violence." It contains a detailed and graphic description of violence against women in Turkey. It explains how there is a "culture" of violence in Turkish life placing women in double jeopardy—they are victims of domestic violence but they are also denied effective access to justice. Amnesty International says that, at the same time, support for the revised penal code is sometimes more apparent than real and that the reform process must be given more momentum. Significantly, it mentions that the crucial issue is implementation, which I noted on my visit to Turkey. Although we can point to gender equality in the constitution, in reality, it is a long way from being put into effect.

Hon. Members have to be honest. There must be long-lasting and in-depth changes in Turkish society. It is a question not simply of changing the constitution and implementing laws—there must be an attitudinal change in society and a cultural change. That will undoubtedly take many years.

Real reforms are taking place but there is still much to do. The crucial question that we must ask is: how can we best support the process of change in Turkey? I believe that the best way is for a firm date to be given by the Council in December for the start of negotiations on Turkish membership of the European Union.

When we look at the recent past, we must be frank with ourselves. A few weeks ago, we admitted 10 new countries to the European Union. There was a big question mark over whether Slovakia met all the Copenhagen criteria when negotiations began on its membership of the EU. The situation in Turkey compares very favourably with the situation in Slovakia only a short time ago.

Mr. John Lyons (Strathkelvin and Bearsden) (Lab): Does my hon. Friend recognise that there is still deep despair about the 1,500 people who are missing in Cyprus since the Turkish occupation? That is a genuine issue. The United Nations has tried over the years to make progress but, often, Turkey has resisted that. Will he take on board that that is a serious issue, as is the occupation of Cyprus? It will be a major problem in the weeks and months ahead.

Mr. David: I take the point that my hon. Friend makes. I intend to make specific reference to Cyprus later and that is part of the equation that we must consider.

Turkey is in the process of radical and profound change and a start date for negotiations will give impetus to that programme of change. We need to remember that Turkey has been helpful with regard to what has happened in Cyprus over the past few months. Indeed, there has been a big attitudinal change by the Turkish authorities with regard to the unification of the island. We are all greatly disappointed that, although, on 1 May, Cyprus joined the EU, there has been a suspension of the acquis communautaire for the northern part of the island because of the rejection of the Annan plan by the Greek Cypriots in the south of the island. Although, as my hon. Friend pointed out, there have been and still are some difficulties with regard to aspects of what is still technically, I suppose, the Turkish occupation of the northern part of Cyprus, there has been a sea change in the attitude of the Turkish Government in Ankara in trying to bring about a peaceful reunification of the island. It is very significant that the Turkish Cypriots voted overwhelmingly in favour of the proposed settlement, which the Government of our country supported, and which also had the support of the Ankara Government.

Mr. David Drew (Stroud) (Lab/Co-op): The problem is with perceptions rather than reality, but because of those perceptions, until the Greek Cypriots believe that there is movement in the north of the island—which can be brought about only by pressure from mainland Turkey—they are unlikely to agree to any settlement, whether that be Annan or post-Annan. Does my hon. Friend agree?

Mr. David: I do not want to be sidetracked into a debate on the complexities of the Cyprus situation.

However, there has been a real change in the attitude of the Turkish Government to the issue, and the amount of change that we have seen has taken people by surprise. There is no doubt in my mind that the change that we have seen has been positive and genuine. I hope that that process will continue. Despite the present impediment in respect of Cyprus, I am nevertheless optimistic that some sort of rapprochement will be achieved in the not-too-distant future.

The European Commission will present its report on Turkey's application for membership and its adherence to the Copenhagen criteria, I believe in October. I very much hope that the report will be positive, and will pave the way for a full debate in the European Council in December, following which the Council will decide unanimously, as it has to, that a starting date will be given for negotiation of Turkish membership of the EU.

I must express some concern, however, about the attitude of one or two member states of the European Union. I cite in particular France and Austria. One sometimes gets the feeling that human rights are almost an excuse for not allowing into the European Union a non-Christian, predominantly Muslim, country. We must be clear about what our vision of the European Union is. My idea of Europe is not based on textbook geography, nor is it based on religious exclusivity or ethnic purity. Our vision of Europe should be based on common values such as democracy, the rule of law, respect for others, cultural diversity and freedom.

Turkey is undoubtedly an important country. It is a regional power, and it bridges east and west. It is a predominantly Muslim country, but it is also a secular state, and it is in the process of moving towards full democracy, modern values and an inclusive society. We in the United Kingdom should welcome Turkey's application for membership of the EU and, with open arms, its eventual membership. We should do everything that we can to encourage our European partners to give a date for negotiations to begin. For Turkey to join the European Union would be in Turkey's interests, but it would also be to the benefit of the United Kingdom, and if Turkey were eventually able to join the European Union, it would be to the benefit of Europe as a whole.

5.43 pm

The Minister for Europe (Mr. Denis MacShane): I should like to thank my hon. Friend the Member for Caerphilly (Mr. David) for raising this important issue at such a crucial time. He has talked about the need for attitudinal and cultural change, and that is under way in Turkey. Equally, I think that we need an attitudinal and cultural change among some of us and our fellow Europeans in our approach to Turkey.

My hon. Friend mentioned the positive resolutions adopted by the Council of Europe, and that allows me to put on record what I am sure is the satisfaction of the entire House at the election of our right hon. Friend the Member for Birmingham, Hodge Hill (Mr. Davis) as the new secretary-general of the Council of Europe. It is a signal honour for the House of Commons that one of our own has been chosen for that very important European post. It is a tribute to the my right hon. Friend's dedicated and tireless work in linking the values of the British House of Commons with those of fellow parliamentarians from all the member states of the Council of Europe, which I remind the House goes well beyond membership of the European Union. I know that my right hon. Friend will be an outstanding servant of the European cause and we all wish him well in his new work.

In December, European leaders—that is to say, leaders of the European Union—will decide whether to start accession negotiations with Turkey. It is a decision of enormous significance not just for Turkey, but for the UK and our European partners.

My hon. Friend the Member for Caerphilly has long been a staunch advocate of EU enlargement and I pay tribute to his work in the House and previously when he was an MEP, serving the European Parliament with such distinction. He has continued to argue in a rational, sane, common-sense, deeply committed and even passionate Welsh way for the success of the giant project that we are embarked upon, which is called making a success of the EU. I personally agree very much with him that, provided that all the criteria are met, a positive vote for Turkey is an essential part of making our EU grow, making our EU look outwards not inwards, and making our EU embrace the challenge of the great Turkish tradition of Islamic democracy.

Enlargement is one of the priorities of both the UK and the EU. The present enlargement to include the 10 member states that have just come in has been one of our greatest policy successes. It has contributed hugely to our collective security and prosperity and it brings to an end the cold war division of Europe. My hon. Friend's debates on enlargement have become almost an annual fixture in our calendar, so it is good to see that he, like the Government, recognises that enlargement did not end on 1 May. It is vital that the EU continues to spread peace, prosperity and stability across our continent by offering the prospect of membership to those who are willing to adhere to EU standards and values.

The UK has long supported Turkey's EU membership. I am delighted that this position commands support on both sides of the House. I repeat the tributes that I regularly pay to my opposite number, the hon. Member for West Suffolk (Mr. Spring), and the Liberal Democrat spokesman, who are both staunch advocates of Turkey's joining the EU. However, I find it remarkable that the principal Opposition party should be so strongly in favour of EU membership for others, when so many Conservative Members—including the senior leadership figures—are not fully committed to our own membership or making a success of the EU under its new constitutional treaty.

Discussions with other European countries are important. My hon. Friend mentioned Austria and France, but might also have mentioned Germany, where politicians on the right—the sister parties of our Conservative party—do not have such a positive view of Turkey. I hope that one day we will see the great internationalist traditions of the Conservative party come back to their natural home and that the Conservatives will enter into a full political relationship with their sister parties in Europe. I hope that they will then argue in favour of Turkey and all the other positive things that we want the EU to do. Nevertheless, I am grateful for their support and there is no party political divide in this House on the issue of Turkish membership of the EU.

[Mr. Denis MacShane]

The question then arises as to why we are such strong supporters of Turkey's EU membership. It is because we are convinced that it would be good for the UK, good for the EU and good for Turkey. The arguments centre on security, prosperity and credibility.

I shall deal first with security and stability. The decision in December provides a real opportunity to sustain the momentum of reform in Turkey and to entrench the rule of law and respect for human rights. A stable, democratic Turkey anchored in the EU would enhance Europe's security. I hardly need remind the House of Turkey's position at the intersection of three areas of strategic importance—the Balkans, the middle east and the Caucasus—or of its burgeoning role as a key transit country for the oil and gas supplies so essential to us all.

Yet Turkey's strategic importance goes beyond geography. Its role as a link between Europe and the Muslim world is key. It is key in refuting spurious, but widely believed, arguments about a clash of civilisations, in rebutting arguments that the EU is a Christian club, and in demonstrating to Muslim countries—and our own populations—that religious tolerance is an essential part of European life.

Many hon. Members have substantial Muslim communities in their constituencies. Those people are British citizens who worship in their own faith, and they are an important part of the new British network of communities. The 15 million European Muslims who live in EU countries are also a growing and important part of the new EU. It is vital that we do not define Europe as belonging to any one religion.

Recent events have shown all too painfully that Europe cannot maintain its security by putting up walls around itself. We need to export stability beyond our region. It is no help to Britain to have poor neighbours, and it is no use to the EU to keep at bay a country that can play a vital part in extending the positive message of EU membership to its own people and—in due time and if it becomes a member—beyond its borders. Turkey can play an important role in achieving that.

Turkey has long been a steadfast ally in tackling the security threats that we face. Most recently, it has been our ally in opposing terrorism. Many more Turks than British citizens were hurt in last year's Istanbul bombings. I take this opportunity to pay tribute to the mayor of Istanbul, who worked swiftly and efficiently to find and bring to trial the people who perpetrated the bombings. The alliance between Britain and Turkey in dealing with the terrorist threat is second to none.

The NATO Istanbul summit at the end of this month is due recognition for Turkey's commitment to Europe's security interests, demonstrated most recently in Afghanistan. Turkey could and would make a significant contribution to the EU's growing security capabilities.

The second argument for Turkey's EU membership is economic. Those who oppose Turkey's membership often claim that Turkey will be an economic burden on the EU. I disagree. Turkey is a country of enormous economic potential. It has a youthful market of 70 million people, which in turn offers links to new markets in the middle east, the Caucasus and central Asia.

Turkey's economy is growing fast. The prospect of EU membership and the macro-economic stability that that will encourage should ensure that that continues. If so, Turkey will be a very different place in the second decade of this new century. A positive decision in December will encourage international investment to pour into the country, and trade to flourish.

We want a rich Turkey with a growing middle class. We want Turkey's workers to feel that they have a future in their country, and that they can earn a decent wage and provide a home for their families. That has to be in the economic interests of all EU countries—and in particular of the UK, with our open trade traditions.

If we are to maximise the benefits of free trade and reach out to new markets, we must integrate Turkey more fully into Europe. Trade between the UK and Turkey now tops £4 billion and is increasing at an annual rate of 35 per cent. British business men are keen to follow in the footsteps of the British Levantine trading families: they have invested around £2 billion in Turkey, which includes ventures by Cadbury Schweppes, the HSBC bank and Tesco.

The most common British visitors to Turkey are not the deal makers but the sun seekers, with around 1 million tourists visiting annually. Some 40,000 Brits have bought second homes in Turkey as the Mediterranean and Aegean coastline there begins to look more like that of Andalucia and the other great coastlines of Mediterranean Spain, which have done so well economically over the past 40 years thanks to tourism from Britain. Indeed, scores of thousands of British people have taken holidays or made permanent homes there.

I visited Izmir in January, when I went to the university and found something that would put most other universities in Europe to shame. The high-level campus is attracting back professors in different disciplines from all over Europe and the United States who now want to make Turkey a successful new European country. The classes and seminars were in English, and I met young men and women who long to see Europe open its doors to Turkey.

The final argument in support of Turkey's EU membership is credibility. Turkey must be treated as any other candidate country. Turkey was first offered the perspective of future membership in 1963, with the signature of its association agreement. Britain, of course, was not then a member, and the firmest advocate of that agreement was General de Gaulle. I hope that his political successors in France and the other founding countries of the European Community hark back to his vision of a Europe from the Atlantic to the Urals, which must include Turkey.

Thirty-three years later, the question of Turkish eligibility was confirmed at Helsinki, when the EU declared that Turkey was

"a candidate state destined to join the Union".

The promise was further reinforced at Copenhagen in 2002, when the European Council agreed that if Turkey met the Copenhagen political criteria, it would start accession negotiations without delay. It would be immensely damaging to the EU's credibility if we now reneged on those explicit promises. The EU must move forward. To say no to Turkey, having made those

commitments, and provided that the criteria are met, would send a negative message around the world about the EU's credibility.

There are some who argue that Turkey is not European, historically, culturally or geographically. I think they do not know their history, their culture or their geography. Turkey's history is Europe's history. From Ephesus to Byzantium, from St. George, who many say was an Anatolian—*[Interruption.]* I am terribly sorry, Mr. Deputy Speaker; that should not have happened.

Many say that St. George was an Anatolian, although others believe he came from Dalmatia. From those things, and from the pleasures of UEFA football and the Eurovision song contest, we have a shared history and cultural inheritance. The very name Europe comes from the fair maiden Europa, who was carried off to what were then the shores of Asia minor, and are now Turkey, to be, in what I think is the technical term, ravished. We have all been enjoying the recent film of the great battles around Troy: when Homer wrote his epic about that, he clearly considered that it was part of Mediterranean civilisation.

Some people say that Turkey is part of Asia. Yet its Mediterranean coastline matches the longest of the EU member states. Turkey actually lies west of Cyprus, which is now an EU member state.

The real answer to that question is the one that I gave to Mr. Valerie Giscard d'Estaing, the former French President, in a debate on French television earlier this year. He advanced the view that Turkey was not geographically or culturally part of Europe, but the whole point of the EU, the reason for its foundation—its raison d'être, to use the language of Mr. Giscard d'Estaing—was to overcome differences in culture, language and geography, through the spread of shared values and a common purpose. Spurious arguments over geography are not what really matters. Anybody who can define Istanbul—Constantinople, as some of us still occasionally like to call it—as anything other than a cradle city of European civilisation knows neither history nor culture. What really matters is whether Turkey shares the same values and aspirations as the rest of the EU. I am convinced that its leadership does, and with the obligations to meet EU norms and values implicit in accepting the responsibility of seeking to become an EU member state, the Turkish nation will embark on its second great modernisation after that of Ataturk.

Of course, Turkey must deliver its side of the bargain. Like any other candidate country, it must fulfil the Copenhagen political criteria, including ensuring respect for democracy, the rule of law, human rights and the protection of minorities. That is happening fast, as my hon. Friend the Member for Caerphilly saw when he visited Ankara in May.

Since the AK party came to power, the Turkish Parliament has passed a plethora of legislation to bring its laws into line with European norms. It has included measures to promote minority rights, to root out torture and incommunicado detention, to abolish the death penalty and to allow civilian participation in the National Security Council. Two developments within the last few weeks have seen the start of non-Turkish language broadcasting and the release, pending appeal, of Leyla Zana and her three colleagues, and that shows just how much has changed.

The Leyla Zana case is particularly symbolic. The case exposed several problems in Turkey regarding freedom of association, Kurdish suppression and judicial partiality. But as a result of reforms introduced to meet EU standards, the defendants were given the right to a second hearing and now a further appeal. The abolition of the state security courts, anathema to a democratic society, means that the latest appeal will be held in a civilian court. And as Turkey's minorities exercise their new freedoms, so the official mindset, which once felt threatened when parents gave their child a Kurdish name, will fade away.

The changes in Turkey have been more remarkable for the way they have been achieved. Turkey has not experienced a velvet revolution like much of central and eastern Europe, where old institutions and identities were swept away in an instant. Turkey's reforms have required vision and concerted determination. But what Turkey does share with the post-cold war achievements of eastern Europe is that reform has been driven not simply by a desire to satisfy the demands of the EU, but by an internal determination to give its citizens the quality of life they deserve and demand. Turkish democracy is transforming the country, and in the process proving Turkey's European credentials.

Turkey still has more to do, as my hon. Friends who have intervened in this debate have pointed out forcibly in respect of Cyprus. Putting legislation on the statute book is one thing, but implementation of those reforms and changing the attitudes throughout society is another. We continue to urge the Turkish Government to do more to achieve that and have been targeting our assistance to that end. That has included training in human rights and European law for the judiciary, and helping draft a new code of conduct for the police.

We should not allow Turkey to take its foot off the pedal. While on the one hand we must applaud the release of Leyla Zana, on the other, I—as a former president of the National Union of Journalists—must strongly deplore the imprisonment of the journalist Hakan Albayrak of *Milli Gazete*, on the charge of insulting Ataturk. I sincerely hope that the new Turkish penal code will remove article 159, which refers to

"insulting the State or its institutions"

and similar laws, and allow genuine freedom of expression. In Europe, no one should face pressure for saying, writing, or publishing opinions on political, cultural and identity issues. By the time Turkey comes to the finishing line for consideration as an EU candidate member, no journalist, writer or artist should be imprisoned or face police or judicial pressure for expressing views that are normal in EU member states. The laws on defamation must be obeyed and each EU member state has a different approach to journalistic deontology, but no one should face judicial pressure and the threat of imprisonment for just saying, writing or publishing opinions on political and cultural identity issues that are the norm elsewhere in the EU.

Prime Minister Erdogan and Foreign Minister Gul are powerful and convincing advocates of Turkey's European convictions, but I still believe there is a real lack of awareness in Europe of just how much has

[Mr. Denis MacShane]

changed in Turkey. The Turkish Government need to do more to mobilise human rights organisations, the business community, academics, those on the left of politics in Turkey, trade unionists, journalists and writers, all of whom support opening accession negotiations.

Turkish civil society should be given the task of speaking for Turkey to civil society in the rest of Europe; that cannot be done by political leaders and diplomats alone. It should remind Europe's sceptics of Leyla Zana's letter to the President of the European Parliament, Pat Cox, written from prison, in which she declared that she would prefer to be a prisoner in a country negotiating EU membership than free in a country barred from the European Union. That is a powerful message about the importance of Turkey's EU perspective.

In conclusion, I have no doubt that Turkey can and will make an enormous contribution to the EU. It will require many long years of hard negotiation before there is any question of Turkey joining the EU. It was 15 years from the fall of the Berlin wall to the celebrations on 1 May when former countries of the Soviet bloc, some of which had relatively advanced economic, social and cultural potential, joined the EU, so we must be clear that a decision in December will not immediately open a door to the EU. We must be honest with our Turkish friends and say that the negotiations will be hard and the road will be long, but I firmly believe that the final destination of EU membership will be reached if everyone is willing to seize it.

Turkey can be a strategic partner in helping us to tackle the global security threats we face and enhancing the EU's engagement with the wider region, with a dynamic economy offering new opportunities for trade and investment. I am convinced that if Turkey sustains the momentum of reform, the EU can and should agree in December to start accession negotiations, so I am in complete agreement with the arguments of my hon. Friend.

We should not let the sceptics stand in the way of Turkey's second great modernisation. The message from the House and from the United Kingdom is that we offer the hand of friendship and solidarity to those who want to lead Turkey on the path of reform and modernisation towards Europe. We should be helping Turkey to move forward to fulfil Ataturk's vision of a European destiny for his great nation.

I thank my hon. Friend and colleagues for calling the debate, and hope that I can look forward to their continuing support on this critical question. I am grateful to the House for allowing me to place on record the views of the Government and, I think, the majority of the British people, who want to see Turkey join the European Union.

Mr. Deputy Speaker (Sir Michael Lord): I did not want to add to the interruption caused by the Minister's mobile phone during his speech, but I must tell him that Mr. Speaker takes a very strong line on these matters, so I suggest that in future the Minister either switches off his phone or, better still, leaves it outside the Chamber.

Question put and agreed to.

Adjourned accordingly at eight minutes past Six o'clock.

House of Commons

Thursday 24 June 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

NEW WRIT

Ordered,

That Mr. Speaker do issue his Warrant for the Clerk of the Crown to make out a new writ for the electing of a Member to serve in this present Parliament for the borough constituency of Leicester, South in the room of James Marshall, Esquire, deceased.—*[Ms Armstrong.]*

NEW WRIT

Ordered,

That Mr. Speaker do issue his Warrant for the Clerk of the Crown to make out a new writ for the electing of a Member to serve in this present Parliament for the Borough Constituency of Birmingham, Hodge Hill in the room of the right hon. Terry Davis, who since his election for the said borough constituency has accepted the office of Steward and Bailiff of Her Majesty's three Chiltern Hundreds of Stoke, Desborough and Burnham in the county of Buckinghamshire.—*[Ms Armstrong.]*

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Civil Servants

1. **Mr. David Heath** (Somerton and Frome) (LD): What plans she has to move civil servants (a) within her Department and (b) in agencies for which her Department has responsibility, presently based in London to rural areas of England. [180204]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): Work is under way to evaluate how and where civil servants should be located to meet the business needs of the Department and its agencies. That work will complement the Lyons review on public sector relocation and the Gershon efficiency review.

Mr. Heath: I suppose that the Department for Environment, Food and Rural Affairs will eventually give a response to the Haskins review and, indeed, the reviews that the right hon. Lady mentioned. Would it not be a splendid idea if it showed its commitment to rural areas by moving headquarters staff to, for instance, the west country, where staff might occasionally meet dairy farmers, use rural bus services and experience the glories of wetland areas? If she wants a suitable site, I am happy to suggest Frome.

Margaret Beckett: I assure the hon. Gentleman that he is not the only person with ideas for places, including areas in the south-west, where staff could go. We hope to make an announcement soon on the Haskins review, and he will understand that I do not wish to anticipate discussion of any further decisions. We are, however, mindful of the fact that our Department has a high profile and that there is a strong need to provide services in rural areas.

Mr. David Kidney (Stafford) (Lab): Will my right hon. Friend accept my stronger bid? If Prue Leith succeeds in her plan for a visitor attraction, chefs' training centre and food hall in the Great British Kitchen at Stafford, would my right hon. Friend regard Stafford as sufficiently rural—*[Interruption.]* This is important. Does my right hon. Friend think that the synergies with the work of her Department are sufficiently strong for Stafford to be an excellent location for those civil servants?

Margaret Beckett: That is an interesting observation, and it reinforces my caution about giving advice about the decisions that will be made.

Mr. James Gray (North Wiltshire) (Con): The Secretary of State boasts of her plans to redeploy staff to rural areas, but if all those plans were implemented, they would affect 673 jobs out of 31,000 in the DEFRA family. Is the Minister aware of the evidence that her permanent secretary, Sir Brian Bender, gave the Environment, Food and Rural Affairs Committee last Wednesday, in which he said there was a policy of "deliberate churning" of DEFRA staff, which means that more than half of all senior civil servants are brand new to the job? Sir Brian went on to say that 49 per cent. of staff are proud to work for DEFRA. Will the Secretary of State tell us whether she is proud to be in charge of a Department that deliberately churns its staff, in the permanent secretary's expression, and where 51 per cent. of staff are apparently ashamed to work?

Margaret Beckett: Yes, I am proud to be in our Department, which I think is an extremely good Department. I take the hon. Gentleman's point about what presumably concerns him about the phrase "churning of staff", but there is considerable merit—not least in a Department like ours, where there are great synergies across the subject specialties that the Department covers—in people acquiring a range of experience and expertise. We believe that the Department is better for it.

Hugh Bayley (City of York) (Lab): I congratulate the Department on moving the Pesticides Safety Directorate headquarters, the Meat Hygiene Service headquarters and many other DEFRA staff to their brand-new, purpose-built headquarters accommodation at Kings Pool in York, and I congratulate my right hon. Friend on moving the Central Science Laboratory to Sand Hutton in rural North Yorkshire, just outside York.

May I remind her that North Yorkshire is the largest rural county in England, and urge her to move further DEFRA jobs there without delay?

Margaret Beckett: The longer the question goes on, the more confident I am that whatever decision is ultimately made, it will be extremely unpopular with large numbers of hon. Members.

Queen Bees

2. **Mr. David Cameron** (Witney) (Con): What steps she has taken to urge the EU to permit the import of queen bees from Hawaii; and if she will make a statement. [180205]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): We have approached the European Commission on a number of occasions about the import of queen bees from Hawaii. The trade will be able to resume when the United States can match European standards for bee health controls. I am sure the hon. Gentleman will agree that we must do all we can to protect our bees from foreign pests and diseases, such as the small hive beetle and American foul brood.

Mr. Cameron: Does the Minister share the frustration of my bee-keeping constituent, Mr. Burrows, who wants to import queen bees from Hawaii, as he has done before? Is the Minister aware that the Department has said that Hawaii has a high bee health status? While I am sure he would welcome a fact-finding mission to Hawaii, and I would gladly go with him, will he consult his wall map and see that Hawaii is 1,625 miles from mainland USA? So will he get down to Brussels and tell officials to amend their rules, which are stopping my constituent producing the best honey?

Mr. Bradshaw: I am aware that Hawaii is a very long way away from mainland USA, but I am afraid that Hawaii must be treated as territorially part of the USA for this purpose. I point out to the hon. Gentleman's constituent that there are alternative sources for queen bees: Argentina, New Zealand and Australia, and I understand that Slovenia and Greece, both in the European Union, also produce very fine queens.

Ann Winterton (Congleton) (Con): While the British pig industry has managed to contain the fall in production, which has levelled out at 500,000 tonnes—

Hon. Members: Ask your question.

Pig Industry

3. **Ann Winterton** (Congleton) (Con): What measures her Department is taking to promote the British pig industry. [180206]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): The British Pig Executive of the Meat and Livestock Commission is the body responsible for promoting the interests of the British pig industry. My ministerial colleagues and I are happy to support those activities.

Ann Winterton: Queen bees carried me away for a moment, Mr. Speaker.

While the British pig industry has managed to contain the fall in production, which has levelled out at about 500,000 tonnes, with prices remaining sustainable at present, is the Minister aware that pig producers are still under considerable pressure from imported pig and pig-meat products, much of which it would be illegal to produce in the United Kingdom because of our higher animal welfare standards, such as the banning of stall and tether production? Will the Minister therefore support wholeheartedly the National Pig Association's best practice guidelines to be published next month, and encourage retailers and the food service sector alike to sign up to UK sourcing and honesty in the food chain?

Mr. Morley: I understand the point that the hon. Lady makes in relation to the UK pig industry. She is right: it produces meat to high welfare standards. We have been campaigning for the same standards across the EU, and European producers will ultimately meet the UK standards. At present, there is an advantage for UK producers in terms of marketability. In that respect, we warmly welcome the industry's efforts to speak to retailers, and in principle we support its approach to the code of practice. We look forward to talking to the industry to see how we can take matters forward.

Dairy Industry

4. **Richard Younger-Ross** (Teignbridge) (LD): How many dairy farmers have left the industry in the last 12 months. [180207]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): We do not hold figures for the number of dairy farmers who have left the industry. The agricultural census for England shows that between June 2002 and June 2003, there was a net reduction of 786 holdings where dairy farming is the predominant activity.

Richard Younger-Ross: May I suggest that the Secretary of State should hold such figures? At the beginning of this week, the *Western Morning News* reported that many farmers in the south-west are losing up to £24,000 a year and that more than 3,000 dairy cattle a week are being sold off. My constituent, Anthony Rew, questioned me the other day about how he could continue in the dairy industry when last year he received less than 17p a litre. What action will the Secretary of State take to preserve the British dairy herd from decimation?

Margaret Beckett: I am sure that the hon. Gentleman is well aware that there is overcapacity in milk production. He will also be aware that the Government have taken initiatives through the Food Chain Centre and through my noble Friend Lord Whitty and the Dairy Supply Chain Forum. Through those means, a considerable amount of advice is available to the industry. The hon. Gentleman will also be conscious of

the fact that there are genuine problems in dairy and that they are not necessarily resolvable at the wave of a ministerial wand.

Mr. Lindsay Hoyle (Chorley) (Lab): I know that my right hon. Friend is very concerned about the future of farming in the UK, but dairy farming in particular has suffered. We can see that the monopolies of the supermarket are not fair. There should be a fair price at the farm gate to ensure that dairy farming continues and that we can attract young people into dairy farming. If we cannot do so, we will see the end of such farming in the UK. We need help and protection, and I will welcome whatever support she can give.

Margaret Beckett: I understand the concern that my hon. Friend expresses. The latest milk price, the April price, was the highest April price since 2001, at just under 18p a litre. He rightly said that this is a long-running saga. There is concern in the industry and there are difficulties, but he will know that the Office of Fair Trading has recently undertaken a compliance audit of the supermarket code of practice in order to try to address some of the concerns that have been raised by hon. Members in all parts of the House.

Andrew George (St. Ives) (LD): Following on from the question of the hon. Member for Chorley (Mr. Hoyle), does the Secretary of State accept that dairy farmers in the UK are among the most efficient in Europe? She must reflect on the fact that they are being paid less and going out of business in their droves. What discussions has she had with the Secretary of State for Trade and Industry? Does she accept that now is the time to strengthen the supermarket code of practice to ensure that dairy farmers and other farmers are given the proper protections in the market that they richly deserve, now?

Margaret Beckett: I can only repeat that there are, and have been for a very long time, genuine problems in the dairy industry. The Office of Fair Trading has considered the position and reported on a number of occasions, but it has responded, as we hoped that it would, to the concerns that continue to be expressed by producers. For that reason, it has undertaken a compliance audit, and we await the results. I am afraid that there is no point in hon. Members continuously saying, "Let us look at it again." We have many conversations with my right hon. Friend the Secretary of State for Trade and Industry and, through her, with the Office of Fair Trading. I can only say yet again that, however often the matter has been looked at, the Office of Fair Trading has up to now been unable to find the sort of distortion of competition that I know many in the industry suspect exists. I repeat that it is presently undertaking a further compliance audit, and we await the results.

Mr. David Drew (Stroud) (Lab/Co-op): My right hon. Friend will have seen the report from the Select Committee on Agriculture, which highlighted the level of distrust in the industry. One of the recommendations made by the Committee was that the Government should remain in the chair in the supply chain initiative to ensure that the sector pulls together. Will she ensure that that continues to happen?

Margaret Beckett: Yes, indeed, I will. Many people welcome the Dairy Supply Chain Forum's work, and we will continue to keep up the pressure. That includes, for example, our acceptance of the Select Committee's recommendation, which I warmly welcome, that the OFT and the Competition Commission should do more to convey the fact that the dairy sector understands that they are not opposed to vertical integration in the sector. The Select Committee report, to which we shall respond in due course, is interesting, and it confirms the existence of considerable, long-standing problems.

Mr. Michael Jack (Fylde) (Con): I am grateful for the Secretary of State's acknowledgment of the importance of the Select Committee report on milk pricing. Can she assure me that one of the priorities for the Dairy Supply Chain Forum will be to establish a proper dialogue about openness and transparency in the milk industry, because different sections of the industry seem not to engage in such a dialogue? Will she also ensure that Lord Whitty understands what the forum is about? When I asked him what it does, he said:

"I am not sure of the precise terms of reference".

Margaret Beckett: First, I share the right hon. Gentleman's view that greater openness and transparency are required, and, secondly, I share the Select Committee's view that many of the sector's difficulties are issues for the industry, although it is important for the Government to do what we can to help the industry to help itself. I was slightly surprised by the right hon. Gentleman's remarks about my noble Friend Lord Whitty, because most people know how well my noble Friend understands the difficulties and how much he has done to help.

Single Farm Payment

5. **Mr. Andrew Robathan** (Blaby) (Con): What assessment she has made of the amount of administration and form-filling that will be involved in ensuring compliance with the single farm payment.

[180208]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): Common agricultural policy reform will bring significant benefits for our agriculture industry. It will introduce a new freedom to farm and will release our producers from a significant burden of bureaucracy associated with the old CAP.

Mr. Robathan: I hope that that is right. I must declare that I am a farmer, and that I consider myself to be relatively—I stress "relatively"—well educated and intelligent, but filling in the integrated administration and control scheme form is one of the most mind-numbingly complex things that I do each year. The Secretary of State should spend an hour trying to fill in that form, which is extraordinary.

Although I broadly welcome the single farm payment—I would welcome the scrapping of the CAP even more—farmers throughout the country are

concerned that it will impose heavier burdens, particularly with regard to soil management plans and the like. Can the Secretary of State reassure farmers that the bureaucratic burden and the cost of compliance will not be heavier than under the CAP, which involves filling in a ludicrous number of forms?

Margaret Beckett: I assure the hon. Gentleman that nobody will be more disappointed than Labour Members and me if CAP reform does not result in substantially greater simplicity. At least two of the 10 schemes that are being replaced involved up to 12 claims a year. Although the complexity is greater than if we went straight to the new scheme, the transition period is unfortunate but inevitable. In the long term, it is better to provide an adjustment period, and the new scheme, which involves one form, one payment date and one application, should make a huge difference.

Diana Organ (Forest of Dean) (Lab): The overwhelming majority of farmers recognise that administration and form-filling are necessary to avoid fraud, to create a healthy and safe environment and to allow the meat that we eat to be traced. Although farmers endeavour to fill in forms promptly and correctly, they may be overwhelmed by farm tasks during busy periods. That happened to a farmer in my constituency, Mike Manning, who forgot to register a couple of his calves because he was silaging. The British Cattle Movement Service helpline informed him that he could register his animals by phone or fax. That was new to him and to many other farmers in my constituency. Will my right hon. Friend ensure that farmers are made aware of the facility whereby they can register their animals not only on the website but by phone and fax—

Mr. Speaker: Order. I think that the Secretary of State understands the case.

Margaret Beckett: I take my hon. Friend's point entirely. I am sorry to learn that her constituent was not aware that we are trying to make it easier for people to meet the requirements. I share her view that it is important to make farmers aware of that, especially as we can move increasingly towards easier methods of access to schemes. The introduction of the new scheme will give us a good opportunity to do that.

We hope that, in future, the Rural Payments Agency can build up a bank of information. That ties in with my hon. Friend's question and that of the hon. Member for Blaby (Mr. Robathan). It will mean that only changes need to be notified, which will be an enormous help.

Mr. David Curry (Skipton and Ripon) (Con): The right hon. Lady will appreciate that, before the single farm payment can take effect, it will be necessary to define precisely where the moorland line lies. Does she also appreciate that farmers want to know what machinery will be set up to adjudicate that, who will man it and the sort of information that has to be supplied? Clearly, there is great uncertainty and farmers are anxious to be able to see their way forward as soon as possible.

Margaret Beckett: I entirely appreciate the right hon. Gentleman's point. He knows that we are conscious of the fact that, when the moorland line was established, no specific payment was associated with it because there was no perceived need at the time and there was therefore no appeal mechanism for individual decisions. We are now considering as a matter of urgency what process we can introduce to ensure that people have the opportunity to make representations about exactly where the moorland line should run. I hope that we can make an announcement about that in the not-too-distant future, because I share the right hon. Gentleman's view that it is important that farmers know where they stand.

Sir Nicholas Winterton (Macclesfield) (Con): Although I am reassured by the Secretary of State's reply to my hon. Friend the Member for Blaby (Mr. Robathan), does she share my concern and that of many of my marginal land farmers and hill farmers and members of the Peak park authority that there may be far fewer farmers to fill in the forms under the single farm payment scheme? That is damaging to those who farm on our marginal land.

Margaret Beckett: I am not sure what leads the hon. Gentleman to that conclusion, but there will inevitably be losers as well as winners. That applies to every change that is introduced. However, breaking the link between production and subsidy will generally benefit farming and allow for economic improvement. People must make the decisions that are right for the future of their businesses, but they will have considerable stability from knowing what they will receive for some eight years. People in many other industries would welcome such a business-planning horizon.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): Does the Secretary of State know that the proposal to require a 2 m uncultivated buffer strip as one of the cross-compliance measures to obtain a single farm payment may cost many farmers up to thousands of pounds? How do the Government justify the fact that the farmers who have done most for the environment by creating hedgerows and habitat will be worst affected by that proposal?

Margaret Beckett: We have only just reached the closing date for the consultation process on cross-compliance. The idea of a 2 m strip was raised during it. Although some people expressed great concern, others take a different view—either that the proposal is welcome or that it does not present great difficulty. We shall study all those responses with great care before we reach our decisions.

Hazardous Waste

6. **Sue Doughty** (Guildford) (LD): If she will make a statement on progress on the preparation of European Union directives relating to the disposal of hazardous waste. [180209]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): Preparation of EU directives rests with the European Commission. Several existing directives relate to the disposal of hazardous

waste. The main ones are: the hazardous waste directive, the landfill directive and the waste incineration directive. Each is at various stages of implementation.

Sue Doughty: I am particularly concerned about that answer because the landfill directive, which bans co-disposal of hazardous waste in landfill, becomes operational next month. There are insufficient sites in this country to deal with hazardous waste and we shall be faced with the prospect of thousands of lorry movements up and down the country, and of the fly-tipping of hazardous waste as lorries are turned away from the sites that they have previously used. Will the Minister stop expecting the industry to take a lead, when DEFRA has failed to do so, and will he put in place the remedies and resources necessary to deal with the problem that will arise next month?

Mr. Morley: I do not accept what the hon. Lady says. She should understand that the industry is responsible for the investment and business decisions relating to waste disposal. Our responsibility is for regulation and permitting, through the Environment Agency and the Department. Her point about insufficient sites is also wrong, because the latest projection is that there will be adequate facilities for hazardous waste disposal in this country. She needs to understand that one of the reasons behind the change is the need to reduce the amount of hazardous waste going into landfill. At the moment, 60 per cent. of the hazardous waste stream is contaminated topsoil. We have recently heard that a major site that would otherwise have provided 400,000 tonnes of contaminated topsoil will instead bring in machinery to treat the soil on site. That is an example of exactly the kind of thing that we want to encourage.

Mr. Bill O'Brien (Normanton) (Lab): I certainly support my colleague in pressing to reduce the amount of hazardous waste that is being produced. However, there are genuine concerns that, when the new rules come in next month, the amount of fly-tipping will increase as the cowboys who operate in the industry try to cut costs. We need the regulator—the Environment Agency—to be given the powers and resources necessary to ensure that those people are brought to justice. Will my hon. Friend also take note that the number of serious fly-tipping incidents involving hazardous waste doubled between 2001 and 2002, and that there are fears of further increases? Will he therefore ensure that the issue is given serious consideration?

Mr. Morley: Yes, I want to assure my hon. Friend that we take the issue seriously, and that we are in no way complacent about the risks created by people who try to cut corners by operating illegally. Fly-tipping is one of our priorities, and we have given new powers both to the Environment Agency and to local authorities in relation to stop and search and to the confiscation of vehicles. We are also introducing new streamlined procedures for permits, so that the people who collect hazardous waste will need authorisation to do so and will be able to be traced. I agree with my hon. Friend that we must ensure that the necessary attention and priority are given to tackling those people involved in fly-tipping, and that we make an example of them in the courts.

Mr. Simon Thomas (Ceredigion) (PC): One concern must be that some of the hazardous waste that will now be diverted, quite appropriately, from landfill will then go to be incinerated. In that regard, what is the Government's view of the Environment Agency's proposals to allow the burning of more toxic materials in cement kilns? Many local populations accepted the burning of tyres in cement kilns as an appropriate way of dealing with that waste, but they will be very concerned that more toxic materials might be burned under the new proposals. What do the Government have to say about that?

Mr. Morley: What we say is that the very highest standards must apply when any material is burned in any incineration process. An impression has been given that a lower standard of regulation will apply to the burning of alternative fuels in cement kilns than in high-temperature incineration. That will not be the case. We will expect the Environment Agency to apply exactly the same strict standards as it applies at the moment, and each case will be considered on its individual merits.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): My hon. Friend will be aware that the EU large combustion plants directive is intended to reduce nitrogen and sulphur emissions. However, the two approaches that have been suggested—the national plan approach and the emission limit value approach—both threaten jobs. Will he therefore robustly tackle the Commission on adopting an effective hybrid approach that would not result in a loss of jobs and would protect British industry?

Mr. Morley: I understand my hon. Friend's point on the large combustion directive. There are two alternatives, one of which is favoured by the manufacturing sector, and one of which is favoured by the coal sector. Outcomes are important to DEFRA: we want not only environmental standards but a system that reflects the operations and needs of the particular sectors. We are, of course, considering this issue, and we are talking to the Department of Trade and Industry. We understand his point very well.

Mr. Tim Yeo (South Suffolk) (Con): Is it not complacent to the point of irresponsible for the Minister to say, with less than a month to go, and with only five sites licensed to tackle hazardous waste, at least one of which is unlikely to come into operation, that facilities are now adequate? By trying to shove the blame on to industry, which is ready to rise to the challenge if only the Government would stop dithering over the detail of the regulations on the operation of licensed sites, the Government are trying to throw off their duties.

The Environment Agency has warned that there will be more fly-tipping. We know that there will be vast increases in the distances over which waste must be carried, and that the Government's brownfield development programme may be jeopardised by that. Will the Minister urgently address the concerns expressed by businesses, which want to meet the challenge but are unable to do so as long as confusion and dithering remain the order of the day?

Mr. Morley: First, may I welcome the hon. Gentleman to his new role? It seems that Opposition Front Benchers are more into recycling than many other people, and I welcome that.

I can be accused of many things, but complacency is not one of them. We understand that there are risks when new regulations and changes are introduced. We must work with that. We set up the hazardous waste forum with the industry, and I do not seek to put blame on the industry. I merely wish to point out that DEFRA is not in the waste disposal business. I do not know whether it is a new Tory policy to nationalise waste disposal in this country. If so, that is quite interesting.

It is not the case that the details are not available. The industry knows exactly what needs to be done. It has been involved at every stage of the process—there have been six consultations since 1999, an independent report, the Babtie report, was commissioned to examine the issue, and we regularly talk to the industry and the Environment Agency. It is true that not all the sites have yet been permitted, but the agency is working them at the moment. Fifteen merchant site applications are in, not counting in-house sites, and the Environment Agency is dealing with the applications of 37 separate cell sites.

A reduction in sites in the short term is likely, and the cost of disposals will probably increase, but that is an inducement to reduce and treat waste. We do not in any way take fly-tipping lightly. There are always risks, and we will deal with them appropriately and will certainly actively pursue the matter.

Water Metering

7. **Mr. Robert Key** (Salisbury) (Con): What measures her Department is taking to promote the take-up of water metering in homes. [180210]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): We expect individual water companies, under the guidance of the Office of Water Services, to keep customers informed of their rights of choice in their method of charging, including the right to a free meter.

Mr. Key: Does the Minister agree that we all need to explain to people that the ever-increasing rise in demand for water relies on unsustainable levels of abstraction in southern England, especially in the Avon catchment? The only answer is to use less water. The best way of using less water is to relate the volume of water used directly to price.

Mr. Morley: The hon. Gentleman makes a fair point. He has been a long-standing campaigner in relation to unsustainable abstraction in the chalk rivers in his constituency. He knows that I share his concern. I very much welcome the fact that the number of households moving to water meters is increasing, and I agree that it is the most sustainable way to manage water. He will also be aware of a working group involving Wessex Water, English Nature and the Environment Agency, which is examining the problems of abstraction in his area. It reports to me, and I take a personal interest in that.

Mr. Peter Pike (Burnley) (Lab): I am one of those who already have a water meter, although I wish that I did not. My hon. Friend will recognise that water pricing policy and conditions vary from region to region, and that the north-west is very different from the region of the hon. Member for Salisbury (Mr. Key). Now that people are becoming increasingly concerned about the level of increase in charges for sewerage and water services, is it not important to find a way to replace the rateable values, which no longer exist in reality but have been preserved as the system for charging most customers? They now have no relevance at all, and it is time that a new system was found.

Mr. Morley: I understand the point that my hon. Friend makes, but the alternative is for people to switch to water meters. Legislation provides for the free installation of water meters. An increasing number of people are choosing that option, and I expect that to continue. However, the price issue is very important, which is why we are carefully following what is happening in the price review and the work of the regulator. It is important to have a link between what people use and how they pay for it, and water metering is the best way of providing that.

Norman Baker (Lewes) (LD): But is it not simply indefensible, as the hon. Member for Burnley (Mr. Pike) says, to continue to base most water bills on the theoretical value that a person could get from renting their property in 1973? Is it not indefensible that there is no link at all between consumption and the bill that lands on the doormat? Is the Minister aware that, in my constituency, South East Water plans to install a desalination plant, of all things—we normally associate such plants with the middle east—to produce enough water, because the Deputy Prime Minister wants more housing in the area? Would it not make more sense to have a proper system of universal metering? Should not the Government give a lead, rather than having metering by stealth, as at present? A system of metering with safeguards for those on low incomes would be sensible for the environment and better for consumers.

Mr. Morley: The hon. Gentleman will be aware, because he served with me on the Water Bill, that water companies are free to apply to the Secretary of State to have powers for metering in their areas. So far, no water company has made that proposal, but the hon. Gentleman knows as well as I do that we have supported the move to metering. We think that that is the right way forward, but while there are many properties that are not on a meter, there has to be some means of calculating the price that they pay. I am sure that there are many weaknesses with the present system of rateable value, but the costs of moving to an alternative system would also produce winners and losers, and that system would still have problems. It would not necessarily give anyone a better advantage. A greater advantage is gained by continuing to encourage people to move to water meters, which is why they are provided free of charge.

Mr. Gordon Prentice (Pendle) (Lab): Is it not a paradox that some parts of the country are awash with water while others suffer drought? What consideration have the Government given to constructing a national water grid?

Mr. Morley: That has been discussed. My hon. Friend is right to say that there are huge regional differences in

water. The eastern region of England has less rainfall per head of population than Sudan. This issue is one not just of development but of proper water resource management. The costs of establishing a national grid through pipes are very high, and the establishment of such a grid by linking river systems would have environmental and ecological consequences that we could not ignore. We must take those factors into account.

Richard Ottaway (Croydon, South) (Con): This question is about not just how, but how much, people are charged for their water. The Minister will be aware that prices are going up, but has he fully absorbed why? The reasons include national insurance and pension liabilities, a new tax and financing regime and, worst of all, a lack of investment in infrastructure because of an artificial price cut in the run up to the last election. The pigeons are now coming home to roost, with a 30 per cent. rise in water charges. Will the Minister accept that that is wholly the result of Government action?

Mr. Morley: No, I most certainly will not accept that. We have an independent water regulator, although that seems to have escaped the hon. Gentleman's attention. Of course there are issues relating to price pressures on water and I do not dispute that there is a combination of those issues at work, which the regulator must take into account. Companies take them into account in their draft business plans. The biggest single factor is, of course, continued investment and maintenance of capital assets, which has led to a major clean-up of our rivers and beaches. That has led to the best quality water that we have ever had in this country. While no one welcomes price increases, people nevertheless want continued improvements in the quality of water that they enjoy—both for drinking and in relation to the aquatic environment of this country.

Animal Slaughtering

8. **Mr. Graham Allen** (Nottingham, North) (Lab): How many animals were slaughtered in the UK to provide food in the last year for which figures are available; and if she will make a statement. [180211]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Mr. Speaker, 27 million cattle, sheep and pigs, and 877 million poultry were slaughtered in 2003.

Mr. Allen: I thank the Minister for that reply. Wearing his environment hat rather than his agriculture hat, he will know that it takes 10 tonnes of corn to make 1 tonne of beef. Does my hon. Friend feel that the level of meat eating—in this country and, indeed, globally—is sustainable in the long term? What research is his Department undertaking to ensure that we sustain our environment both nationally and globally?

Mr. Bradshaw: I think that my hon. Friend is right to say that it is possible to feed more people on grain than it is on meat, but I would point out that the biggest increase in meat consumption has been taking place in the developing world, particularly in those countries that enjoy the highest economic growth in south-east Asia. The evidence from European meat consumption, which is pretty stable, suggests that it gets to a level at which it does not increase any more, while at the same time productivity increases at a faster rate. I am not quite sure that my hon. Friend's argument completely holds water.

Mr. Edward Garnier (Harborough) (Con): The Minister will know that my Harborough constituency is a beef-producing constituency that is dependent, agriculturally, on that sector of the industry. Will he let me know when the Government will ensure that the over-30 month scheme is removed so that we can develop the sector better and export meat to the developing countries that the Minister mentioned?

Mr. Bradshaw: We are as keen as the hon. Gentleman to get the OTMS system lifted and our beef exports resumed. I am sure that he will welcome the fact that the beef sector has recovered since foot and mouth, and that beef prices are now increasing quite usefully. We are working hard in discussions with the Food Standards Agency and our colleagues in the Department of Health to make progress on both OTMS and the export scheme.

Alistair Burt (North-East Bedfordshire) (Con): At the East of England show last week, I was repeatedly asked by farmers and consumers alike why our food labelling still fails to distinguish adequately between meat produced from animals grown, raised and slaughtered in this country and that from elsewhere. Is the Minister satisfied that nothing further can be done with food labelling?

Mr. Bradshaw: As the hon. Gentleman will be aware, food labelling is now a matter for the Food Standards Agency. We are as keen as he is on having accurate consumer advice when it comes to labelling and country sourcing. Most of the meat that he would buy in supermarkets or from his local butcher would be labelled if it were produced in this country. We want to improve that, but it is a matter for the Food Standards Agency.

Fisheries

9. **Mr. Austin Mitchell** (Great Grimsby) (Lab): If she will provide financial help for the Grimsby and east coast fishing fleet over the next two years. [180212]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Fishing communities are already benefiting from various grants, which will continue, but we do not consider it a sensible use of public funds to maintain over-capacity in the fleet.

Mr. Mitchell: I thank my hon. Friend for that answer, but I hope that he will not enter into any premature no saying, without first studying the report by Andrew Palfreyman, commissioned by Yorkshire Forward, on how to arrest the decline in the catching side in Yorkshire and Humberside. It shows that we have already declined disproportionately—more heavily than in any other part of the country—and that unless

support is provided, that disproportionate decline will continue. Owners will sell their track records to others who are receiving Government support—a code name for Scotland. That will lead to the industry falling below the critical mass necessary to support the jobs and facilities onshore. The report also says that it might lead to the closure of one or more white fish catching ports on the Yorkshire east coast. I hope that my hon. Friend will study the report closely—I am waving it at him as I speak—and that he will consider ways of helping the industry on the east coast of Yorkshire to ensure that it does not bear another disproportionate decline.

Mr. Bradshaw: I shall certainly study the report carefully. My hon. Friend is right to say that fishermen in his constituency have suffered disproportionately, but that is because the stocks that they have targeted—cod stocks in particular—are the ones that have become especially depleted. However, he is wrong to suggest that the Scottish industry is being treated differently this year. It is not: it has not received any of the tie-up grants, for instance, that I imagine my hon. Friend would advocate for the industry in his own area. In the end, the industry in his area wants a sustainable future, so that it can make profits. That will require recovery in the cod stocks, and that is why the measures that we have introduced are so essential.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is the Minister aware of the Wash inshore shellfish fishery in my constituency? Fishermen there fish for cockles, whelks, mussels and shrimps, and they are not interested in grants from the Government so much as in having a system of environmental health testing that is fair, compared with the EU. Has the Minister had a chance to visit the Wash fishery; and, if not, will he come and meet fishermen in my constituency?

Mr. Bradshaw: I should be delighted to consider a visit to the hon. Gentleman's constituency. I am well aware of the problem that he raises. We have been in discussions with the Food Standards Agency about the methods that have been used up to now to test the waters used by our shellfish industry. I believe that the latest statements from the FSA will address the concerns that the hon. Gentleman raises.

Litter

10. **Mr. Bob Blizzard** (Waveney) (Lab): What steps she is taking to reduce the amount of litter dropped in public places. [180213]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): We are undertaking a number of initiatives aimed at reducing litter in public places. These include introducing a voluntary code of practice for the fast food industry, revising the code of practice on litter and refuse, issuing guidance to responsible bodies on dealing with drug-related litter, and reducing the irresponsible disposal of chewing gum. We also fund ENCAMS, the charity that runs the Keep Britain Tidy campaign, to undertake targeted public campaigns aimed at changing behaviour.

Mr. Blizzard: Does my hon. Friend agree that, as well as spending millions of pounds on cleaning up litter, we should do much more to deal with the people who drop it? I introduced two private Members' Bills on this subject, and I was delighted that the Government introduced section 119 of the Local Government Act 2003, which gave local authorities the power to retain revenue from fixed-penalty fines to enforce the law. However, some councils do not take advantage of that power, and I am sorry to say that one such is my own Waveney district council. What can my hon. Friend do to ensure that councils do what is expected of them, and make the polluter pay?

Mr. Morley: I am very concerned to hear that my hon. Friend's local council has not taken up the power that it has been given, especially as my hon. Friend deserves much credit for changing the law to allow local authorities to keep the revenue accruing from the fines that they levy for littering. That is a very unusual facility, and it allows councils to plough back the money into tackling the important quality-of-life issue that is the litter problem. We meet the Local Government Association regularly, and I assure my hon. Friend that I shall take the matter up in those discussions.

Miss Anne McIntosh (Vale of York) (Con): It is clear that the Government's action has not worked. There has been a 12 per cent. increase in litter in the past year and—given that the Minister mentioned chewing gum—a 94 per cent. increase in chewing gum droppings. Westminster city council issued 21,000 litter fines in the past five years, whereas Bath council issued only one. When will the Minister get tough on litter and tough on the causes of litter? When will he require councils to levy fines in a uniform manner?

Mr. Morley: The hon. Lady will know that the Government's relationship with local government means that local councils have a great deal of autonomy about their choices and responsibilities. I am very glad that some local authorities take the litter problem seriously, and we are backing that up with our talks with the industry about matters such as the serious problem posed by chewing gum. Also, ENCAMS provides funding for awareness campaigns that are aimed specifically at young people—although I am sorry to say that the problem of littering is not confined to them. We want all local authorities to meet the standards of the best, which is why we have the local government quality programme. As I told my hon. Friend the Member for Waveney (Mr. Blizzard), we talk to the LGA regularly about this matter. That organisation would be concerned if local authorities, having been given as much autonomy as is possible, were not using it effectively in the interests of the people whom they are elected to serve.

Animal Welfare

11. **Chris Bryant** (Rhondda): What plans she has to reform the laws regarding cruelty to domestic animals. [180216]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): We hope to publish the draft Animal Welfare Bill this summer. The Bill will update and

consolidate over 20 pieces of animal welfare legislation dating back to 1911 and will introduce a new duty of care on all animal owners.

Chris Bryant: I am delighted to hear what the Minister has just had to say. Many people feel that the fact that our legislation is so piecemeal and hideously outdated—going back to 1911, as the Minister said—is a disgrace. For example, it is still legal to tether a dog all day as long as it has minimum food and shelter. Will the Government introduce changes to ensure that RSPCA officers can intervene not on the 25th occasion that they visit an animal that is being treated cruelly but on the first occasion?

Mr. Bradshaw: Yes, the Bill will deal with the problem that my hon. Friend outlines; it will include in the duty of care an obligation to avoid treating an animal in such a way that suffering is bound to occur.

Silkstream Flood Defence Project

12. **Mr. Andrew Dismore** (Hendon) (Lab): If she will make a statement about progress with the Silkstream flood defence project. [180217]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): The Environment Agency expects construction work at Prince Edward's playing field in Harrow to start later this year. This site is the first of six flood storage reservoirs to be constructed in the Silkstream catchment. All other work on the project is expected to be complete in the next three years, subject to securing the necessary funding and successful negotiations with landowners.

Mr. Dismore: I am grateful to my hon. Friend for that reply. He will know that the issue has been outstanding since 1992 when the problems were first identified. There is some local concern that the standards to which the scheme is being developed will not provide for the once in 100 years flood. Can he assure me that the scheme is the best that can possibly be designed? Will any financial assistance be available to Barnet council, which has to provide a significant share of the funding?

Mr. Morley: I pay tribute to my hon. Friend. He is right. I know from many years of standing at the Dispatch Box that he has been a doughty campaigner for the scheme on behalf of his constituents. It is a £7.2 million scheme that will protect more than 1,100 households in his constituency. I understand what he says about the standards, but they are subject to a range of independent assessments and reviews and the scheme will go ahead only if it meets the three criteria of cost-benefit, environmental impact and technical specification. There is a formula for funding, and the local authority will receive a share of the funding under it.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): As a result of the Government's decision a few years ago to prioritise flood relief schemes such as the worthy Silkstream project, important projects to protect against coastal erosion such as the one at Middleton-on-Sea in my constituency have been put off. Given that we have had a few years of focusing on flood relief, is it not now time to restore a more equitable point scoring system that will enable a number of delayed coastal erosion schemes to proceed?

Mr. Morley: The whole point of the scoring system is to have an open, transparent and coherent system for prioritising schemes. It is not right to say that it discriminates against coastal schemes. In the past 18 months, the bulk of our expenditure has been on coastal schemes because they have come highest on the priority scoring system and met the criteria. Decisions will always have to be taken on priorities and which schemes to take forward. I strongly believe that a point scoring system that allows people to understand where they are in the priorities is the best approach.

Departmental IT Strategy

13. **David Taylor** (North-West Leicestershire): What assessment she has made of the effectiveness of the departmental IT strategy in delivering flexible, high-quality and cost-effective computer systems in support of her Department's services; and if she will make a statement. [180218]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): An Office of Government Commerce review helped shape the strategy and the approach to implementation. Effective governance is in place to keep the strategy up to date and take implementation forward, and gateway reviews have been undertaken on major IT initiatives that are part of the strategy.

David Taylor: There is a sad inevitability that the strategy will put its faith in outsourcing despite all the evidence from failed large-scale Government IT projects. How confident is the Secretary of State that the legitimate interests of clients and staff will not be subjugated to the commercial priorities of the chosen IT supplier and that future Ministers and taxpayers will not be left picking up the pieces?

Margaret Beckett: I accept my hon. Friend's basic point entirely, in that the development of new IT strategies has a rich history of problems in both the private and public sectors. It is not clear to me that those are necessarily automatically related to outsourcing. There have probably been as many disasters when people have tried it in-house as from outsourcing. However, the Department is pursuing a rigorous process and we greatly needed improvement in our IT services. The process is being peer reviewed at every stage by the Office of Government Commerce and my hon. Friend had the opportunity to question the management side about the issue in the Environment, Food and Rural Affairs Committee the other day. I assure him that we are mindful of our reliance on good IT and we have no intention of seeing our staff or the taxpayer lose out.

NHS Improvement Plan

12.30 pm

The Secretary of State for Health (Dr. John Reid): With permission, Mr. Speaker, I wish to make a statement about the NHS improvement plan. Almost four years ago, my right hon. Friend the Prime Minister came to this House and made a statement to launch the NHS plan. He said then:

"The challenge is to make the NHS once again the health care system that the world . . . envies."—[*Official Report*, 27 July 2000; Vol. 354, c. 1261.]

I can tell the House that we are making good progress towards meeting that challenge. Today, I will set out that progress and our next steps in delivering the world-class service that people in this country deserve and expect.

I can confirm one principle at the outset. We will not waver from the founding principle of the national health service. Under this Government, NHS care will continue to be provided according to need and not according to ability to pay. No one will suffer disadvantage through lack of means, and no one will gain unfair advantage in medical treatment because of their financial position. The comprehensiveness, and above all the fairness, of the national health service are qualities that are already admired throughout the world, with a few possible exceptions, and this Government will retain them.

I can report today that the improvements promised in the NHS plan have been, and are being, delivered. We said that we would put more money into the NHS, in a sustained way—more than ever before. We have done just that, with an average of 7.6 per cent. real-terms growth for the last four years. We said that investment would help us to expand capacity. It has. Compared with 1997, the figures speak for themselves, with 67,500 more nurses and 19,000 more doctors working in the NHS; 68 major new hospitals built, under way or planned; and 224,000 new employees, 84 per cent. of whom are involved in direct patient care.

We said that those increases in capacity would mean improved services for patients and faster access to those services. That is now the case. There are now more than 258,000 fewer people on the in-patient waiting list, compared with March 1997. There are now virtually no waits of more than nine months for a hospital admission—down from more than 18 months in 1997. Almost 19 out of every 20 people are now seen, diagnosed and treated within four hours in accident and emergency departments—some of the best figures in the world. More than 97 per cent. of people can see a GP within 48 hours.

We said that we would put in place reforms to ensure that services improved. We have. We have brought in new contracts, new institutions and new services such as NHS Direct, which was used by 6.5 million people last year, and NHS walk-in centres. We have also embarked on the world's largest health-related IT programme.

Most importantly, we said that outcomes for patients would improve as a result of that investment and those reforms—and they have. To give but two illustrations, cancer death rates are down by more than 10 per cent. since 1997 and premature cardiovascular disease—heart-related—death rates are down by no less than 23 per cent. or above since 1997. So what is clear is that extra investment and capacity have allowed us to meet the people's first requirement: a better resourced, more easily and faster accessed health service in their own area—not perfection, but solid, significant progress. But of course, there is still a huge amount to do, given the position from which we started. I would never claim that everything is perfect, and now is certainly not the time to consolidate or to be complacent; rather, it is the time to renew our radical vision for the national health service of this country—a vision to meet the expectations and ambitions of people today, of this generation, in this country.

That vision embraces an NHS that is not only fair to all of us but also personal—increasingly so—to each of us, offering all our people equal access to, and the power to choose from, the widest possible range of services of the highest quality, based on clinical need and not ability to pay. So today, the NHS improvement plan that I have published and laid before the House sets out radical ambitions: sustaining our record high investment; maintaining our improvement programme; offering patients an even greater degree of power, information, control and choice than ever before; and improving further the health of the population as a whole, targeting inequalities and promoting prevention as well as cure.

Let me give the main features of that plan. The first is investment. As the Chancellor made clear in his 2002 Budget, we are committed to sustained record investment in the NHS. Total investment will rise year on year to more than £90.2 billion by 2007–08, averaging 7.3 per cent. real-terms growth over the five-year period. I can confirm that all of that—every single penny—will be directed towards increasing capacity for everyone in this country. None of it will be diverted as a subsidy for the relatively well-off few to jump the waiting queue.

I can also tell the House today that under that new programme we will limit the whole patient journey from GP referral through out-patients and diagnostic tests and finally to treatment. There will be no more hidden waits—*[Interruption.]*—the hidden waits that extended to years under the last Government. I can therefore announce that by 2008, building on the improvements we have already made to the NHS, from the time they are referred by a family doctor to the door of the operating theatre, no one in this country will wait more than 18 weeks for an operation, which should ensure an average wait of about nine to 10 weeks for everyone: a maximum wait of years under the last Conservative Government for just part of the patient journey, but a maximum wait of just 18 weeks with a Labour Government for the whole journey—a measure of the difference between the two Governments.

In addition to that improvement in access, we want to fulfil our manifesto commitment and give patients a greater degree of information, power and choice over their treatment—not just for the well-off, not just for those with affluence or influence. We want all patients to be able to choose from a range of services that best meet their needs and preferences. We have been introducing that scope incrementally, as capacity in the NHS increases. By the end of next year, for instance, all patients who need to be admitted to hospitals for elective care will be offered the choice of four to five providers at the time that they are referred for treatment

by their GP—[HON. MEMBERS: "Ah!"]. That pledge, which appears to be news to Members on the Opposition Front Bench, was made three years ago. *[Laughter.]* I am glad that they have now awakened. It is, in itself, a substantial step forward, but they will be delighted to know that I want to go further still today.

I can tell the House today that, by 2008, every patient referred by their GP will be able to choose to be treated at any facility in England—including, of course, their local hospital—that meets NHS standards and can provide care at the NHS price for the procedure that they need. *[Interruption.]* From a sedentary position, I am being asked—*[Interruption]*—

Madam Deputy Speaker (Sylvia Heal): Order.

Dr. Reid: From a sedentary position, I am being asked what is different from the policy put forward yesterday. I will oblige the House. Let me make it clear that it would be nothing short of hypocrisy to come to the House and promise that greater choice will be open to everyone, while reducing or diverting resources away from the national health service to a privileged few, allowing unlimited waiting times by removing targets and proffering an advantage in access to those with money. That combination would, in reality, reduce choice for the many in this country and in practice extend it only to those able to pay the charges outside the NHS in the private sector. That hypocrisy would be precisely the effect of yesterday's proposals from the Conservative party. We will not do that.

Our choice is in reality for everyone, paid for by the NHS and backed by further resources in the NHS, by continuing reform and by new patient rights. But there is another group of patients for whom local services in the community are important—at least to Labour Members—so we will extend the greater personalisation of patient care to people with chronic and long-term medical conditions. *[Laughter.]* Those people are not a matter for laughter; they are people who are suffering from some incurable and extremely difficult illnesses—arthritis, diabetes and asthma. *[Interruption.]* They are to be taken seriously, not frivolously.

Some 17.5 million people in this country have long-term conditions that cannot yet be cured and that have a real impact on their life. Providing those people with the personalised support and care that they deserve and need to live fulfilling lives should be a priority for all of us. We will do that by providing thousands of new and additional community matrons, rolling out the expert patients programme across the country and ensuring that the new contract for GPs delivers the best care for patients—thousands of new people in the community to help the 17.5 million people whose suffering was such a cause of frivolity among those on the Opposition Benches.

As the Select Committee on Health has pointed out, we need to ensure that the NHS becomes more than just a sickness service. We have a duty as a Government to ensure that everyone has the chance to live a healthy life, and to foster prevention as well as providing cures. The White Paper that I will publish in the autumn will set out in more detail our plans to tackle the major causes of ill-health, including smoking, obesity and sexually transmitted infections. We will do that by ensuring that the NHS takes a leading role, but that it involves other relevant organisations. *[Laughter.]* I note that the reference to sexually transmitted infections causes schoolboy humour among those on the Opposition Benches.

The plan that I have outlined today will therefore deliver a national health service characterised by access based on need, not ability to pay; free delivery to everyone, not charges that can only be paid by some; investment in the mainstream national health service, not cuts or diversion; guaranteed waiting times, not unlimited waits; queue cutting, not queue jumping; and a national health service fair for everyone and personal to each of us, not just to those who can afford it. It is above all an improvement plan to ensure that the greatest gift ever from the people of this country to the people of this country—our national health service—will not only retain its basic fairness and equity, but be able to meet the expectations of all our people in this new century irrespective of their wealth, race, geographical dispersion or social standing and background. That is how the national health service started and that is how we will continue in this century. *[Interruption.]*

Madam Deputy Speaker: Order. The House must come to order.

Mr. Andrew Lansley (South Cambridgeshire) (Con): I am grateful to the Secretary of State for sending me a copy of his statement, but we knew yesterday morning what he intended. He told the "Today" programme that what the NHS needs is "more targets". No one in the NHS tells me that they need more targets. They tell me that they need less bureaucracy, fewer targets, more autonomy and more resources which reach the front line. Today, we have heard the Secretary of State reiterate Labour's pigheaded belief that setting a target is the same as getting things done. It is not. It is the staff in the NHS who get things done. It is the doctors, the nurses—*[Interruption.]* Is the Minister arguing with me? It is the doctors, the nurses, the professionals in the NHS, the support staff and the managers—*[Interruption.]*

Madam Deputy Speaker: Order. This is an important statement; we will have some order.

Mr. Lansley: It is the doctors, nurses and professionals, it is the support staff and, indeed, the managers in the NHS who deliver health care. They tell me that targets distort clinical priorities and that red tape and bureaucracy stop them devoting the time that they wish to devote to caring for patients.

Let us take the Secretary of State's statement on his own terms. The Government have failed through their obsession with plans and targets. Let us look at the NHS plan 2000. It referred to

"an end to the postcode lottery in the prescribing of cancer drugs",

but the availability of some cancer drugs varies from 18 per cent. to 100 per cent. in different parts of the country. The NHS plan 2000 said there would be

"7,500 more consultants by 2004",

but the latest whole-time equivalent figure is just over 5,000. The director of human resources in the NHS has said:

[Mr. Lansley]

"we now know the way the target was originally constructed was not as helpful as it could have been".

On mental health, the NHS plan 2000 said that the Government would establish 335 crisis resolution teams, but the chief executive's report says there are 137.

On mixed-sex wards, the NHS plan said:

"old Nightingale wards will be phased out",

but the Commission for Health Improvement found mixed-sex wards and unassigned toilets in one in six of the acute trusts that it reviewed. On cancelled operations, the plan said:

"From 2000, when a patient's operation is cancelled"

they will be offered

"another binding date within 28 days",

but last year 5,500 patients were not readmitted within 28 days.

On dentistry, the plan said that the Government were

"firmly committed"—

in this instance Members will note that the NHS plan said "firmly committed"—

"to making high quality NHS dentistry available to all who want it by September 2001",

but 40 per cent. of children and nearly 60 per cent. of adults are not registered with an NHS dentist, and only just over 40 per cent. of dental practices are making NHS dentistry available.

On patient and public involvement, what happened to the letters on an individual's care being copied to the patient? That idea was in the NHS plan, but it disappeared. The NHS plan said that patient and public involvement would somehow be improved. It is my experience in my constituency that a community health council that did an effective job in scrutinising and representing patients is replaced by patients forums, and we do not even know who the members of that forum are. Labour's record is not one of targets set and targets met, but one of targets set and targets not met.

Let us consider what the Secretary of State is saying will happen. There was a lot of advance briefing about public health. We now know that there will be a White Paper in the autumn—as distinct from the summer, when he originally said it would be published. There is an epidemic of sexually transmitted infections. Cases of chlamydia and, I think, gonorrhoea have doubled. HIV infection has increased, whereas after the 1980s a successful Conservative-led campaign was fought against HIV infection and for safe sex.

The Government are now going to have a target on obesity, at a time when it is at a crisis level, as everyone has recognised far too late. As a result of binge drinking, young people are at serious risk of increases in liver disease. TB rates are up significantly and the Government have not delivered an action plan. Some 180,000 people have undiagnosed hepatitis C and there is no active screening programme. The Secretary of State talks about smoking. In his report, Sir Derek Wanless said that the Government's target on smoking was "unambitious". How likely is it to be achieved if the Secretary of State's attitude is that it is one of life's few pleasures? So the Government have failed on public health.

Now the Secretary of State says that the Government are going to think about chronic disease—seven years after they came into office. My hon. Friend the Member for South Suffolk (Mr. Yeo) said in March that it was necessary for us to give patients greater control over the management of their care. Of course the Government are playing a game of grandmother's footsteps: we say one thing, and they follow along. But there is a big difference between the way in which we are going to deliver care for those with long-term diseases and the Government's approach.

We are going to design the service around the needs of patients, and there will be an entitlement to a standard of care. The Secretary of State, however, says that he will have community matrons. Community nursing would be a jolly good thing. *[Interruption.]* The Government Chief Whip might like to know that there are 800 fewer district nurses than there were in 1997. She might also like to know that the number of episodes of care from health visitors has gone from 3.6 million in 1997–98 to 2.9 million and that the number of episodes of care from district nurses has gone from 2.2 million to 1.9 million. It has gone from 370,000 to 320,000 for community mental health nursing; from 930,000 to 830,000 for chiropody; and from 1 million to 500,000 for community dental services. We are not going to take any lessons from the Secretary of State about what is needed in the community—*[Interruption.]*

Madam Deputy Speaker: Order. Once again, I implore the House to hear these important statements with some civility.

Mr. Lansley: Thank you, Madam Deputy Speaker.

The Secretary of State says that he has now converted to the idea of offering a choice. He might mention that to the rest of his party, because most of them have not. But how lacking in ambition is it for the Government to say that by 2008 people should be able to choose which hospital they have treatment in? It is another illustration of the Government's lack of ambition. We said yesterday—again, if imitation is a form of flattery, I suppose we should feel flattered—that patients should be able to choose where they have their treatment. We want that to be true for elective surgery at the end of 2005. Perhaps there is a practical reason why that will not be possible—for example, the NHS programme for IT not implementing the electronic booking system in 2005 as the Government said it would. Perhaps the Secretary of State will tell us whether that is the constraint on extending choice in 2005, as we intend to do.

The Secretary of State also says that the Government are going to set a new target for waiting times. What they are proposing is that people wait four and a half months for treatment in four years' time. He says that that will be 10 weeks on average. Of course there is a bit of a debate about what the average waiting time is. We are told many times that the average waiting time has gone down, but a letter from the permanent secretary at the Department of Health says:

"we are admitting a higher proportion of long waiters off the list and the median is rising."

So there it is: the median—the average—wait is rising in the NHS, and the permanent secretary to the Secretary of State's own Department tells me that that is true.

The Secretary of State's ambition is in four years' time to make everyone in the NHS wait as long as the average now. We are told that the average wait is about 10 weeks. In fact, it is more like 13. In four years' time, the right hon. Gentleman's ambition is for the average waiting time to be virtually no different from what it is today. What has happened to the Government's ambition? We said yesterday that we want waiting lists to be a thing of the past. Four years ago in the NHS plan, the Government said:

"Traditional waiting lists for surgery will become a thing of the past."

There you have it, Madam Deputy Speaker. That is the difference between us and the Government. They had ambition and they failed; we have ambition and we are going to deliver. The choice for the public is clear: it is between a Conservative party that has the ambition to make waiting lists a thing of the past and a Labour party that wants patients to be left to wait.

Dr. Reid: That seems to have had a salutary effect on the hon. Gentleman's audience. In congratulating him on his appearance on the Front Bench, I must say that he was a bit let down by his colleagues. Only 19 of them were present, and one of them, who has now woken up, fell asleep during his contribution.

Let me try to deal with the hon. Gentleman's comments. I have now discovered why he does not understand the idea of reducing waiting times: he does not even understand the definitions. The truth of the matter is that for 60 years under successive Governments—it did not matter which Government were in power—the definition of a waiting time applied to only one third of the patient journey. It applied only to the period after the diagnosis to the treatment table. That was the only part that was measured. In other words, all the time waiting for a diagnosis and before it—the time between the GP visit and the first consultant visit—was disregarded. It was a hidden wait. So what we have measured for 60 years has been the last third. That last third, which is 10 weeks on average now, was years under the Conservatives.

I am not saying that that one last third will be 10 weeks in four years' time; I am saying that the whole journey—from beginning to end—will be an average of 10 weeks. So the Conservative Government gave us waiting times of years for one third of the journey and we are going to give the people of this country access within weeks for the whole journey. That is the difference between us.

Before I deal with the deficiencies in the NHS that the hon. Gentleman picked out, I will deal with choice. He said that we are promising today what he promised yesterday. That is not true. We are promising to put in the means to get to the end result of giving people real choice. Two things matter for choice. People would prefer to have the best treatment available at the end of the street, in the local hospital, with quick access. The biggest driving force for making people say, "I'd like to go elsewhere", is the lack of capacity in the system and long waits at the local hospital.

Yesterday, the Conservatives promised to give us unlimited waits by removing the targets on waiting times, and reduced resources by taking £1.5 billion out of the NHS for the minority in the private sector. They made a deceitful, hypocritical and disingenuous promise to the British people yesterday, and today we are setting out the means to give people a real choice.

I shall deal with the hon. Gentleman's point about deficiencies in the NHS. Yes, there are grave deficiencies in the NHS. Yes, there are shortages of midwives and of radiologists. Yes, there are still problems of new hospitals needed, new equipment needed and more nurses needed. However, by heaven, after 224,000 more staff—

Mr. George Osborne (Tatton) (Con): All managers.

Dr. Reid:—40 new hospitals and 2000 refurbished premises—*[Interruption.]* I am coming to the comment that the additional staff are all managers. Do not worry. On behalf of the staff, I will not miss the Conservative party and hit the wall on that question. If after all those injections of capacity we are still so short, does not that show how dilapidated the NHS was under the Conservative Government?

I shall deal with the figures that the hon. Member for South Cambridgeshire (Mr. Lansley) gave, which in so many areas were spurious. Yesterday, the Leader of the Opposition, from the Opposition Dispatch Box, made the most serious allegation in the most public forum in this country, impugning the staff of the NHS. He at least—now that it has been proven to be wrong—should have returned to the Opposition Dispatch Box and apologised to the House for misleading it. On behalf of his leader, who does not have the guts to do it, the hon. Gentleman should have apologised to the hard-working staff of the NHS. There are the time limits, where 20 months were mistaken for perhaps 14 weeks. That could have happened only to a Tory who was used to 20-month waiting lists for radiotherapy.

After reducing capacity in the NHS and introducing unlimited waits, the Leader of the Opposition then tells us that all waiting lists would be finished by the wave of a magic wand. It is Teletubby time in the House. The right hon. and learned Gentleman really believes that we are in La-La land. Yesterday, he gave us a cobbled together, incompetent, unfair and inefficient replay of the record of the Tory Government, which was a disaster for the NHS, and no one will believe otherwise.

Mr. Paul Burstow (Sutton and Cheam) (LD): I thank the Secretary of State for the courtesy of allowing me a chance to see his statement and the White Paper before he rose this afternoon.

Does the right hon. Gentleman agree that it is entirely right for Members to bring to the House concerns and complaints from their constituents so as to get justice done, but that it is an entirely different matter to come to the House and parade a constituency case as propaganda? Surely that should not be what we do.

Liberal Democrats have supported the extra investment that is going into the NHS. At the last general election we had the courage and conviction to make the case, and we voted for it in the House. However, that investment will be wasted if innovation is stifled by ministerial meddling. Does the right hon. Gentleman understand that one of the messages that many will take from the statement and the White Paper is that the Government still do not trust the NHS to do

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the right thing? The culture of targets and tick-boxes, which ties the hands of doctors and nurses, gets in the way of clinical judgment and means that the sickest do not always get treated the quickest.

The Secretary of State has outlined his proposals for an 18-week target from the family doctor to the door of the operating theatre. Will he be honest with patients and start collecting and publishing diagnostic waiting times now? When will he start to publish all the waiting times for cancer treatments?

When it comes to choice, does the right hon. Gentleman agree that access to health care should never be based on a person's wealth, and that subsidising the better-off is no more than a gimmick in search of a blank cheque? On the subject of charges—the right hon. Gentleman has waxed lyrical about the founding principles of the NHS—why has he not taken the opportunity today to end the scandal of elderly people being charged for basic care? If more people are to receive intensive home care, will they have to raid their bank balances to pay for it? Is that what the Prime Minister meant yesterday by the right to charge—a right to charge the sick elderly, the frail elderly—for their basic care?

Why has the Secretary of State failed to announce a long overdue review of prescription charges, something that is particularly relevant to those with chronic and long-term medical conditions? The last such review was in 1968. Surely it is not fair that those who, for example, have diabetes get their prescriptions free of charge—rightly so—while those, for example, with cystic fibrosis do not. Surely that anomaly and that scandal should come to an end.

As for making most use of the investment that is going into the NHS—at a time when seven and a half hospitals, effectively, are being filled every year by those who pick up infections while they are in hospital—why does the White Paper say nothing about improving the way that infections are dealt with in our hospitals?

The future of the NHS, as the Secretary of State has said in his statement, depends crucially not only on services that cure people but on all services that prevent and postpone the progression of ill health. The White Paper sets some targets in that respect, but will the right hon. Gentleman say, for example, on smoking, that it is time to accept the overwhelming public health case and follow Ireland and other countries by banning smoking in enclosed public places?

As for obesity, is it not time to introduce clear front-of-package, traffic-light labelling on foodstuffs to give parents and other customers the information that they need?

The White Paper makes it clear that the Government do not trust the NHS to do the job. Under this Government, choice is for the pushy and the articulate, and under the Tories we know that it is about choice for the wealthy. The NHS must deliver choice for all. That means making sure that we have good quality health care delivered closer to home.

Dr. Reid: I shall respond as briefly as I can. The question of choice goes much wider than hospitals. It is about giving people power. We all know that in the real world there are some people in this country who get choice. There are people outside the NHS who have money. They can get choices that are not available, or have not been until now, to others. Within the NHS there are people who might have connections, influence, a degree of affluence, relations, knowledge and social capital that others do not have, which informally gives them choice.

I exhort the Liberal Democrats not to get into a position where they are against what we are trying to do. They are against much of their own philosophy, in a sense, if they are denying people the empowerment to make choices about their health and health care. We want to extend that to people irrespective of social background. That means collectively putting the finance in to compensate for people's lack of money in their own pocket.

When it comes to decentralisation and targets, I want local decision making. Personalisation is about much more than either the secondary sector or just about the idea of choice. It is about accepting that there are groups in our society—individual, personal-type groups, ethnic minorities, working-class people, and people from the north of England as opposed to the south—who have suffered a widening gap in health outcomes over the past 60 years despite all of the advance. We are committed to tackling those inequalities. That is part of personalisation, as it is about providing care for those who are chronically ill, who know much more about their own illness and disease than they are sometimes given credit for, and information and support in the community to enable them to deal with the situation.

I shall not make any comments about the White Paper on public health because it has yet to come out. I note the hon. Gentleman's comments. At least we are discussing in the most radical fashion the biggest ever programme of potential public health moves. The hon. Gentleman asked me whether I would change the criteria now by which we judge waiting lists. If I changed the criteria mid-term, I would inevitably be accused, even if it were to my own detriment, of fiddling figures. I have said already that we should be completely honest. For the past 60 years, under every Government, there has been a hidden wait, which we should now take into account. Let us do that in the next Parliament. We shall certainly look at diagnosis.

I agree with the hon. Gentleman's criticism of the so-called patients passport. It has been repackaged—the Opposition have shot the messenger and have given the new guy—they are going through new guys at a fair rate now—a little box with a new bow which, however, contains the same product. The patients passport reduces the NHS capacity and opportunities for fast access, forcing people to go to the private sector. The Tories are telling people who can afford half the cost of an operation that they will provide the extra money, but we can read them like a book and oppose their policy completely. Medical need, not the money in someone's pocket, should dictate health care priorities.

Finally, if the hon. Gentleman will allow me, I will avoid the subject of snuffing. I have already been accused of being almost personally responsible for binge

drinking and the spread of sexually transmitted infections, so the last thing that I need is to get involved in snuffing with the hon. Gentleman.

Mr. David Hinchliffe (Wakefield) (Lab): I warmly commend the Secretary of State on his statement and the Government's positive progress in health policy. I have been concerned over the past few years about the increasing consensus between the two major parties on a range of policy issues, including health. I am delighted that at the end of this week there is clear distance between them, on which I commend the Government. I should also like to commend the Opposition, because their policies are extremely helpful to the Labour party.

I should like to ask my right hon. Friend about two things. First, if people are sent to private hospitals to be treated by consultants, whether as private patients, semi-private patients or NHS patients, they will be seen by people who work in the NHS, as consultants work in both sectors. Is it therefore not nonsense to suggest that by putting people in the private sector we are increasing capacity, as we are simply taking that capacity out of the health service? Secondly, I welcome the fact that in the autumn a public health White Paper will be published. However, will my right hon. Friend reflect on how we can shift the focus of debate on health policy away from an obsession with hospitals and treatment and towards prevention and public health?

Dr. Reid: It is no longer the case that when someone goes into the independent sector they will automatically be seen by someone who also works for the NHS. Some of our actions—incidentally, they brought a new efficiency to private sector services, for which there was previously an unlimited demand because of rising waiting lists—have resulted in the introduction of additional assets in the form of treatment centres staffed by the best clinicians from the United States, South Africa, and Germany. In their own countries, those people provide the best health care only to the rich but they are now here to assist and add capacity to the NHS by providing services that are free at the point of need. That supplements the NHS and is not a substitute for it, and I hope that all Labour Members accept that.

I agree that the old way of doing things, in which we bought individual treatments at any price and were prepared to pay public money to the private sector, no matter what the price, was crazy, inefficient and unfair. That is exactly what the Opposition want to bring back. Just as we are achieving efficiency in the NHS, driven by targets, they are abandoning them, and just as we are introducing efficiency in the private health care sector, because many private providers are performing operations for us at a reduced tariff, they want to hand the sector a big book of blank cheques so that anyone who wants to pay half the cost of a private operation will have the rest funded by public money, which is crazy and inefficient. I agree with my hon. Friend about the emphasis on primary care and prevention, and I hope that, despite the headlines that appear on choice, we all recognise that what people in this country want most of all is a decent, easily accessible, high-quality health service in their locality to which they can go in times of need. That is our first priority.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. Many Members are hoping to catch my eye, so I ask for brief comments, questions and responses, so that more of them are successful.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the Secretary of State not accept that all waiting times are personal, as they affect individuals? I failed to discover from his statement whether he could meet the considerable concern about the amount of bureaucracy, control from the centre and the fact that people are not free enough, which would allow my constituents to know that they would not have to wait six months to get a hearing aid, would not have to raise private money to provide accommodation for children with diabetes in Ipswich hospital, and would no longer have to wait on trolleys all day in hospital, which is a current issue. Can he explain how he will stop centralisation and enable people to make those decisions locally?

Dr. Reid: If I may say so without ruining the right hon. Gentleman's career, those are sensible points, and I agree with all of them. If people are waiting on trolleys all day that is not acceptable, so I urge him to contact me about that.

We are trying to do two things. First, we are trying to drive the third biggest organisation in the world from the centre with a series of targets that we established some years ago which, as they are met, are not being replaced. Secondly, we are simultaneously changing the system so that patients have more power, choice and information. Gradually, 80 per cent. of the money and 80 per cent. of the driving of the system will be controlled by patients themselves. We are half way through that journey, and it would be crazy to assume that we can drive everything from the centre indefinitely. It would be equally crazy, however, to drop all the targets in our efficiency drive and just put in £90 billion without any objectives whatsoever. No business in the world, whether public or private, would behave in such an irresponsible fashion, and Opposition spokesmen would not have done so if they had not been so keen to cobble a policy together in a fortnight so that they could issue a statement before mine.

Mr. Kevin Hughes (Doncaster, North) (Lab): I welcome my right hon. Friend's statement, unlike the Opposition spokesmen, who behaved disgracefully while he was making it. As my right hon. Friend knows, most people's contact with the national health service is with their GP, so what does he propose to offer GPs so that they can improve and expand local services at their surgeries?

Dr. Reid: The first, best and most important contact is in primary care, as my hon. Friend the Member for Wakefield (Mr. Hinchliffe), the Chairman of the Select Committee on Health, said. We have already extended choice in that sector, as I can demonstrate. A few years ago, a mother whose child was coughing late at night

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could not visit a walk-in centre where an appointment is not needed. She could not pick up the phone and ask for advice from NHS Direct, as 6.3 million people did last year. She could not go to accident and emergency and be seen within four hours. All those options are now available, quite apart from someone being able to see their doctor or a nurse practitioner within two days. We are therefore opening up the sector but, in addition, we have a new contract for doctors that encourages them to expand in an entrepreneurial fashion by bringing in chiropodists, nurse practitioners, and physiotherapists at primary care rather than hospital level. We have increased primary care funding for doctors by 33.3 per cent., which represents a genuine advance, and shows that we are taking radical action for everyone's benefit.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): A constituent of mine told me yesterday about his appalling experiences after he was diagnosed with cancer two years ago at a London hospital. His CAT scans went missing several times, his notes were mixed up with those of another patient, and his consultant's demand that he be treated immediately was ignored by administrative staff. Is that not the result of poor-quality management and administrative incompetence, which are also the principal cause of the spread of MRSA and high levels of waste in the NHS? How will the Secretary of State's announcement today tackle the deep-rooted management problem in the NHS? Will not policies such as foundation hospitals, which increase the diffuse nature of accountability in the NHS, do nothing to bring about high quality modern management methods?

Dr. Reid: The hon. Gentleman will forgive me if, after yesterday, I do not attempt to respond to the accuracy or otherwise of what he claims he was told by someone else who is a constituent. Yesterday should be a lesson to all of us, as the hon. Member for Sutton and Cheam (Mr. Burstow) said, not to use constituency cases, especially when we have not checked the facts against what we are told for propaganda purposes.

If the hon. Gentleman is making a general statement that we want to decentralise more power to patients to drive the system, the answer is yes. If he is suggesting that we need more and better management in the NHS—he is nodding—the answer is yes. That is completely at odds with what those on his Front Bench continually say—that we need less management in the NHS—but at least he is not making the mistake that they make when they continually portray all the new staff in the NHS as useless and unproductive bureaucrats. I can tell the hon. Gentleman that nothing angers the staff more than the constant implication that they are all bureaucrats, and that they are getting lots of money but producing no increased output. It is not true. The NHS staff, including management, but more importantly the 85 per cent. who are involved in direct patient care, do a wonderful job and we ought to be proud of them.

Mr. Jon Owen Jones (Cardiff, Central) (Lab/Co-op): I congratulate my right hon. Friend on bringing forward the fruits of investment, which the Conservative Opposition have traditionally opposed, and reform, which the Liberal party has traditionally opposed. My right hon. Friend has brought those fruits to us in England, but will he do all he can to encourage a situation that allows his constituents, my constituents and perhaps the family of Madam Deputy Speaker also to benefit?

Dr. Reid: I am always willing to help when asked. Wherever people are—England, Scotland or Wales—there will be a choice at the next general election between two philosophies as regards the national health service. One of them believes in continuing investment for the 95 per cent. of the population who are dependent upon it, continuing reform and efficiency, greater output driven not only by the staff, but by objectives such as any business would have, decreased waiting times, and greater choice in real terms. The philosophy of the other party would offer the old theoretical choice that we all have—of dining at the Ritz, were it not for the fact that we were too skint to do so. The Opposition would divert money away from the NHS to the minority to help the relatively rich jump the queue, they would reduce capacity and, above all, they would introduce the right to charge. That seems to me a pretty clear choice.

Sandra Gidley (Romsey) (LD): I welcome the Minister's commitment to fairness and equity and the NHS being free at the point of delivery, but that is all very well unless one happens to be old. He said little about choice in long-term care, and little about the fact that people have to supplement that care from their own pockets. What do the old look forward to? Would it be better to provide free personal care for the elderly?

Dr. Reid: It is a little unfair to say that I said nothing about the elderly or chronic care. I did speak about chronic care. On personal care, let us be quite straight. We have made a decision in this country that there will be free medical care for everyone, and that in the vast majority of cases there will also be free personal care. About 30 per cent. of people who are the better-off have to contribute towards their own personal care, not medical care. If we were to say that everyone including the best-off in Britain—including millionaires—would also get free personal care, it would cost us £1.7 billion, which we would have to take from elsewhere. We have made a decision, consistent with our priorities, that it is better to allocate that to those who cannot afford the medical and the personal care. That is a judgment that we have made.

Finally, I did not comment when the hon. Member for Sutton and Cheam mentioned it because it seems a bit churlish, but it would be a little more consistent if what was suggested by the hon. Lady was not entirely contradicted by Liberal councils, including, say, Cumbria, which is introducing charges for social care for the elderly in the area that it controls.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Secretary of State aware that the most important decision taken by the Government in the past two or three years was the brave decision to increase national insurance by 1 per cent. in order to ensure that we had the wherewithal to make the massive improvements that we have made in health and to make even greater improvements in the future? May I also inform him that I am pleased that there is a manager in the national health service—the Opposition call it red tape—who sends me a letter to go

for a cancer check-up every six months? I am pleased that he is a manager looking after me. As for being a target, yes, I am pleased to be a target when I go for another treadmill test in order to look after my heart. In an era when technology is so important in the health service, we do not see all the people who are helping us dressed in white uniforms. In all the policies that we present, we have to please people and persuade them, but with the national health service, we must please, persuade and inspire. That is what we are doing today.

Dr. Reid: That is certainly what my hon. Friend did, as he always does, to me. If we were looking for the living embodiment of the huge benefits that the NHS brings to the country, we could not find a national treasure comparable with my hon. Friend. He is right about inspiration. Let us remember when this country decided that everyone, irrespective of their background or their money, would be an equal partner in the fight against that great disease. It was after everyone in this country, irrespective of their background, had fought against the great evil of fascism on the continent, when the country was on the verge of bankruptcy and after it had come through six long years of war. If we could afford a system that gave everyone in the country health care irrespective of the money in their pocket at a time of such difficult circumstances, surely to God everyone in the country apart from those on the Opposition Front Bench believes that we can provide it in this century as well.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): My constituents in Chesham and Amersham will not be impressed by the self-congratulatory statistics trumpeted by the Secretary of State, not least because they get 18 per cent. less per head than the average funding in the national health service. I hope the right hon. Gentleman will be grateful to me, as I shall give him an opportunity today to put his money where his mouth is. He will be familiar with the National Society for Epilepsy in my constituency, which looks after people in the NHS from across the country who have a chronic and long-term medical condition—epilepsy. The NSE does not have the money to modernise its care homes. If the Secretary of State really means that he will provide those people with the personalised support and care that they need and deserve in order for them to live fulfilling lives, and that he will make that a priority, as he said in his statement, will he now agree to fully fund the Government-required upgrades at the entire site of the National Society for Epilepsy? When can I tell the chief executive that he can expect the cheque for £17 million?

Dr. Reid: First, whatever the hon. Lady thought about the deficiencies of what I said, I hope that at least she welcomes the fact that I prioritised chronic care in terms of people and resources and gave it the attention that it should receive. I do not blame her at all for raising one specific charitable cause and asking me to agree immediately to pay that £17 million. I know she will understand if I do not give her an instant decision on that. I look forward to even closer work between the state sector and the charitable sector. I know that the National Society for Epilepsy and others do a huge amount of good. I do not know the details of the case, but I hope she will write to me about it. I will demur from making a rash decision. We have had enough cobbled-together decisions from the Opposition Front Bench in the past few days without my making a sudden one before giving the matter the fullest consideration.

Tony Wright (Cannock Chase) (Lab): The health service is now improving dramatically, and if we can avoid the idiocies of the Conservative party, it will continue to do so. I was interested in what my right hon. Friend said about giving guarantees to patients on waiting times. Can he tell us exactly what he means by guarantees in that context and what will happen if the guarantees are not met?

Dr. Reid: What I mean is that we already have plans, from December next year, at the point of referral, which is when a patient goes to the doctor, to put in the technology, establish the rights and customs and put in the resources to ensure that people are not simply told, "You will go to your local hospital, but go home; it will write to you in due course, perhaps in a week or a month, to tell you when you will go." We have already established a system in which people will be given not only a degree of choice—a choice between four other hospitals or treatment centres apart from their own—but an ability to book online at their convenience a time and date that is most convenient to them. We are going to retain that arrangement, but in addition, by 2008—we will be able to have the IT in place by that time—people will be able to get rough information about other hospitals and treatment centres throughout the country to enable them to say that they want to go somewhere else in England.

I should point out that, as we reduce the waiting times and increase the capacity, the normal expectation would be that fewer and fewer people would want to exercise that choice, but they will have the right to do so. If they discover that the area that they choose cannot meet the 18-week time limit, they will have the right to say that they want to be treated somewhere else or to go ahead and say that they choose to wait longer to get their treatment. If an offer from the primary care trust is not met within 18 weeks, that will be reflected in the assessments that are made by the health care commission, which eventually feed through to the allocation of resources.

Sir Nicholas Winterton (Macclesfield) (Con): I am sure that the Secretary of State will agree that hon. Members in all parts of the House have shown total commitment to the health service. With that in mind, I wish to follow up the point raised by the hon. Member for Romsey (Sandra Gidley) in respect of chronic and long-term medical conditions. Will the Secretary of State give the House a commitment that the Government will look at funding long-term chronic conditions and that they will not expect people to pay either in full or in part when they have diseases such as Alzheimer's, and also not expect them to be charged by social services when they need to go into a nursing home for ongoing care and treatment? That is critical. The situation has been neglected by successive Governments, and I believe that it is an injustice that needs to be rectified.

Dr. Reid: First, I understand that some people in all parts of the House are committed to the national health

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service. I do not question that, although it applies to some people, not all. Secondly, I understand the point that the hon. Gentleman makes and the passion and sincerity with which he makes it. It is a difficult choice. Of course, I would not want it to be thought that we do nothing for the chronically ill, and I have made further announcements today in that regard. We help with social work costs, and the idea of the community matrons—I mentioned that there will be 3,000 additional ones—is to help people to stay at home rather than go into homes. We pay all the medical care and, for about 70 per cent. of people—I speak from memory—all the personal care. We try to make that distinction at the same time as using the money efficiently in allocating the £1.7 billion that would otherwise be spent in giving everyone free personal care. We think that we are making the right decision. I do not pretend that it is an easy judgment. Of course, we keep it under review every time we look at expenditure, but I cannot tell him today that we are going to change the position.

Ms Dari Taylor (Stockton, South) (Lab): I warmly welcome my right hon. Friend's statement, which I believe was powerful and persuasive. In particular, I see community matrons as an excellent innovation, but I am seeking reassurance. Labour's 2001 manifesto stated:

"We will give more patients choice."

I have no problem with that, but I am seeking reassurance that the choice that we are making available to patients will be free at the point of use. I am most particularly seeking reassurance that, when that choice is given, we will be giving it because we have high-quality services.

Dr. Reid: I can absolutely give my hon. Friend that assurance. Those of us on the Labour Benches have known too well over the decades how the incantation of "We are all free to choose to buy a Rolls-Royce" and the theoretical freedoms that are always espoused on the Conservative Benches mean nothing if we do not have the means to exercise that choice. Indeed, the whole mission of the party in which I was brought up was converting that theoretical choice for the many into real choice by giving decent wages and public provision. That will be the case. We will not introduce charges, unlike the Opposition. What we will do is take the public services, which are already fair, and make them more personal by building them around the convenience of today's individuals.

Rev. Martin Smyth (Belfast, South) (UUP): The Secretary of State has referred time and again to the national health service and to England, Scotland and Wales. Has he consulted his colleague who deals with the health service in Northern Ireland, bearing in mind that some of the specialist units have to be located in England or elsewhere other than Northern Ireland because its population is too small?

May I also press the Secretary of State on provision for general practitioners? I am aware that some GPs in Northern Ireland have been told that they cannot even get a guarantee that they will move into new premises in 2005. I will take up the matter with the appropriate Minister, but it is important that, when we are talking about a national health service, it is just that, and not simply an English national health service.

Dr. Reid: The hon. Gentleman will allow me to explain that the only reason why I did not mention Northern Ireland and referred to Scotland, Wales and England was that I was speaking in the context of a choice between the Conservative and the Labour parties. He would not want me to misportray the important role that he and his party play in Northern Ireland. Of course, the facilities that are used here and extended to the people of Northern Ireland will continue. We keep in close touch with the Under-Secretary of State for Northern Ireland, my hon. Friend the Member for Basildon (Angela Smith). The last point is a matter for her, but I will see that we bring to her attention the fact that the hon. Gentleman has raised it today.

Jon Trickett (Hemsworth) (Lab): On the subject of choice, is it not clear that there are now two visions for the national health service in this country? When people reflect on those two visions, the choice of the nation will be the vision espoused in my right hon. Friend's excellent statement.

In an organisation as large as the NHS, the devil is often in the detail. Will my right hon. Friend or one of his colleagues please meet me and one or two hon. Friends to discuss the situation in Pontefract hospital, where an inherited cumulative deficit appears to be inhibiting the further development of the NHS? In particular, will he ask one of his officials to look at the case of Mr. Jason Day in Featherstone, a constituent of mine who was diagnosed as suffering from multiple sclerosis? The money is available for beta interferon to be prescribed to him, but there appears to be a financial problem with the clinic allowing the diagnosis to take place. I would be grateful if he could look into those matters.

Dr. Reid: I can give my hon. Friend that assurance. Indeed, I think that the Minister of State, Department of Health, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton), has begun to look at some of those matters, and he will be happy to continue his discussions with my hon. Friend.

Mr. George Osborne (Tatton) (Con): Despite the best efforts of the East Cheshire NHS trust, which serves my constituency and that of my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton), some of my elderly constituents face very long waits for the fitting of digital hearing aids. Will the Secretary of State allow those constituents to go to other hospitals in the region that might be able to fit such hearing aids sooner and greatly improve their quality of life?

Dr. Reid: We have made progress, but I note what the hon. Gentleman says. We are investing more money on this matter. While such hearing aids were technologically available under the previous Government, they were not available in practice because the money was not there to get them. Any delay for

someone in such a distressing position is a bad thing, and we will try to look at what we can do to speed up the process. What he cannot do, however, is one day demand more efficient production of more equipment by more people in the NHS, and then tell us the next day that the Conservatives are going to take out £1.5 billion to help the relatively well-off to jump the queue.

Laura Moffatt (Crawley) (Lab): At a recent consultation with the families and friends of chaotic drug users, the top recommendation on the treatment and care of such drug users was more targets. Not only those who work in the service, but those who use the service recognise that targets are an important driver in improving services. Does my right hon. Friend agree that those who advocate an alternative to targets are making a huge mistake?

Dr. Reid: Absolutely. No one was surprised when the Conservative party introduced incompetent and unjust proposals, and no one expected those proposals to be competent and fair. Those of us who remember the claims that the Conservative party used to make thought that its plan might encourage efficiency, but when it abandoned the drive for efficiency and reform through targets to match the big investment in the public sector, and announced that it would subsidise with public money anybody to pay any price whatsoever in the private sector, without regard to limitation or efficiency, it abandoned any pretence of being a serious contender to form the Government of this country.

Sue Doughty (Guildford) (LD): We have heard little about psychiatric care, other than the important topic of Alzheimer's. Good psychiatric care can transform an individual's life, but excessive delays and a lack of resources can be disastrous for individuals and for those around them. Far too many problems occur in my constituency because of delays and a lack of resources. What hope can the Secretary of State give to me and to my constituents in Guildford that improvements will be made?

Dr. Reid: For a start, we are putting in more resources and more money, but I will not pretend that instant solutions are available in psychiatric care, dentistry and one or two other areas. Last night, I was amazed when the Leader of the Opposition revealed to the assembled world that, if he waves his magic wand, waiting lists will somehow disappear, meaning that nobody would ever have to wait for anything. Indeed, under the Leader of the Opposition, people would be operated on before they were ill in order to avoid any form of waiting list. I cannot make such promises, but I can promise greater resources and more personnel. It is difficult to recruit psychiatrists and psychologists, but we are minded to do so and mental health care is a priority.

Mr. Speaker: Order.

Mr. Gordon Prentice (Pendle) (Lab): Oh.

Mr. Speaker: Order. The Select Committee stated one hour; I have allowed an hour and 10 minutes. Perhaps the hon. Gentleman should examine the Select Committee's recommendations before he mutters and complains.

Business of the House

1.42 pm

The Leader of the House of Commons (Mr. Peter Hain): With permission, I shall make a statement about the business for next week.

MONDAY 28 JUNE—Proceedings on the Consolidated Fund (Appropriation) Bill, followed by remaining stages of the Human Tissue Bill.

TUESDAY 29 JUNE—A debate on London schools on a motion for the Adjournment of the House, followed by motion to take note of the outstanding reports of the Public Accounts Committee to which the Government has replied. Details will be given in the *Official Report*.

WEDNESDAY 30 JUNE—Opposition Day [14th allotted day]. There will be a debate entitled "Confusion in Regional Government Policy", followed by a debate entitled "Failure to Deliver Business Deregulation". Both debates arise on an Opposition motion.

THURSDAY 1 JULY—A debate on Zimbabwe on a motion for the Adjournment of the House.

FRIDAY 2 JULY—The House will not be sitting.

The provisional business for the following week will be:

MONDAY 5 JULY—Opposition Day [15th allotted day]. There will be a debate on an Opposition motion. Subject to be announced.

TUESDAY 6 JULY—Progress on remaining stages of the Finance Bill (Day One).

WEDNESDAY 7 JULY—Conclusion of remaining stages of the Finance Bill (Day Two).

THURSDAY 8 JULY—A debate on a motion for the Adjournment of the House.

FRIDAY 9 JULY—The House will not be sitting.

Following are the details: Tuesday 29 June—outstanding PAC reports 2003–04 to be considered: 1st report, "Tackling fraud against the Inland Revenue" (HC 62) (Cm 6130); 2nd report, "The new electricity trading arrangements in England and Wales" (HC 63) (Cm 6130); 3rd report, "The Sheep Annual Premium Scheme" (HC 64) (Cm 6136); 4th report, "Improving service delivery: the Forensic Science Service" (HC 137) (Cm 6155); 5th report, "Warm Front: helping to combat fuel poverty" (HC 206) (Cm 6175); 6th report, "Department of Trade and Industry: Regional Grants in England" (HC 207) (Cm 6155); 7th report, "Progress on 15 major capital projects funded by Arts Council England" (HC 253) (Cm 6155); 8th report, "The English national stadium project at Wembley" (HC 254) (Cm 6155); 9th report, "Review of grants made to the National Coalition of Anti-Deportation Campaigns" (HC 305) (Cm 6175); 10th report, "Purchasing and managing software licences" (HC 306) (Cm 6175); 11th report, "Helping consumers benefit from competition in telecommunications" (HC 405) (Cm 6191); 12th report, "Getting it right, putting it right: Improving decision-making and appeals in social security benefits" (HC 406) (Cm 6191); 14th report, "Inland Revenue: Tax Credits" (HC 89) (Cm tbc); 15th report, "Procurement of vaccines by the Department of Health" (HC 429) (Cm tbc); 16th report, "Progress in improving the medical assessment of incapacity and disability benefits" (HC 120) (Cm 6191);

[Mr. Peter Hain]

18th report, "PFI: The new headquarters for the Home Office" (HC 501) (Cm tbc); 19th report, "Making a difference: Performance of maintained secondary schools in England" (HC 104) (Cm tbc)

Mr. Peter Luff (Mid-Worcestershire) (Con): I thank the Leader of the House for the business and apologise to him for the unavoidable absence of my hon. Friend the shadow Leader of the House, who is, as the Leader of the House knows, on important House of Commons Commission business and, despite his strenuous attempts, simply cannot be here.

Can the Leader of the House give us any information about the date for the comprehensive spending review? I know that the Chancellor likes to play such things close to his chest, but it is an important event in the parliamentary calendar, and it would be a great courtesy to the House if a date were provided at the earliest possible moment.

The Leader of the House will be aware of the interest on both sides of the House and across the country about the timetable for the European constitution Bill. Can he tell us when we should expect to see the Bill, and whether it will include the necessary paving provisions for a referendum? The Opposition are keen to have the referendum at the earliest possible moment; why are the Government dragging their heels?

Turning to regional assemblies, this week we were promised the publication of the draft Bill in July, but what really counts is the opportunity to debate it. Can the Leader of the House promise a debate before the summer recess on the draft Bill setting up regional assemblies? Furthermore, what is the explanation for the inconsistency of the Government's position on the two referendums on the constitution and on regional assemblies? Why must we wait up to two years for a referendum that everyone wants, which, apparently, can be held only after the most detailed parliamentary scrutiny, while the other referendums, for which demand is slight, are rushed through ahead of any scrutiny whatsoever?

Is there any news about the promised debate on Iraq?

When can we expect the outcome of the Government's review of Select Committee powers, prompted by EDM 760?

[That this House expresses its concern that select committees are not able to obtain from the Government the documents and witnesses necessary in order to fulfil their role of scrutinizing the Executive; notes the comments of the honourable Member for Thurrock in the debate on the Hutton Report when he said that Lord Hutton had been able to cross-examine John Scarlet in public, but the Foreign Affairs Committee was refused access to him, and that they had been refused the drafts of the September dossier but Lord Hutton published them on the worldwide web; and calls on the Leader of the House to institute a major review into the way in which Government and ministers treat select committees and the provisions of the Osmotherly Rules and the Ministerial Code.]

Has the Leader of the House done anything yet about the Sessional Orders, following the Procedure Committee's important report?

Finally, can the Leader of the House tell us whether the Butler report on the handling of intelligence in the run up to the Iraq war will be published before the by-elections on 15 July, or will it mysteriously be delayed until the following week, the very last of the parliamentary Session?

Mr. Hain: I welcome the hon. Gentleman to his new position. I fully understand the important duties that the shadow Leader of the House is undertaking, and we all accept his explanation.

First, I shall respond to the hon. Gentleman's last question. The timing of the publication of the Butler report is a matter for Lord Butler.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Oh please.

Mr. Hain: The former shadow Leader of the House shouts out in his normal fashion, but I suggest that he makes that comment to Lord Butler, with more courtesy than he uses towards me.

On the comprehensive spending review, I understand the importance of advance knowledge of the date. I am discussing the matter with the Chancellor, and as soon as we can give the House that information, we shall do so.

On the Bill to ratify the European constitutional treaty, the hon. Member for Mid-Worcestershire (Mr. Luff) knows that we must obtain a text that has been through the legal process, which is normal practice after intergovernmental conferences. That text is not expected until October at the earliest, and the Bill will follow in due course, so he must wait for the Queen's Speech.

The Conservative party said that it would oppose the new European constitutional treaty before it knew what was in it. One year ago, it said that it would oppose the treaty, and, a few weeks ago, it repeated that point before the final negotiations occurred. After the final negotiations, it became self-evident that the treaty is a good deal for Britain and that all the key red lines promised by the Foreign Secretary and the Prime Minister have been met. Now Conservative Members say that they want to proceed rapidly, before they have seen a legally sanitised text. The Foreign Secretary has agreed to publish the political text as a White Paper in September, which is something that I am sure the hon. Member for Mid-Worcestershire welcomes, and we will, of course, want to debate it.

The distinction between the regional assemblies referendums and the European constitutional treaty referendum is clear, as I have said consistently over the past few weeks. A draft Bill on the regional assemblies referendums will be published before the recess, at which point it will be subject to pre-legislative scrutiny, about which the House has already been informed.

The two approaches to referendums are not inconsistent. The hon. Member for Mid-Worcestershire will recall in respect of Wales, and you, Mr. Speaker, and other hon. Members will recall in respect of Scotland, that the people of Wales and Scotland were invited to make a decision on the principle whether they wanted a Welsh Assembly or Scottish Parliament. That matter was rightly decided before the Bill was

introduced. We are now considering whether to ratify a constitutional treaty. Before we hold a referendum, it is important to prepare the Bill and have the full text of the final treaty before the House so that we can debate it in detail. There is no inconsistency in that.

As I have already made clear, we want to hold a debate on Iraq as soon as it is possible and appropriate. I shall inform the House accordingly.

I am keen to hold a debate on Select Committee powers and Sessional Orders. We will do that as soon as we can.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that opinion polling and the opinion polling industry are of central concern in a modern parliamentary democracy? Can he help me in my attempts to hold a debate on the opinion polling industry in the Chamber or at least in Westminster Hall? I have spent three weeks trying, with great help from the Speaker's Office, to get a Department to take responsibility for that. The Department of Trade and Industry passes the matter to the Department for Constitutional Affairs, which passes it back. I am not getting anywhere. Will my right hon. Friend intervene and bang some heads together so that the important subject is debated at an early date?

Mr. Hain: I acknowledge my hon. Friend's expert ferreting on opinion polls. He has developed a powerful case, which everybody needs to answer, about the role of opinion polls and their regulation, especially during election periods. The more he is encouraged to pursue that, the more everybody involved, including opinion poll companies, will have to respond to his points.

Mr. Paul Tyler (North Cornwall) (LD): We greatly welcome the debate on Zimbabwe. Will the Leader of the House guarantee clarification of the Government's position on sporting links, especially cricket tours, including one-day fixtures? In his radical, Liberal days, the Leader of the House took a strong view on the extent to which such connections can give apparent support and endorsement to dictatorial regimes. I hope that he agrees that that remains an important issue. On 6 May, my hon. Friend the Member for Bath (Mr. Foster) and I raised the matter with him. My hon. Friend said that we should seek

"an opportunity for all parties in the House to join together to pressure the International Cricket Council to change its rules to allow the cancellation of such tours on the ground of moral issues, without fines being imposed".

The Leader of the House, in an excellent response, said:

"I am at one with the hon. Gentleman on this. Undoubtedly, the villain of the piece at present is not just Robert Mugabe's despotic regime, but the way in which the ICC is turning a blind eye to that."—[*Official Report*, 6 May 2004; Vol. 420, c. 1503.]

However, in correspondence with my hon. Friend, the Minister for Sport and Tourism said:

"I am not persuaded to lobby the ICC to change their rules so that moral issues can be a legitimate reason for tour cancellation."

May we have a clear statement on the Government's position in next week's debate? Will the Leader of the House please ensure that his forthright views take precedence?

I was amazed to hear the hon. Member for Ealing, North (Mr. Pound) on the radio this morning saying that the Government may impose a three-line Whip on the Human Tissue Bill on Monday. The Liberal Democrats will have a free vote and I understand that that also applies to Conservative Members. Four prominent Labour Members, including the Father of the House, previously introduced private Members' Bills on the subject. Will they be forced on Monday to take a position that goes against their judgment?

Mr. Hain: Government policy on voting and whipping on the Human Tissue Bill remains unchanged.

The hon. Gentleman referred to my past days—they were my past, anti-apartheid days—in respect of white South African sports links. I have made my views clear on Zimbabwe. That also applies to the Minister for Sport and Tourism and the Foreign Secretary. We hold the same view. We wish that there were no cricketing and other sporting links with Zimbabwe because Robert Mugabe uses them as a propaganda weapon. However, we are not in a position to instruct the cricket authorities to do anything. The hon. Gentleman should not ask us to do that. We can simply express our point of view.

Ms Ann Coffey (Stockport) (Lab): Did my right hon. Friend read an article in one of yesterday's papers, entitled, "Women fight late nights for MPs"? It refers to correspondence that was sent to members of the Modernisation Committee for yesterday's private session. In the article, the shadow Leader of the House, who is a member of the Committee, makes a party political point. Does my right hon. Friend agree that it is a sorry state of affairs when papers are leaked, without the correspondents being informed, from a Committee, one of the aims of which is to re-establish the reputation of Parliament? Does he also agree that leaking documents from Select Committees is a breach of parliamentary standards, does nothing to enhance Parliament's reputation and is a serious matter?

Mr. Hain: I agree entirely with my hon. Friend. I regret that the papers that the Modernisation Committee was due to discuss yesterday were made available to *The Daily Telegraph* on the previous day by, I have been informed, at least one Conservative member of the Select Committee. "Erskine May" makes it clear:

"Once received by the Committee as evidence, papers prepared for a Committee become its property and may not be published without the express authority of the Committee."

That clearly did not happen.

Mr. Desmond Swayne (New Forest, West) (Con): You will know, Mr. Speaker, that some important new clauses are up for discussion on Monday, including one that I tabled on transplants. I hope that you will be inclined to select it for debate. Is the Leader of the House sure that we shall have enough time for the important debate, given that he has tabled other business for Monday?

Mr. Hain: Yes, I am confident that there will be enough time.

Due to an inadvertent slip up, I did not announce the business for Westminster Hall. I should like to inform the House that the business in Westminster Hall for July will be—

[Mr. Hain]

THURSDAY 1 JULY—A debate on the report from the Health Committee on abuse of the elderly.

THURSDAY 8 JULY—A debate on the report from the Home Affairs Committee on asylum applications.

THURSDAY 15 JULY—A debate on the work of the Inter-Parliamentary Union.

THURSDAY 22 JULY—A debate on the report from the Work and Pensions Committee on child poverty in the UK.

Mr. Martin Salter (Reading, West) (Lab): The Leader of the House will have noted the generosity of the Chair in allowing time for discussion on the national health service improvement plan. Given the interest in the subject in the country and in all parties, will he consider allowing time for a full parliamentary debate on it, especially on some of the representations that the Secretary of Health will receive from the Conservative party? Hon. Members could then examine in detail the consequences for the NHS of providing a £1 billion-plus subsidy for those who are already sufficiently wealthy to have private medical care.

Mr. Hain: I should love to find an opportunity, in a compressed business timetable, for such a debate. It will be interesting to note whether the Opposition use any of their time for it. I believe that they will become increasingly shy about their intention to rob the NHS of £1 billion. That means £1 billion-worth of doctors, nurses, consultants, beds and hospitals in the NHS. The money will be used to allow those who can already afford to go private to have a subsidy and take it to a private hospital. That policy will mean the cuts, privatisation and charges in the NHS for which the Conservatives have become renowned.

Mr. Forth: May I tempt the Leader of the House to comment a little more on the timing of the EU constitution measure? He told us that the process known as toilettage will last at least until October, that the Bill may be in the Queen's Speech and will not receive Royal Assent until well into 2005. Does that imply that the referendum will not take place until the following year? That means that we cannot flush the EU constitution down the toilette until 2006.

Mr. Hain: I have explained the situation fully to the House on a number of occasions, but perhaps I should remind the right hon. Gentleman of what he has said about the European constitutional treaty. He said:

"With hindsight the European Union is not acceptable since we joined . . . The whole thing was probably a mistake".

He also said:

"The process of renegotiation is a precursor to withdrawal".

There we have it. That is the real policy of the Conservative party. It is supported by the right hon. Gentleman and it is getting lots of nods on the Conservative Back Benches and in their constituencies—*[Interruption.]* Yes, indeed. That is ultimately what the battle will be about. A policy on the European constitutional treaty advanced by the Leader of the Opposition, with individual Members such as the right hon. Gentleman behind it, would, in the end, lead us into a completely untenable position in the European Union and put us on a slow train—

Mr. Forth: A slow train?

Mr. Hain: Well, if the right hon. Gentleman became Leader of the Opposition, it would be a fast train out of the European Union.

Joyce Quin (Gateshead, East and Washington, West) (Lab): Given that the commitment to allow people in the regions their say over whether to establish regional assemblies was in the Government's manifesto both in 1997 and in 2001, does my right hon. Friend agree that, rather than those referendums being rushed through, they have actually taken a more leisurely route than many of us would have liked? Will he assure us that there will be no slippage, either in the draft powers Bill that is supposed to be published soon, or in the holding of the referendums, whatever voting system is used?

Mr. Hain: I applaud my right hon. Friend's forthright support for a north-east regional assembly, and her eloquent advocacy on its behalf. I want to reassure her that Parliament needs to approve the necessary orders to trigger the assembly elections, so as to allow adequate campaigning periods and the timely distribution of public information in line with the autumn timetable. Three such orders have been laid today, which are subject to an affirmative resolution. The Government will shortly be laying a further order, which will set the date of the referendums, and the local government options to be put to the voters in two-tier local government areas. I think that my right hon. Friend can be reassured about that.

Mr. Roy Beggs (East Antrim) (UUP): In April 2003, a constituent of mine in Carrickfergus received unsolicited mail regarding Government policy on Iraq from the Foreign and Commonwealth Office, which apparently acknowledged a letter that he was purported to have sent. My constituent wrote to the sender, S. M. McHugh of the middle east department, on 22 April, and then to the Foreign and Commonwealth Secretary on 2 September 2003, asking for the alleged letter to be removed from the record and not attributed to him. He was concerned because the postscript to the letter that he had received stated:

"The Foreign and Commonwealth Office holds and uses data . . . Such personal data may be disclosed to other UK Government Departments and public authorities."

Neither of his letters was acknowledged. I have been in touch with the Foreign and Commonwealth Office at least half a dozen times, and I would like to ask the Leader of the House if he could make time for the Foreign and Commonwealth Secretary or his nominee to come to the House and tell us why his Department has failed for 14 months to respond to my constituent's correspondence and to a Member of the House.

Mr. Hain: Obviously, I am not sighted of any of those details. I make no complaint about that; the hon. Gentleman has raised this matter quite properly, and I

am sure that the Foreign and Commonwealth Office, and particularly the Foreign Secretary's office, will want to investigate the points that he has raised.

Mr. Andrew Dismore (Hendon) (Lab): May I remind my right hon. Friend that, in October last year, the United Nations General Assembly unanimously adopted a resolution on the Olympic truce, with the support of the United Kingdom? Since 1992, when the truce was revived, it has had some success—for example, during the winter Olympics in Lillehammer, when a ceasefire was negotiated in Sarajevo to allow the inoculation of all the children from both sides in that terrible conflict. With the Olympic torch passing through the United Kingdom this weekend, does my right hon. Friend agree that this would be an apposite time for us to consider, in a debate in the House of Commons, what we can do to support the Olympic truce?

Mr. Hain: I very much endorse the sentiments of my hon. Friend and the way in which he has made his point. He has the opportunity to apply for a private Member's debate in the normal way.

Sir George Young (North-West Hampshire) (Con): Reverting to the question asked by my hon. Friend the Member for Mid-Worcestershire (Mr. Luff), was not the real reason why the Leader of the House cannot give us a date for the comprehensive spending review statement published in the papers yesterday, namely that the Chancellor remains in serious disagreement with his colleagues and the statement has been postponed? Will the Leader of the House promise that, whenever we have the statement, we shall have a full day's debate in Government time before we rise, so that the House can examine whether the Chancellor's sums actually add up?

Mr. Hain: I completely reject the right hon. Gentleman's assertion that the statement has been postponed. No date has been fixed, and no firm date has been discussed either with me or with other business managers. As that has not happened, it could not, by definition, have been postponed. On the question of a full day's debate, we are seeking to find time in the business programme for a debate following the comprehensive spending review, and we shall see what time can be allocated to that. In principle, both the Chancellor and I are at one in seeking an opportunity to examine the review in detail and, in the course of so doing, no doubt to embarrass the Conservative Opposition Front Bench even more than we already have, thanks to Labour's excellent economic record.

Shona McIsaac (Cleethorpes) (Lab): Some newspapers in this country carry a corrections and clarifications column. Will my right hon. Friend find a 15-minute slot each week so that hon. Members can come to the House to correct any comments that they might have made in the House? I am particularly concerned that, yesterday, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) asserted that a constituent had a 20-month wait for cancer treatment, when the national health service trust in question has stated that nobody waits longer than 14 weeks. Whether that comment was made deliberately or inadvertently, would not such a slot provide an appropriate opportunity for the right hon. and learned Gentleman to come and apologise to the House?

Mr. Hain: I fear that 15 minutes would not be long enough for all the apologies that the Leader of the Opposition needs to make to the House, not only for the appallingly irresponsible use of that case yesterday but for the consistent way in which he comes to the House every week and takes an opportunistic line, yet is nowhere to be seen when it comes to pursuing it the week after. The same applies to his appearances in the media, so we should need rather more than 15 minutes in his case.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Leader of the House hinted that there would be debates either next week or the following week on the NHS improvement plan, which was the subject of the statement earlier in which the Secretary of State said that

"no one will gain unfair advantage in medical treatment because of their financial position."

Will the Leader of the House tell us how many people last year who did not have private medical insurance were forced, out of desperation, to buy operations in the private sector?

Mr. Hain: I am not sure that the hon. Gentleman has been correctly informed about the debate that he mentioned. The important point here is that, under Labour, there have been 450,000 more NHS operations each year than there were under the Conservatives. That is the key. Under Labour, the private sector is clearly experiencing great difficulty now because the NHS is becoming better and better, and is therefore offering a much more competitive alternative to those who, for one reason or another—particularly during the Conservative years and as a result of their legacy—chose to go private because they were not getting decent treatment under the NHS.

Kevin Brennan (Cardiff, West) (Lab): May we have a debate on the music industry, and in particular on the very welcome development of legal downloading services available on the internet? Is it not the case, however, that such services will not be taken up if they are not available at a reasonable price to the consumer? Will my right hon. Friend ask his colleagues in the Department of Trade and Industry and, perhaps, the Department for Culture, Media and Sport to look into why British consumers have to pay more to download tunes from Apple's iTunes service on the internet than people in continental Europe or the United States?

Mr. Hain: I am not sure that I understood all that, but it sounded very convincing. May I just say that I hope that Cliff Richard's songs will feature prominently in any downloading of music from the internet? The Leader of the Commons is right behind Tony Blackburn in his choice of music.

Pete Wishart (North Tayside) (SNP): May we have a proper debate about how our immigration policy is being applied across the constituent parts of the United Kingdom? Something clearly is not working. A young

[Pete Wishart]

constituent of mine, Miss Jemimah Speed, is an Australian citizen who has been forced out of Scotland even though she very much wants to stay there. She has a job with prospects and is even planning to marry. In fact, she is an ideal candidate for the Scottish Executive's fresh talent initiative to get people back to an underpopulated Scotland. Will the Leader of the House look into this case, and do what he can to encourage the Home Office to allow us in Scotland to attract and retain people such as Jemimah Speed?

Mr. Hain: Obviously, the Home Secretary will want to examine the case closely. When the hon. Gentleman talks about fresh talent, I assume that he is searching desperately for fresh talent in the Scottish National party after losing its leader.

Ms Julia Drown (South Swindon) (Lab): Will the Leader of the House arrange for an urgent debate on financing for development? That would give the opportunity, during these last few days when decisions on the comprehensive spending review are being taken, for the more than 200 MPs who signed the early-day motion calling for a timetable for us to achieve the target to spend 0.7 per cent. of our income on international aid, which was agreed 34 years ago, to put not only the moral and political case but the case that it is affordable. Millions of people in the third world who are seeing their relatives die from lack of water, food and basic health services cannot afford for us not to reach that target.

Mr. Hain: The whole Government are seeking to reach that target. The Chancellor and the Secretary of State for International Development are among the most well respected international champions of support for the poorest countries of the globe. The Labour Government have led the campaign to lift the burden of debt off the poorest countries, of which we can be proud. We have also been responsible for doubling the overseas aid and development budget in real terms, from the desperate situation that we inherited from the Opposition. We are getting there, and I know that the Chancellor will have noted my hon. Friend's comments carefully.

Mr. Mark Francois (Rayleigh) (Con): May I reiterate a request that I made prior to the Whitsun recess for a debate in Government time on failures in the Royal Mail's delivery network? Since the changeover to the single delivery system, there has been a range of operational problems around the country. A recent "Panorama" documentary highlighted just how much mail has gone missing and the vulnerability of the new system even to fraud. That affects Members on both sides of the House and it is a serious problem. As the Government own Royal Mail, they have a moral duty to allow the House to debate this serious matter before the House rises for the summer recess.

Mr. Hain: The hon. Gentleman has the opportunity to apply for a debate in the normal way. He will understand, however, that while we have all experienced difficulties from time to time, and the Royal Mail managers, the trade union concerned and the workers are anxious to improve the quality of service—because we and all our local postmen and women take pride in the service that they seek to achieve—the Royal Mail is responsible for delivering 85 million letters a day. We should concentrate on its fantastic achievements as well as remedying its shortfalls and defects, as everybody, including the Government, is determined to do.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): During Second Reading of the Human Tissue Bill, Members on both sides of the House, although the majority were Labour Members, explained how they were looking forward to a proper debate on the question of an opt-in or opt-out system for transplantation. On Monday, on Report, an all-party amendment is to be tabled on that issue. It is a true conscience issue and a matter of life and death for people on transplant waiting lists. My question, of which I gave the right hon. Gentleman notice, is: given that there are strongly held views on both sides, what possible justification can there be for the Government to impose a three-line Whip on the Labour party, which would force scores of his colleagues to go back on how they voted on the measure when it was in a private Member's Bill promoted by the hon. Member for Broxtowe (Dr. Palmer)? Is it that the Government are worried about losing the argument, or that they cannot make an argument, or is it simple control freakery?

Mr. Hain: I was going to answer the hon. Gentleman's question much more sympathetically than his last comments have allowed me to do. It is nothing to do with control freakery, and I am sure that he will regret those remarks—

Dr. Harris: I might withdraw them in that case.

Mr. Hain: I am grateful to the hon. Gentleman. I understand his position, and the different position of many Members on both sides of the House who may honourably disagree. I emphasise that Government policy remains that presumed consent has no place in the Bill. It is a Government Bill, however: we are responsible, and it has been subject to a great deal of consultation and scrutiny in the other place, which will also take place in the House of Commons. It is important that the Bill proceeds.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Will my right hon. Friend organise a debate on industrial investment, job creation, and the role of Government offices for the regions in that? In that debate, I could discuss the excellent news that Polestar, the largest printing company in Europe, has planning permission to invest £100 million in a new factory in my constituency, creating around 1,000 jobs. That shows the resurgence of the Sheffield economy under a Labour Government and a Labour council. The planning department of Sheffield city council has worked tirelessly on this matter and the Department of Trade and Industry has been supportive, but right at the last minute the Government office for Yorkshire and the Humber has intervened with a section 14 stop notice

that prevents the development going ahead on the grounds of some basic, spurious environmental objections, even though the regional officer has known about the proposal from its inception. I want that intervention by the Government office for Yorkshire and the Humber to be subject to the strongest parliamentary scrutiny, because my view is that its work should be to assist developments of this kind, not obstruct them.

Mr. Hain: I can well understand my hon. Friend's concern about this important project. The Secretary of State has been asked by a third party to consider directing that an environmental impact assessment be prepared in respect of the planning application involving Polestar. The relevant papers were received by the Government office today, and I assure him that a decision will be made as soon as possible. In view of the statutory requirements incumbent on the Secretary of State in this case to fully consider the request made, it is not appropriate for me to comment further on the request or the scheme involved.

Mr. Simon Thomas (Ceredigion) (PC): May I ask the Leader of the House, who is also, of course, the Secretary of State for Wales, whether we can have an urgent debate on discrimination and prejudice faced by the Gypsy, Romany and travelling community in Wales, and particularly the use of that discrimination by political parties to whip up feelings against that community? I refer him to an awful and disgraceful leaflet published in Cardiff recently that alleged that a vote cast for the Liberal Democrats would bring more Travellers and Gypsies into Cardiff. That breaks every code, including the code of conduct to which all political parties are signed up with the Commission for Racial Equality. Unfortunately, that leaflet was published by his party, the Labour party. Perhaps a debate could clarify the issue and allow him to condemn his party for producing such an awful, disgraceful leaflet.

Mr. Hain: I am not seeking to defend that leaflet any more than the hon. Gentleman, I am sure, would defend a leaflet that circulated in Cardiff either in the name of his party or that of the Liberal Democrats, which had a picture of Lynndie England with a whip, and an Iraqi prisoner being subject to abuse, saying, "This is what you get if you vote Labour". I cannot recollect whether it was his party or the Liberal Democrats. Whichever party was responsible, it should apologise, too. The last day for tabling questions for Wales questions is Tuesday. He may want to take advantage of that.

Mr. Bob Blizzard (Waveney) (Lab): Yesterday's reference in this Chamber to a 20-month wait for cancer treatment prompted a constituent of mine from Bungay in Suffolk, who was a cancer patient last year, to contact me. His experience was that within seven days of seeing his GP he was seen by a specialist, and seven weeks after he went to see his GP he had an operation, and he had a second operation three weeks later. This is not a false statement but a true case and, I believe, a much truer reflection of the national health service—a national health service that is not failing people but succeeding for the majority of people in this country thanks to the investment and reform of the Government. May we have a debate on this matter so that the true state of the national health service can become even clearer?

Mr. Hain: Again, I would love to have such a debate, and I will certainly examine the opportunities for doing so. Under the policy announced by the Secretary of State, the maximum waiting time by 2008 will be 18 weeks, compared with 18 months and more under the Conservatives. Patients are getting a better and better deal, month by month and year by year, as the investment pours in under Labour. Under Labour, there is a right to choose decent health care. Under the Tories, there is a right to be charged for it. That is the choice.

Points of Order

2.19 pm

Mr. Kevin Hughes (Doncaster, North) (Lab): On a point of order, Mr. Speaker. Given that it is now abundantly clear that the Leader of the Opposition grossly misled the House yesterday at Prime Minister's Question Time—

Mr. Speaker: Order. Neither the Leader of the Opposition nor any other Member would grossly mislead the House.

Mr. Kevin Hughes: Apparently misled.

Mr. Speaker: Order. Inadvertently.

Mr. Hughes: Inadvertently. It may well have been inadvertent, Mr. Speaker. I pass no judgment on that. What I want to know is whether the Leader of the Opposition has a message for your Office to apologise not only to the House for misleading it but to the people who work in the national health service in his area.

Mr. Speaker: That is not a matter for the Chair.

ESTIMATES DAY

[3RD ALLOTTED DAY]

ESTIMATES, 2004–05

Highways Agency

DEPARTMENT FOR TRANSPORT

[Relevant Documents: Eighth Report from the Transport Committee, Session 2002–03, on The Work of the Highways Agency, HC453, and the Government's Response thereto, Cm 6088, the Highways Agency Business Plan 2004–05, and the Department for Transport Annual Report 2004, Cm 6207.]

Mr. Speaker: Before I call the Whip to move the motion, I should like to make a statement to the House. Given that two subjects are being debated on one estimates motion, Members will wish to know that the debate will be divided between two subjects. Exceptionally, I have decided that Members may speak twice to the same Question, once on each subject. We will begin with the debate on the Highways Agency. At a point to be determined, the debate on that subject will be concluded, and the House will move on to debate the regulation of taxis and private hire vehicle services in the United Kingdom.

Motion made, and Question proposed,

That, for the year ending with 31st March 2005, for expenditure by the Department for Transport—

(1) further resources, not exceeding £5,665,964,000, be authorised for use as set out in HC 466,

(2) a further sum, not exceeding £5,144,950,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.—*[Joan Ryan.]*

2.21 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The maintenance of the roads system in the United Kingdom occasionally seems to be a matter of great emotional involvement. I never quite understand that, any more than I understand the undying love that some people have for the combustion engine. They are both particular commitments that have rather passed me by.

The work of the Highways Agency not only is fundamental to the efficient working of the economy of the United Kingdom but provides one of the most basic and important functions of any part of our economic interest. It is therefore concerning when major difficulties arise. In debating this subject, I hope that we can refer to the work of the Highways Agency and to the eighth report of my Committee from Session 2002–03.

Perhaps I should begin by saying that I believe that the Highways Agency generally performs well, and any criticisms that one has to make are on specific aspects of its work or specific difficulties that arise. However, my Committee was deeply concerned when we discovered, as far as we could see after taking detailed evidence, that in the period when we were suddenly hit by major snowstorms an agency as important as the Highways

Agency not only suddenly found itself unaware that its contractors were not performing to the level that would enable them to keep our motorways clear, but was not aware that the contractors concerned appeared to be unable to communicate with their own work force.

In the United Kingdom, we have an interesting attitude towards weather. I had a Russian friend who used to say to me, "In Russia, we know it will be cold and so we have big coats and big fires, and we are always prepared. In the United Kingdom, you know it will be cold but you always hope it will not be." I suspect that many of our major services are based on assumptions of that kind. It seems extraordinary when we consider in detail what allowed a major agency to be taken by surprise by what is, after all, a traditional part of the British winter: a fall of snow. We took evidence from both the agency and the Department for Transport, and it became clear that there were a number of difficulties. The agency said that it was well informed of what was happening generally but had not been aware that the contractors working for it had such an inadequate form of communication with their own work force that they did not know that many of the ploughs that were supposed to be working to keep the roads clear were not operating. The contractors appeared not to have a way of communicating with their own work force. What was more, that situation went on for such a long time that some people were trapped on the motorway in their vehicles for 11 hours. That must have been a frightening situation, and it is extraordinary that it did not cause a great deal more comment and uproar.

Further to that, the Highways Agency did not seem to become aware of that difficulty for four days after the situation had become manifest. I have to confess that I find that extraordinary, and when the Committee issued a report it made it very clear that it thought that that was unacceptable and should not be allowed to continue. The Highways Agency did not have at the time, so far as we could see, an information system or a response system to enable it to deal with such circumstances. We asked it to come and give evidence, and we were singularly unimpressed with the performance of the then chief executive, who is no longer in charge.

The situation was very strange, and it gives one pause. All Departments have developed stand-alone agencies that are nevertheless staffed by civil servants, who are responsible to their particular Department. Indeed, their accounting systems are only partially at one remove and it is possible for the Department for Transport suddenly to find itself at the end of a financial year having to account for problems in the accounting not of the Department itself but of a stand-alone agency. When we queried what had happened, we were told that when the Department was moving to a system of resource accounting, a system that had been discussed for a long period and examined by our Select Committee, it suddenly found that one agency had produced budgeting that left it with a major amount of money in the wrong part of its accounts and distorted the overall accounting of the Department.

That seems to me an extraordinary set of circumstances, and one that I trust will not arise again. Not only were the Department and the agencies concerned given very long notice of the change in the accounting procedures that were going to come about, but the Select Committee looked at the move towards the new system and made various recommendations. We have said that we think that the accounting treatment of the Department and the agencies must be monitored carefully in future to ensure that if mistakes are made in the agencies, they do not cause the Department's accounts to be overspent. I should have thought that that was common sense, and it is extraordinary that we have to highlight that matter and make the agency aware of the need to look very carefully at how it is proceeding.

We also said that it should be fundamental to the routine operating practice of the Highways Agency that the day-to-day maintenance of the motorways be fully co-ordinated. We highlighted the inadequacy of the control that the Department had over contractors. Just because a contract exists, the Department must not assume that everything is therefore going to proceed on a perfectly even basis. When we took evidence, it became clear that in many of the contracts—I almost laugh because the absurdity of the situation strikes me so forcefully—the Department did not have sanctions that it could apply to people who were not conforming to the contract terms. Why not?

The Government are keen on the sort of arrangements whereby many private functions are handed over to individual companies and not left as the responsibility of the civil service. That might or might not be an efficient way of proceeding, but surely it demands that the least that we as taxpayers can expect is that the contracts will include penalty clauses. If not, why not? Can the Minister assure me that, in future, all those contracts will automatically include sanctions that can be taken against those who do not do the work that they have undertaken to do in the manner that we would expect? Even in our own homes, we would hardly pay up for an inadequate builder, yet the Government seem to be prepared to pay large sums to people who are not even competent.

The Select Committee also believes that, although the Highways Agency was not directly involved in co-ordinating operations when they went badly wrong on 30 and 31 January 2003, it is essential to establish a method by which it can take direct control when faults in the arrangements come to light. It should not be allowed to sit back and wait for four days to be told that things are not working properly and that someone else has not performed adequately.

In their reply, the Government said that the Highways Agency anticipates that improvements will come from its direct operational command and control. They talk about the introduction of regional control centres and a uniformed patrol of traffic officers. The Minister will know that I, being a rather cynical old bird, have some reservations about traffic management officer schemes. First, can he tell us exactly what training these new civilian officers will undertake? Secondly, where will the dividing line be between their management of the motorway system and the police's management of the system? Thirdly, is it the intention of Her Majesty's Government to insist that traffic goes back into the core responsibilities of chief constables?

It is extraordinary that the Home Office, in setting up the responsibilities of individual forces, does not seem to think that traffic management, particularly of our motorways, is a matter of national importance. I would have thought that it was one of those things that

[Mrs. Gwyneth Dunwoody]

manifestly have to be the same across the whole of the motorway network. That can happen only if police forces have a direct responsibility and maintain the same standards throughout the whole motorway system.

We said that the Highways Agency was sometimes producing results, but with inadequate information—occasionally with inadequate methods—about its own responsibilities and solutions when things went wrong. How much more likely are there to be problems when there is a civilian work force whose sole responsibility is to keep the motorways running?

I have highlighted the difficulties that could arise if, for any reason, the agency's staff arrived at the site of an accident on a motorway before the police, and then took decisions that in some way corrupted the evidence relating to that accident. I know that the Minister is well aware of our worries about that. However, it is still not clear who is going to be responsible for what; it is not clear what the instructions to the motorway officers will be if they get to the scene of an accident before the police; and it is not clear who will take the final decision about the moment at which the motorway can be cleared and the traffic called on.

There is increasing use—and increasing advocacy of the use—of the hard shoulder. This morning I received information from the Department and I looked carefully at some of the schemes that were being suggested. I have to tell the Minister that I am very concerned. Emergency services use the hard shoulder and find it very difficult when, for one reason or another, there are solid blocks of traffic across a road system.

The Minister might like to examine the history of a particular site, with which those of us who regularly use planes as well as trains may be familiar. Part of the road to Heathrow is on a raised platform and emergency vehicles find it extremely difficult to get there when there is an accident. I have seen ambulance men come up the wrong way on that part of the motorway and climb over the barriers to get to an accident on the opposite carriageway. Where ambulances cannot get to incidents such as that, I am seriously worried about the advocacy of hard shoulder use for motorway controls. I understand the reasons, but I hope that the Minister will assure me that it will apply only to a very limited stretch of motorway. I am not convinced that, at the moment, sufficient note has been taken of the implications for accidents.

Mr. David Kidney (Stafford) (Lab): Is my hon. Friend aware that construction work is now going ahead on the first of these schemes—on the M42 in the west midlands? Does her Select Committee intend to carry out further investigations into the safety implications of using the hard shoulder?

Mrs. Dunwoody: With a member of the Committee in his place looking at me, I am sure that my hon. Friend will understand that I cannot give a commitment on our future programme. However, this morning I saw the lists of people who were consulted on this particular scheme, and it was noticeable that many representatives from the police, the fire service and other road agencies were involved, but only one from the ambulance service. Frankly, that worries me.

It has been suggested to me that, if the hard shoulder were being used for running purposes and an accident occurred, it would be possible to stop the traffic and allow the emergency services to approach from the opposite direction. Having spent 20-odd years helping in a medical practice, I can tell you, Madam Deputy Speaker, that I saw the results of some very nasty road accidents and spent a lot of time trying to help people in those circumstances. I am afraid that accidents do not always happen in the way that the emergency services would like them to happen or in the way that some people have planned for them to happen. Before we make use of the hard shoulder a common practice, I hope that we set up a series of limited experiments and look closely at the results. I believe that there are considerable difficulties still extant.

My Committee is not concerned with only the day-to-day working of the Highways Agency. We said that we found it, frankly, intolerable that it had no financial sanctions available to it. I hope that the Minister will assure us today that the Government have not only examined that problem, but remedied it. The Government suggested in their reply that there was a right to damages where one party to a contract suffered loss as a result of the other's breach. Have the Government allowed a large sum for legal expenses? If we are going to resort to law every time a contractor fails to maintain a proper standard, I can see some real difficulties arising.

We pointed out that the Highways Agency was performing its functions, but that there were a number of shortcomings. The Secretary of State told us that the agency would have a much more active role, but we felt that the failure of operational communications and the failure to co-ordinate emergency operations had been revealed and that we expected the new chief executive to deal with those problems.

I am sorry if I have rambled on across the various concerns of the Committee, but I believe that I should make one or two points in conclusion. If the Government want to set up and control arm's-length agencies while at the same time delegating direct responsibilities and expecting the tasks to be carried out, they must be quite clear about their methods for producing the final results. It will not be good enough for the Department for Transport to say that a matter is a responsibility for the Highways Agency, on the grounds that the agency controls the operational work on our motorways, that its officers are responsible for deciding when a motorway should be reopened after a crash, or that it must take responsibility for relationships with contractors and deal with them about breaches of contract. That may be the narrow legal point, but the Department has political and financial responsibility for such matters. Ultimately, it is answerable to the House of Commons for the efficient working of the Highways Agency and its ability to deliver the services that we expect.

There is no point in waxing eloquent about the need for more roads to be built or for their better maintenance unless we are clear that it is taxpayer's money that is used for those purposes. Taxpayers demand that we in this House have a clear and identifiable way to call the Department for Transport to account when we think that the agency is not performing properly.

2.41 pm

Mr. David Kidney (Stafford) (Lab): It is a pleasure to follow the distinguished Chair of such a high-performing Select Committee. I shall begin by saying something about the changing role of the Highways Agency.

The week has been dominated by debates about public services and their responsiveness. We should treat users of public services with the same respect and attentiveness as they receive as consumers in other areas of their lives. I am sure that my hon. Friend the Minister is pleased that the Secretary of State is well ahead of the field in that respect. I recall the speech that my right hon. Friend gave at the Automobile Association awards ceremony on 26 March last year. It was entitled "Treating Motorists as Customers", and it is pleasing that the Department should consider that people who use the roads should be treated as customers, worthy of attentiveness and respect.

The role of the Highways Agency has shifted. Where its role used to be one of building and maintaining roads, its new role is as a network operator, responsible for ensuring that the whole network is used effectively. The trunk roads for which the agency is responsible amount to only 4 per cent. of the road network, but they carry more than one third of all traffic.

Today's debate on estimates is important, as the strong growth in the Highways Agency's budget is due to the fact that its new role is more expensive. The agency will continue to build new roads and widen existing ones, but it will also make better use of existing capacity.

In part, that is what the Traffic Management Bill was all about. The Highways Agency already has uniformed staff in liveried vehicles patrolling motorways in the west midlands. Some may be surprised at that, as the Bill has not yet received Royal Assent, but those staff are operating under existing powers, not the new ones that will be brought into force when the Bill is enacted. The task for those staff members is to tackle congestion and keep traffic moving, and thereby to keep customers satisfied.

I am chairman of the parliamentary advisory council for transport safety, and I am concerned that the Highways Agency does not lose sight of its key function, which is to ensure that road safety is the top priority for road users. As they patrol the country's motorways, I am sure that traffic officers will always have road safety at the forefront of their minds. To that end, they will make sure that they remove obstructions, such as debris, before they cause a crash, and they will arrange the safe recovery of vehicles that are stationary, broken down or abandoned at the side of the road. Those officers will also contribute to reducing long delays, so that people do not get frustrated and take risks that cause collisions, and they will collect information at the scene of crashes that will contribute to the prevention of their reoccurrence. I hope that road safety will be improved by the new role of the traffic management officers employed by the Highways Agency.

I do not suppose that my hon. Friend the Minister will want me to say too much about the fears of the recovery companies such as the AA, the Royal Automobile Association and Green Flag about the extension of the Highways Agency's business empire into the new area of vehicle recovery from the side of the road. However, I am sure that he will not object to taking one more opportunity to reassure them on that score.

When we talk about road users as customers, it is inevitable that we will discuss what they pay for the service, and how they pay for it. Once, politicians did not want to talk about road charging for fear of offending people, but it is coming awfully close. We have congestion charging in London, and the M6 toll motorway is already operating in the west midlands. Not too far in the future, all lorry operators will have to pay road user charges. That shows that road charging is now a reality, and we must get to grips with our policy on it.

The M6 toll motorway opened earlier this year. Its construction, by a private operator, finished ahead of schedule. It opened smoothly, apart from a slight hiccup early on when it had to close because of a problem with the road surface, and it is now being used regularly. I use the M6 motorway on many occasions, and I can attest that the toll motorway is a qualified success, in that it takes some traffic away from the very overcrowded M6. By spreading the load, it has helped to reduce congestion.

Drivers, especially of motor cars, use the toll motorway in reasonably large numbers, but the high toll imposed on lorry drivers means that they stay away. That is a bit unfortunate: clearly, the operator does not want to meet the cost of the maintenance that would be required if lots of lorries used the toll motorway. I am somewhat surprised that neither the Conservative Government nor the present Labour Government ensured that the contract for the toll motorway contained at least a right of representation about the charges imposed on drivers. There are clear strategic national interests involved that we should be able to explain to the operator, so that they are taken into account when charge levels are set.

Most of all, I want to speak to the Minister about the role of the Highways Agency in widening the M6. He knows that that subject is close to my heart; he and I enjoyed a debated in this Chamber on 27 March last year on that very matter. One of his predecessors as Minister of State met me and a delegation of local councillors in Staffordshire on 10 February last year about the Secretary of State's announcement—made on 10 December 2002—that the M6 would be widened. The Minister's predecessor told the Staffordshire delegation that the Highways Agency would produce new plans for the widening of the M6 through the county. He said that there would be widespread public consultation, and that the Government would put the plans in its targeted programme for investment by September 2003.

Nothing had happened by the end of September 2003—nor by April 2004, which is when I asked another parliamentary question about progress. The answer that I received was that the plans were proving more problematic than expected. I was told that they were not yet ready, but would be soon. I hope that my hon. Friend the Minister will say what progress has been made with the plans.

This is a vital matter for the more than 1 million people who live alongside the M6 as it passes through Staffordshire and Cheshire. It is also very important for the top half of the country, which depends on the

[Mr. David Kidney]

motorway for its main communications north to south. Many businesses in my constituency support the widening of the M6, whereas many other people—and I am one of them—oppose it on environmental grounds. It remains vital that we sort the issue out. Clearly, it is unsatisfactory that the Department should claim to have made a decision as long ago as 2002 when, 18 months later, nothing has happened.

I lost the debate about whether the M6 should be widened, but my concern is that the greatest possible environmental protection should be afforded to all those who live alongside it. Some people's back gardens are immediately adjacent to the motorway, and they must be protected from the effects of the widening works and of the increased traffic that will follow.

I should be very grateful if, when he winds up this short debate, my hon. Friend the Minister will say something about the Highways Agency's work in the future, and about the need for it to consult about protection with the people who live alongside the M6.

My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) mentioned the plans for active traffic management and I intervened on the subject. The plans include the regular use of the hard shoulders of motorways for running traffic. That is something that causes alarm and raised eyebrows among the public. Only this week I was speaking to another hon. Member about those plans and the hon. Member asked me whether I was joking. But it is serious. It has been done already in some parts of the world—the United States and the Netherlands in particular. In the Netherlands the measure not only reduced congestion but reduced accidents and casualties. So there seems to be some argument in favour of it. The worry is bound to be about the safety of using the hard shoulder for traffic when there is an accident. How on earth do emergency vehicles get to the scene quickly? My hon. Friend the Minister has to convince the doubters that his scheme will allow for that.

I know from an Adjournment debate in which the Minister and I took part that the regional control centre will have real-time information and the ability to respond immediately when something out of the way happens so that the safety and treatment of people injured in crashes on the motorways can be ensured speedily. I would welcome the Minister's confirmation that that will be the case.

This is a debate about the budget of the Highways Agency. I have explained how the budget is growing. I believe that its new role is the right one. It is a valuable role. It is important that as the changes happen the Highways Agency is attentive to the people who are interested in its work—not just road users but decision makers such as Members of Parliament—and keeps them informed.

Recently my constituents and I received from the Highways Agency some literature about its plans for the network in my area. That is a sensible thing for it to do. It is a good use of public money to keep people informed so that they know about things before they happen and what may happen in the future. My particular concern is to know what may happen about the widening of the M6 in Staffordshire.

2.52 pm

Clive Efford (Eltham) (Lab): The lack of attendance in the House can be put down to the fact that many hon. Members want to use our highways to get back to their constituencies in order to be in front of a television set by 7.45 pm. That is a laudable objective, and we wish our players all the best this evening.

I shall comment on only a couple of matters because my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) has covered all the issues that the Select Committee looked into. It is worthy of comment that the Highways Agency on the whole is a very efficient organisation. Its actions go largely without comment, which is probably testimony to the fact that it does its job reasonably well. As with all organisations, it is in extreme circumstances that its preparations for certain eventualities are tested and its activities brought to the fore. In the severe weather last year the arrangements that the Highways Agency had put in place were found wanting in the extreme.

The communications system was inadequate and seemed to rely on the mobile telephones of drivers. It was most shocking to us when we cross-examined people from the agency that once the gritting lorries had left the depots it was impossible to keep track of where they were, what they were doing and whether they had got stuck themselves. That was clearly a failure of the agency to put in place adequate procedures to maintain an efficient service when it was most needed by people on our road network.

The other issue that came to light in that cross-examination, to which my hon. Friend the Member for Crewe and Nantwich has referred, was the lack of penalty clauses in the contracts for private contractors. My hon. Friend the Minister has obviously taken that message on board because I can see him nodding, but the problem needs to be stressed and emphasised. We need to ensure that we do not fall down on that issue in future. If we are setting aside seriously large sums of money for litigation to deal with penalty clauses, perhaps we ought to consider an in-house service over which we have more direct control so that we do not rely on so many contracts that are perhaps not as enforceable as we would like.

Another issue to which I should like to draw attention, and which was also referred to by my hon. Friend the Member for Crewe and Nantwich, is the role of the police and the Highways Agency at the time of a severe accident on the road network. The issue concerns who takes control at that point, and who has responsibility for reopening the road. A clear protocol needs to be drawn up to ensure that the responsibilities are clear. Responsibility for the road network and enforcement of the relevant laws should clearly lie with the police. It has been emphasised recently—not just in evidence to our Committee—that there is a link between crime and antisocial behaviour and traffic offences, so we would create difficulties for ourselves if we separated the responsibilities for traffic management and for enforcement. There is increasing concern in our communities about antisocial behaviour and we are trying to build partnerships between local authorities, the police and other agencies. At times, that can prove to be difficult. New powers have been handed to the police to deal with antisocial behaviour. I am finding it excruciatingly difficult to get the local authority to go

along with what the police want to do to deal with the problems. I use that as an example of how the police may lose out on essential information and intelligence if they lose the responsibility for traffic management and traffic issues.

In the knowledge that hon. Members who are present may want to get back to their constituencies, I will conclude my comments.

2.57 pm

Mr. Paul Marsden (Shrewsbury and Atcham) (LD): This is a useful debate, and it is a pity that for the most part only eight hon. Members have been present in the Chamber. It is important that the House hold to account the Minister and in turn Government Departments and agencies following Select Committee reports. The Highways Agency has a budget of some £4.6 billion, which is bigger than the whole international development budget. Clearly, an enormous amount of expenditure goes on the maintenance and expansion of our road network. Hence it is a pity that more hon. Members are not able to take part in the debate.

I wish to highlight a number of issues. I pay tribute to the staff of the Highways Agency; they do an exceptionally good job. The tragedy is that only when mistakes are made do they come to the fore, whereas they play an important role in keeping our roads moving day to day—some 5,860 miles of motorways and trunk roads.

The aim of the Highways Agency stated in its business plan is:

"Safe Roads, Reliable Journeys, Informed Travellers."

For the most part, it achieves that. It aims to reduce congestion, improve reliability, and improve road safety while respecting the environment and seeking feedback from customers. I know that the roads Minister likes to mention the fact that the Highways Agency plants more trees than any other organisation in the country.

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): After the Forestry Commission.

Mr. Marsden: Absolutely. I pay tribute to what the agency does to put something back into the environment, even though obviously with road expansion and building it has to take something out. I saw that at first hand when the A5-Nesscliffe bypass was built. The Highways Agency in conjunction with the Environment Agency and the local authority did a superb job in protecting badger setts and other wildlife during and after construction. They were extremely professional in mitigating the damage to the environment.

I was slightly alarmed to note that customer satisfaction levels have fallen in respect of the performance of the Highways Agency on motorways and trunk roads. That applies to several of the criteria, including the availability of phones, provision of signs, clarity of signs, positioning of signs, availability of variable message signs and the maintenance of signs. Perhaps the Minister could comment on that and flesh out the details of the actions that the Highways Agency has taken to improve customer satisfaction. I make no apology for raising that issue, but I should put it into context by saying that the satisfaction level of road users is still around 80 per cent. Most businesses would be happy to achieve such levels, but it is worrying that the trend is downwards.

I know that an extra 600 or so variable message signs have been installed in the past year, but many motorists get frustrated if those signs are not up to date. There is nothing worse than receiving while driving information that turns out not to be true, such as a lane closure ahead or the need to reduce speed.

The Highways Agency deserves credit for reducing the casualty rates in the past seven years. It is on target to continue to reduce those rates. I worry that the agency does not seem to be achieving its target to reduce the number of slight injuries, and I hope that the Minister will be able to assure the House that improvements will be made and the agency will get back on schedule in that area.

As the Transport Committee pointed out and as our Chairman has mentioned, just one inch of snow in January 2003, combined with the failure of the agency's contractors to send out gritting lorries, resulted in thousands of motorists being stranded in north London and Essex. The Government's reply to the report set out the development of contingency plans, which the agency has tested by undertaking

"an additional technical audit of . . . winter maintenance plans, and . . . an emergency exercise."

What were the results of that audit and what improvements have been made?

The Committee also pointed out that

"It is intolerable that the Highways Agency has no immediate financial sanction available where a contractor fails to keep the motorway and trunk roads system free of ice and open."

The Committee Chairman also mentioned that issue and she said that new maintenance contracts were now in place. Those contracts include new termination clauses, but I wonder whether those clauses could be invoked quickly enough to allow another contractor to take over at a moment's notice. It would be no help to motorists stranded by ice and snow if the contractors who were not doing their job could not be replaced quickly.

Other hon. Members have made valuable contributions this afternoon about the work of the Highways Agency, including the need to expand certain roads. As I mentioned, my constituency has a new bypass, which has improved air quality and reduced pollution, especially for St. Andrew's school, which used to have thousands of vehicles pass its doors every day. It was also very difficult to cross the road outside the school, but that has now changed. The A5 is part of the trans-European national network, so it is very important.

I accept the case for some road expansion and some new roads—such as the M6 toll road, which has been very successful. Indeed, I use it myself and it is very convenient. However, I worry that we will continue to expand and build new roads at the expense of the environment. We need a new, concerted effort to try to reduce the amount of congestion and traffic on our roads.

I am also concerned about the bureaucracy and red tape that seem to bind the 1,780 staff of the agency. Last year in my constituency, we had the case of Dorrington

[Mr. Marsden]

village. That village is on the A49, one of the main roads that runs north to south through the English and Welsh Marches. The A49 is a major tourist route and, at the height of the summer season, the agency decided to close half that road to repair a railway bridge. I know that the work was essential, but it took six months to complete. Lack of consultation and poor communication from the regional office and the chief executive's office made it difficult for the agency to win over local hearts and minds and convince people that it was doing a good job.

As the Chairman of our Committee pointed out, failures can be very costly. For example, the Thelwall viaduct project has gone hopelessly wrong. It was refurbished in 1996 at a cost of some £30 million. It is an important viaduct that carries some 180,000 vehicles every day. A spot check revealed terrible failings in the bearings, some of which had almost split in half. Remedial work is under way and will probably continue for another year, and the total cost will be an additional £24 million. Who was responsible for that? Will that extra £24 million come out of the agency's budget? Is legal action against the contractors pending? Can the Minister assure the House that such a failure will not happen again?

3.7 pm

Mr. Christopher Chope (Christchurch) (Con): I congratulate the Transport Committee and its robust Chairman, the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), on yet another excellent report. However, it is disappointing that the main subject matter dates back to January 2003. The Committee's inquiry was set up then; it took evidence in March 2003; and it waited for more evidence in answer to its questions from the Highways Agency that did not arrive until May 2003. The report was not produced until October 2003 and it is now June 2004. Inevitably, much of the material is out of date, although it is clear that the agency has learned its lesson and is apologetic about the way in which it let down the motoring public in the winter of 2003.

I thought that today we should test the Minister on the genuineness—or otherwise—of the Government's roads policy. The excellent contribution from the hon. Member for Stafford (Mr. Kidney) is a good lead into that test. The hon. Gentleman pointed to the way in which the Government speak with forked tongue on the issue of the widening of the M6. He told us that the Government announced their plans in 2002 and promised that the project would be incorporated in the targeted programme of improvements by September 2003. However, it is still not in that programme. Appendix 5 of the Highways Agency's business plan for 2004-05 contains a long list of major motorway improvement schemes, under the heading "Summary of Expected Delivery for Major Schemes on the M1, M6 and M25."

A large number of those schemes—the M1 junction 21 to junction 30 widening, the M1 junction 30 to junction 31 widening, the M1 junction 31 to junction 33 widening, the M1 junction 33 to junction 35A widening, the M1 junction 35A to junction 39 widening, the M1 junction 39 to junction 42 widening, the M6 junction 11A to junction 19 widening, the M25 junction 1b to junction 3 widening, the M25 junction 5 to junction 7 widening, the M25 junction 16 to junction 23 widening, the M25 junction 23 to junction 27 widening, the M25 junction 27 to junction 31 widening and the A12/M25 Brook street interchange—to which the Government have given priority are not yet included in the targeted programme for improvements. I do not want to depress the hon. Member for Stafford, who is keen to get his local scheme into the programme, but the Government already estimate that expenditure on the 91 schemes already in the TPI is in the order of £8.6 billion. That figure comes from the Highways Agency report of April 2004. As £8.6 billion-worth of work is already in the programme, and all those other schemes are waiting to go into it, one is left with the grave suspicion that the Government intend to go into a general election having promised the earth but without having put any money into the programme they say they support.

At least the Government have changed their rhetoric. Back in 1997, it was that we should spend no more money on roads; they said that the way to control the traffic problem was not to provide more money for roads but to force people on to public transport. Now, the Government have changed that rhetoric and are talking about strategies for improving our road infrastructure.

Recent correspondence epitomises the fact that a huge alliance has built up on the matter—it is not something that concerns only Opposition Members. A letter published in the *Financial Times* last week was signed not only by those the Government would describe as the usual suspects in the campaign for improved road infrastructure, but by members of other organisations that have never before combined in such an alliance. They recognise, as the hon. Member for Crewe and Nantwich pointed out, that our highway infrastructure is fundamental to the competitiveness of our economy.

The Government have set out a programme of targeted improvements but they are not delivering. They are holding back on adding new schemes and they are not even beginning work on the schemes already in the programme and due to start. On page 1 of the foreword to the Highways Agency business plan for this year, its chief executive states:

> "We expect to add 29 miles . . . of new capacity by completing seven major improvements. A further eight schemes will start construction during the year, and many other projects in the Government's targeted programme of improvements will progress through consultative and statutory processes."

If eight schemes start this year and no others are added to the TPI, that still means that work will not have started on 73 or 74 schemes already in the TPI.

If the Government were really committed to mending their ways and to delivering road improvements, one might have expected to see the start of work on some of the schemes that the chief executive of the Highways Agency said would begin in this financial year. Unfortunately, that is not what has happened. Appendix 6 of the business plan lists the expected delivery for schemes

"currently in the TPI as at 3 March 2004".

It includes the following starts of works: the A14 Rookery crossroads grade separated junction; the A249 Iwade-Queenborough improvement; the A421 Great

Barford bypass; the A47 Thorney bypass; the A5 Weeford-Fazeley improvement; the A63 Melton grade separated junction; the M4 junction 18 eastbound diverge and the M5 junctions 17–18 northbound climbing lane. But, in each case, before the words "start of works" there is an asterisk, which leads us to the phrase

"Start of works dependent on the outcome of the Spending Review 2004".

Why should all those schemes be dependent on the outcome of the spending review when the Government have already signed up for and committed to a 10-year programme? The programme began from 2002 and was revised in December 2002.

In its evidence to the Select Committee, the Freight Transport Association pointed out that the Government's review of the 10-year plan showed that there would be an increase of up to 15 per cent. in road traffic congestion on strategic roads by 2010, compared with their original pledge to reduce traffic congestion by that date. More significant, and more worrying, the FTA said that if the plan was not delivered, congestion on our strategic road network could be up to 67 per cent. worse than in 2000. The Government's dilatory progress on their roads programme suggests that they expect, and are content, that the plan will not be delivered and that that could lead to congestion on the strategic roads network that is up to 67 per cent. worse at the end of the 10-year plan than it was at the beginning.

When the Secretary of State for Health made his statement earlier today, he did not say that everything he was promising was dependent on the outcome of the spending review. Expenditure on railways has run out of control due to the Government's botched attempts to renationalise parts of the railway network and, as a consequence, the Department for Transport, with a limited budget, will only be able to balance the books by penalising, once again, the roads programme and especially the Highways Agency, which is charged with the important responsibility of delivering that programme. Will the Minister assure us that schemes whose start was promised for this year will actually begin? If he cannot even guarantee that those schemes will start, what hope is there for the other schemes already in the TPI, let alone the ones that the Government have led people to believe will be included in future? A big logjam is building up, and the Government have raised expectations to try to calm all those people who are rightly aggrieved about the prospect of much worse congestion on our roads. That is just the rhetoric, but we have the opportunity in this afternoon's debate to examine whether the Government are delivering.

I hope that the hon. Member for Crewe and Nantwich and her Select Committee will look in more detail at what the Government are delivering, as against what they have promised. The Highways Agency business plan says that about £265 million in capital is expected to be spent on the highway network this year, as against the programme of £8.6 billion contained in the targeted programme for improvement. At that rate, that expenditure would take about 20 or 30 years to deliver, and the Government are not even continuing the programme at that rate. Although they say that they will invest £265 million this year, they have not yet started work on any of those schemes. Of course, one of the great virtues of starting work on highway schemes in the late spring or early summer is that the major earthworks can be carried out in the best weather conditions.

I suspect that the Government will delay the start of all those works even further and that they will then come to the House to suggest to hon. Members that they are making a grand gesture by announcing the start of works, after not announcing any for a long time before. That will contribute to the logjam in the programme. That is just so unfair to the motoring public, who pay the highest fuel and motoring taxes of any country in Europe. This year, they will pay the best part of £42 billion in taxes to the Government, but the Government are not even delivering them £265 million in capital investment in the highway network. That is very serious indeed.

A number of hon. Members have commented on the relatively poor attendance at the debate. I do not think that that matters; it is a question of whether the Minister is prepared to face up and respond to the strength of feeling among the motoring public and business interests in the country about the fact that the Government are badly letting down business and the motoring public by neglecting their prime responsibilities to ensure that the highway network is in a fit and proper condition to deliver the competitiveness that this nation demands. At the moment, the Government are failing in that responsibility.

The Highways Agency is charged with looking after assets worth some £65 billion—a really big business responsibility—and one would have thought that the Government would be more prepared to contribute to ensuring that that network is maintained and improved.

Mr. Paul Marsden: I understand that some schemes are obviously important to business and local communities, but which Government programmes and Department's budgets would the hon. Gentleman reduce to pay for the increases in the highways programme that he suggests are needed imminently?

Mr. Chope: The hon. Gentleman poses a false dilemma. The Department for Transport has mismanaged its budget and—as the Secretary of State said, in effect, during Transport questions—the railway system that has been set up under his control and the schemes designed by his two immediate predecessors as Secretary of State for Transport in the Labour Government are eating public money hand over fist. My concern is that the hapless motoring public must now pay for the Government's folly.

The Minister may think it perfectly reasonable that the motoring public should pay £42 billion a year in motoring taxes and get back precious little for it. I do not agree with him. It is incumbent on a responsible Government to invest in our highway network. I assure him that the next Conservative Government will invest seriously in the highway network in the same way as we did when we were last in government and I was privileged to be the Minister for Roads and Traffic.

I opened more roads during the year or so that I was Minister than this Government will start work on in a two-year period. *[Interruption.]* The Minister refers to the scissors that I have got at home. I have a very large number of boxes of scissors, each of which represents a

[Mr. Chope]

triumph for the environment and improvements for the motoring public. Most of the road openings at which I was privileged to preside were to the benefit of local people—bypasses were built for them—and certainly to that of the motoring public as well. Certainly, with great significance, they were to the benefit of road safety.

The hon. Member for Stafford referred to the importance of road safety, which cannot be understated. The number of fatalities on our roads is currently levelling off. Indeed, in 2002, more people were killed on the roads than in 1998, whereas the number of people killed on the roads fell consistently, year after year, under the previous Conservative Government. One of the reasons for the levelling off in the number of fatalities on the roads is that the Government are no longer investing in road improvements in the way that their predecessor did. That is another reason why the Government should be pushed in the debate to admit that they have been going slow deliberately on their roads programme, while trying to delude people with their rhetoric that they are still on the side of the motorist, which manifestly, when one looks at the facts, they are not.

3.26 pm

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): I congratulate my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) on securing not one but two debates this afternoon. She truly is an influential force in the Liaison Committee, as well as the Transport Committee, over which she presides with such aplomb. I also congratulate her on her very fine Russian accent; I was very impressed indeed. Unfortunately, *Hansard* will not be able to reflect her accent, so I thought that I would do so instead.

I noted the criticisms made by my hon. Friend, and I will deal with them in my remarks. The criticisms that the Transport Committee made were very real and certainly related to things that needed firm action, although I also note that she said that, in general, the Highways Agency performs well. That was reflected in a number of hon. Members' comments. I should like to put on record the fact that the Highways Agency runs an excellent road system. Our trunk road and motorway system must rank as one of the very best in the world. It is certainly one of the best on which I have ever travelled in any country that I have visited. The way that our roads are handled, managed, repaired and maintained is quite outstanding, and we must congratulate the agency on that.

My hon. Friend raised the important issue of finance and accounting. The criticisms made at the time were very real and proper, as there was no proper accounting system for the change to resource accounting, but lessons have been learned and acknowledged. Not only the Highways Agency but a number of Departments were on a fairly steep learning curve at that time. A new finance director has now been appointed, and that person is making considerable changes to the way in which the agency operates.

I want to deal with one or two points made by the hon. Member for Christchurch (Mr. Chope). When I was doing a scissors motion—I have certainly opened quite a number of roads; the office has a large number of pairs of scissors as a result of cutting tapes—I was referring to the cuts made when he was a Minister. We would take his comments today a little more seriously if his own party was not about to embark on a mass of cuts, particularly to the transport programme.

The hon. Gentleman said that there was an overwhelming strength of feeling that motorists are being let down. That is certainly not reflected on his Back Benches, because only two of his party have turned up for this debate. He will not have noticed, but while he was speaking, his Whip fell asleep—although he seems to have perked up now that I am on my feet.

The hon. Member for Christchurch made a point about deaths on the roads. I would hope that the matter of safety on our roads would not become a party political football. We have a very good record of safety on the roads in this country. Casualties have been reducing year on year for a long period. That is testament to the work of successive Governments. Some of the actions taken 30 or 40 years ago are still bearing fruit today.

We produced some more figures on deaths on the roads yesterday, and they sadly show that the reduction has levelled off at about 3,400 or 3,500. That has happened in other European countries as well, and we are not entirely sure why it should be. However, it is interesting that the number of people seriously injured is continuing to fall, and fall rapidly. Also, the number of children who are killed or seriously injured is falling rapidly. In fact, the number of deaths on our roads is falling in all the categories except two. There is a slight increase in the number of car occupants who have been killed. That may reflect the fact that there are more vehicles on our roads, or that some people are involved in unsurvivable collisions. We must look into that carefully. At the same time, the number of serious injuries of car occupants is falling.

The figures would have shown a further fall in deaths were it not for the increase in the number of motorcyclists who have been killed on our roads. Yesterday's figures showed yet another increase, which is a very sad fact. I hope that, when we produce the report of the working group that has been considering issues to do with motorcycling, the hon. Gentleman will support some of the measures that we want to take to decrease those disturbing figures of deaths on our roads.

Mr. Chope: Does the hon. Gentleman accept that one third of the contribution to improving road safety should be investment in engineering measures, and that it is the Government's failure to deliver on that part of the programme that is contributing to those disappointing figures?

Mr. Jamieson: That just is not the case. If that were true, the number of serious injuries would be levelling off or rising. It is not; it is falling rapidly, which is testament to the good work not just of the Highways Agency, but of the police, local authorities and many others. Education programmes for drivers and for children crossing roads are also contributing to greater safety. I would hope that there would be some cross-party agreement on that. Much of the good work is being done by local authorities of all political parties. I

have had discussions with leaders of councils and those responsible for road safety on Liberal Democrat, Conservative and Labour authorities, and they all share concern about death on the roads.

The Transport Committee has produced a number of thought-provoking reports—on the work of the Department and not least one on the Highways Agency. This debate is a timely opportunity to explain to the House the key role of the agency in helping to bring about a better quality of transport for all. My hon. Friend the Member for Crewe and Nantwich pointed out how important the road systems are to our economy. As our economy grows—we have a highly successful economy under this Government, and I am very proud to say that—we are seeing more traffic on the roads and hence greater pressure on our road systems.

The agency is responsible for the motorways and trunk roads in England. Those roads are the lifeblood of the country and vital to our economic success. Although they form less than 3 per cent. of England's road network, they carry nearly one third of all traffic and two thirds of all freight. The network is essential to industry and commerce. It is also used extensively for social purposes—for pleasure and leisure. As more people in the country are working, they have more money in their pockets for such activity. A good example of that is the fact that the M4 and the M5 were successfully used by thousands of football supporters for the FA cup play-offs in Cardiff during May.

The successful economy has seen a dramatic rise in traffic levels, which has resulted in pressure on our road systems, particularly where economic growth has been strongest. To do nothing is not an option for us. If we did nothing, we would be faced with a growth in congestion levels on our strategic roads of more than 50 per cent. by the end of the decade. Our goal is a road network that provides a safe and more reliable, freer-flowing system for motorists and business.

We all accept that we cannot just build our way out of congestion, but providing more capacity where it is most needed has a part to play. We are therefore investing in the targeted programme of improvements, or TPI. That includes widening key strategic routes such as the M1, the M6 and the M25, as well as building much needed bypasses throughout the country. Many of those schemes have come about as a result of the recommendations of the multi-modal and road-based studies that we set up to consider the most serious problems on the network.

The Highways Agency will be investing more than £500 million this year alone in major improvement and widening schemes. It has developed techniques to speed up the delivery, so that improvements can come on stream as soon as possible. An example of that is the early contractor involvement in the design process. That approach has the support of the construction industry, and the programme currently costs £8.8 billion and comprises 82 schemes. Of those, seven are due to open to traffic before the end of 2004–05. A further eight are under construction and will open in the next two to three years.

Mr. Chope: Will the Minister answer the point that the present schemes will take 17 years to complete at the present rate of £500 million a year—totalling £8.8 billion—and that a whole lot more are waiting to be added to the TPI? That is not good enough—is it?

Mr. Jamieson: That is absolutely correct; we have set up a programme for a long period, and also set out how the schemes will be financed. I return to the point that the hon. Gentleman is chiding us for not building, but his party has no intention of increasing the transport budget. In fact, it intends to decrease it. When asked by the hon. Member for Shrewsbury and Atcham (Mr. Marsden) which of the budgets he would cut and where the money would be found, he had no answer. He will of course be telling me that there will be tax cuts as well as all these roads. Before we get to a general election, it would be wise for the hon. Member for Christchurch to have a policy that stacks up. It is not enough to have a load of promises; he needs the money as well. Many years ago, my party used to do the same thing. We had lots of promises but were not sure how to deliver them. We spent 18 years in opposition. He may well be on the way to doing the same thing.

Clive Efford: I was just wondering whether the hon. Member for Christchurch (Mr. Chope) was asking for targets to be set since that seems to be a subject of great debate this week.

Mr. Jamieson: The Conservatives do not seem to have targets in mind these days. They want to get rid of them, except when it suits them. They want targets for road building but not for health care.

We also need to consider ways of managing our roads more efficiently, to reduce congestion and provide more reliable roads. Keeping traffic moving is the key to motorists getting a better service. My hon. Friend the Member for Stafford (Mr. Kidney) talked about the change from the Highways Agency's traditional role as a road builder and maintainer to its pivotal role as a network operator. This year the agency embarked on its new role as traffic manager and it is developing the new traffic management systems that will deliver that better service.

The first signs of that new role that the road user will have seen are the agency's new traffic officers. They have been operating on the motorways around the Birmingham box since 26 April. They provide seven-day-a-week patrols between 6 am and 8 pm. A 24-hour service covering the entire west midlands motorway network will be in place by spring next year.

The traffic officers' main aim is to keep the traffic moving and make journeys as reliable as possible. Initially, they are focusing on patrolling motorways and assisting road users. They deal with debris, broken-down vehicles and other problems that can hinder people's journeys. They will also support the police in road safety-related activities and incidents. An additional benefit will be that the police will have more time to focus on accident investigation and managing crime.

As my hon. Friend said, when the Traffic Management Bill receives Royal Assent, the traffic officers will take over the full responsibility for handling traffic incidents, with the police retaining responsibility for enforcing traffic laws and investigating road

[Mr. Jamieson]

accidents. They will want to get the traffic moving as soon as possible following incidents, and that will play a crucial role in tackling congestion.

My hon. Friend raised an issue that has been raised a number of times by some of the breakdown operators. The AA, the RAC and Green Flag do an excellent job on our roads. There will be times when a vehicle has broken down—perhaps in the outside lane of a motorway or in another dangerous place—and the Highways Agency traffic officers will remove it to a place of safety. That makes good sense. The police do it now by bringing in a contractor. However, there is no intention that the Government, the Highways Agency or the traffic officers should set up any form of alternative breakdown system. We have no intention of doing that. We are well covered at the moment. It is not a service that we want to pay for when the private sector is doing such an excellent job.

The agency will roll out the traffic officer service to other motorways by the end of 2005.

Mrs. Dunwoody: On the terms and conditions of the traffic officers, will my hon. Friend assure me that they will have access to union rights and will be allowed to organise within the control centres?

Mr. Jamieson: Yes, indeed. They will have the rights of any other workers who work for the Highways Agency or any other Department. That is right and proper. My hon. Friend may have seen some of the officers in her visits to the west midlands recently. Like me, she will no doubt be extremely impressed with the quality and dedication of the people who have been recruited to the service. I have been pleasantly surprised at the quality, the enthusiasm and the dedication of the people who have come forward for the job.

Mrs. Dunwoody: I am extraordinarily grateful to my hon. Friend for giving way again. There will be a question of dual status. The centres will have civil servants who work directly for the Highways Agency and private employees who work for a private contractor. I just want my hon. Friend to assure me that there will be equal union opportunities for both sets of workers. As there will also be police employees in some of the centres, will he also assure me that difficulties will not arise because of the differences between terms of employment?

Mr. Jamieson: That will be the case. There will be no change. The Bill does not change the status of the police in any way. They obviously operate under their own laws and their ability to organise is set out in legislation. The laws that apply to the traffic officers will be the same as those that apply to any other civilian worker or civil servant. That is right and proper. I know of no reason why that should be changed.

By the end of 2005, 1,200 officers will provide a front-line service to road users. They will be supported by seven new regional control centres, which will be jointly staffed by agency personnel and the police, who will allocate officers to incidents, co-ordinate the responses of the emergency services and other providers, manage and monitor traffic, and control electronic signs, which many Members will welcome, because that information is not always up to date. Someone will have the dedicated role of making sure that the signs give good-quality, accurate information that does not apply to something that happened a few hours or even a few days ago.

The agency already operates one centre in partnership with the central motorways police group at Perry Barr in the west midlands. It controls all electronic motorway signs and signals in the area, as well as answering calls from emergency roadside telephones. That is already bringing benefits, as police control room operators are freed up to concentrate on intelligence-led policing activities, including the increased application of automatic number plate recognition technology, and the agency can monitor and control traffic officers on the network. I assure my hon. Friend the Member for Crewe and Nantwich that the officers on the road will be fully trained for the tasks that they perform. The Highways Agency has Investors in People status, and is committed to staff receiving appropriate training for the work that they undertake. My hon. Friend will appreciate the fact that the work force are new—I admit that we are still on a learning curve—and, although they have received initial training, they will need more as their role increases. When the Traffic Management Bill receives Royal Assent and becomes an Act we will need to look at other issues, such as traffic officers' ability to stop and guide traffic, for which they will require further training. We will have to work closely with the police, so that the expertise and skills that they have built up over the years can be passed on to traffic officers.

There will be clear lines of command, and a distinction will be drawn between the role of the traffic officers and that of the police. Protocols are being developed to make sure that there is no duplication of activity, and that there is a clear understanding of who does what. I was asked who makes the final decision at an incident. The police will always be in charge at a serious incident that they are required to attend, and traffic officers will act in support. If a traffic officer arrives at the scene first, he will act according to clear guidelines on what he can do in the circumstances. If people are injured, his first task will be to guide or stop the traffic to ensure that more people are not injured. He will then make sure that the appropriate services are on the way, and clear the road so that the emergency services have access. He would therefore do the things that the police currently do, but once the police arrived they would take control of the incident, and he would operate in a support role.

Very often, long delays on the motorway network and trunk roads arise after the casualties are taken away and the police have conducted an investigation into any criminal activity. Debris and vehicles have to be removed from the road, and barriers and the road surface repaired. One criticism of our work is that we take too long to do those things, so the roads are closed for far too long. Traffic officers would be able to co-ordinate some of that work more efficiently, and the police would be freed up to perform other essential tasks. Traffic officers could then ensure that the road is reopened as soon as possible.

Another crucial tool for dealing with congestion on the roads is information. It is vital that the agency knows what is happening on its network and

communicates that to road users through timely and accurate information. I hope that my hon. Friend the Member for Crewe and Nantwich had the opportunity to see what can be achieved in that regard when she visited the national traffic control centre at Quinton on the outskirts of Birmingham. The centre is at the heart of the agency's information network. It began operations in November last year, and when it is fully operational it will collect and analyse data on traffic conditions to supply accurate real-time quality information to motorists.

The centre already provides motorists with information on alternative routes and travel advice that can minimise the effects of congestion and incidents. It gives people more information both before they travel, which in some circumstances could influence them to leave the car at home and take public transport, and while they are on their journeys, through the variable message signs and the travel news broadcasts.

The traffic control centre proved a major asset during the heavy snow conditions that we experienced at the end of January this year. I shall deal in a moment with events that occurred the previous year. The centre enabled the agency's senior managers and myself to be kept fully informed about the ongoing situation on the network. It also provided valuable advice to road users about the prevailing conditions.

One of the criticisms concerned the reaction to the bad weather during winter 2002–03. It is an important part of any maintenance strategy that key routes are kept open and safe during the winter weather. That was a matter about which the Select Committee was rightly concerned and rightly critical during winter 2002–03, particularly the events of the end of January 2003.

The Committee pointed out that there were failures in planning, co-ordination, communication and equipment. I entirely share the criticisms that the Committee made of the Highways Agency and the contractors at the time. My hon. Friend pointed out to us in her opening remarks that people were trapped in vehicles for a very long time, and that was a matter of deep concern to me at the time. I am surprised that there were no collateral injuries to people who were exposed to the cold in their cars for such a long period.

In future incidents, traffic officers could in some circumstances act as the motorist's friend. We had an incident on the M42 this summer in the opposite kind of weather. It was extremely hot, with temperatures around 40° C, and people were held up for a few hours in their cars. There was a danger that they would dehydrate, particularly children and elderly people. The agency did a very good job helping to provide people with refreshment and water to keep them alive, literally, while they were on the road.

I can tell my hon. Friend that the agency has learned lessons from what occurred previously. I meet the Highways Agency on a monthly basis, at least. Every month one of the major issues on our agenda is the winter planning. The meeting that we had this week still had that on the agenda. We go through meticulously the criticisms that we received in the past and we review the ongoing planning for winter and events similar to those in the past. I can assure my hon. Friend that the agency has completely reviewed its guidance to its agents and contractors on the winter maintenance arrangements. It has also developed and tested contingency plans and better communication procedures. The agency held a contingency planning exercise to test its winter service, business continuity and contingency plans. I trust that the way these improved procedures kept the network safely open during January this year, when we had quite severe weather in parts of the country, will reassure the Committee and the House that the systems worked very much better this year.

We will not, however, be complacent on this matter. We have learned further lessons even from the 2003–04 winter, and they will be built into planning for next winter. That will include closer liaison with others, including local authorities and motorway service area operators, to ensure that there are no gaps with regard to where the responsibility of one party stops and that of another starts. One thing that we found this year was that the Highways Agency had done an excellent job in gritting and clearing the trunk roads and motorways, but when people went on to the local roads, they found that the local authorities had not always been able to do the same sort of job. Of course, that created problems throughout the system. We are now working very closely with local authorities to see how we can overcome some of those problems.

Mr. Paul Marsden: Do the contingency plans allow new contractors to be brought in at a moment's notice and in the space of a few hours if other contractors fail to do their job properly, as we saw them do in January 2003?

Mr. Jamieson: Even during 2002–03, the vast majority of contractors operated well and efficiently. A particular fault arose with one contractor in one aspect of its work. Clearly, it was manifestly wrong, there was inefficiency, and we will ensure that the contractor does not do the same thing again.

In the first instance, we are looking not at punitive measures, but at properly monitoring what contractors are doing and ensuring that they are doing what their contract says they should be doing, and doing it well. Previously, that was one of the weaknesses; we were not looking at the contracts sufficiently closely to ensure that they were doing the job. My hon. Friend the Member for Eltham (Clive Efford) also referred to this point. We have the proper monitoring of contracts, we are looking carefully at what contractors are doing and ensuring that they are fulfilling their obligations. The new contracts that will be introduced as the current ones gradually come to the end of their lives will be much more closely focused on performance, and there will be penalty points for contractors that are not meeting parts of their obligations. In those circumstances, they will not be paid for the work that they are doing. That will be one of the penalties.

If a contractor consistently fails in those circumstances, we can terminate its contract. I do not think that anyone would advise us to take such action because of some small deficiency while the snow is 3 ft deep on the motorway in January. The hon. Member for Shrewsbury and Atcham asked whether others could be

[Mr. Jamieson]

brought in. Of course, we have some mutual aid, so if there is a particular problem in one area, other contractors can move in and take over some of the work.

There will also be further improvement in how the agency and service providers communicate about the winter service decisions. They are also improving communication to drivers before and during journeys. The agency is building links with the Met Office to ensure that drivers receive consistent and meaningful messages about the weather. It is also reviewing the use of electronic signs and messages, as well as issuing an improved winter driving leaflet.

While I have concentrated on the way in which the agency is meeting the needs of the road user, I can assure the House that its activities are balanced so that the needs of communities and the environment are not ignored. As the hon. Gentleman said, the Highways Agency is the second largest planter of trees in England. At many road openings, I have seen special arrangements made to enable badgers to cross the road in tunnels. On one of the sites that I visited, I saw that about 59 water voles had been temporarily removed and sent in a charabanc off to north Devon; I think that I passed them when I was travelling down to my constituency, tootling along with their swimming costumes and with their surf boards on the roof. They will also be brought back. That shows the meticulous care that the Highways Agency takes in respect of livestock, birds and other animals, as well as trees.

We have set the agency challenging targets to ensure that the environment is properly respected. For instance, the agency is reducing traffic noise by resurfacing concrete roads with quieter surfaces, and at least 50 lane-km of concrete roads will be treated this year, bringing a welcome reduction in noise.

My hon. Friend the Member for Stafford asked about noise attenuation measures. We have put aside a ring-fenced budget of £5 million per year, and we are examining sites where we can put in noise attenuation measures, such as fences, bunding or whatever is appropriate. Obviously, we are dealing first with those sites where the number of people affected and the noise are the greatest, which has provided relief to certain communities.

On procurement, the agency delivers the majority of its services through third parties such as contractors, managing agents and consultants. Buying in such services is therefore an integral part of the agency's business, and it is at the forefront in that particular field. The agency's procurement strategy benefits the supplier industry, because it provides continuity and certainty, which was not available in the past, by allowing companies to plan effectively and, importantly, to train and retain skilled staff. The agency's procurement strategy also improves health and safety for workers and develops sustainable working practices.

My hon. Friends the Members for Crewe and Nantwich and for Eltham raised the issue of contracts. We have put more serious sanctions into the contracts to cover service failures, and, as I said earlier, it is possible to avoid contracts altogether.

The hon. Member for Shrewsbury and Atcham mentioned Thelwall viaduct, which is an unhappy case. The current focus is on replacing the bearings, more than 100 of which have failed or are failing. As we replace the bearings, we are determining whether the original contractor was at fault, and we will take the necessary action if we find that to be the case. The exercise has been expensive for the Highways Agency, and money spent on such repairs is money that we cannot spend more positively in other areas.

I have already mentioned the agency's use of early contractor involvement, which increases the scope for innovation, improves risk management and shortens construction periods. The first such contract, the A500 Stoke pathfinder scheme, is being built, and it will show the benefits of such contracts. The agency uses single point supply managing agent contractor contracts to cover winter maintenance. The maintenance contracts were developed in line with the best practice principles identified in the Egan report, and they are designed to reflect three principles: focus on service delivery, the Highways Agency's priorities and keeping the traffic moving. The maintenance contracts are securing continuous improvement in both supplier performance and service levels, and the Office of Government Commerce promotes their use.

In conjunction with the construction industry, the agency has also developed the capability assessment toolkit, which is being used to procure major capital improvement schemes and large maintenance contracts. It is an innovative, industry-leading initiative that assesses the management approach of companies that are interested in bidding for major contracts, and it is also a key factor in drawing up tender lists, where it is used in conjunction with assessments of the technical capacity, financial standing and past performance of companies applying to bid for work. The industry has reacted positively to that process.

I shall pick up the point, which relates to some huge issues, made by my hon. Friend the Member for Stafford about the M6. The M6 carries a volume of traffic that was not imagined at the time of its construction, and we have been forced seriously to examine that route. The M6 toll road has borne some fruit and taken a lot of car traffic off the motorway. The M6 up to my hon. Friend's constituency has improved considerably. We acknowledge that it is an important strategic route and the Highways Agency is currently investigating options for widening it. However, we must find the right solution to the problem. I am sure that my hon. Friend appreciates that it is a big problem, which would require considerable resources to put right.

Mr. Kidney: I thought that I could help the Under-Secretary by explaining that the previous Conservative Government had a plan to widen the motorway, consulted on it and cancelled it at the last moment. I believed that at least the technical issues had been sorted out. What is the delay? I picked up from my hon. Friend's response the worrying implication that the Government are considering whether to go ahead with the widening. That would be a strange development. Did my hon. Friend mean that?

Mr. Jamieson: No. We are considering a variety of solutions. I hope that they will become more apparent to my hon. Friend later this year. However, the problem is

especially great and may require some new thinking about the way in which we deal with such problems. I hope that that does not tempt my hon. Friend too much.

Mr. Chope: Will the Under-Secretary give way?

Mr. Jamieson: All right. The hon. Gentleman will doubtless tell us where he will find all the money.

Mr. Chope: Does the Under-Secretary's opaque reference to the M6 apply to all the other schemes to be considered for inclusion in the targeted programme of improvement?

Mr. Jamieson: The hon. Gentleman knows that that programme includes many schemes and could include many others. I cannot say today which schemes will be included—that is down to the assessment that is made of them. He might be surprised to know that it also depends on the amount of money that will be committed to programmes. He appears surprised to learn that the number of roads that we build is related to the amount of money that we put into the budget. I am surprised at his surprise.

Mr. Paul Marsden: Will the Under-Secretary therefore rule out the north-west relief road, which is proposed to surround north-west Shrewsbury? That would cost £42 million and be a complete waste of money.

Mr. Jamieson: I shall not rule that in or out today.

The agency has a challenging future. It has changed greatly since it was established 10 years ago. The challenge is whether it can provide safe and reliable journeys for customers. It has a customer focus, which means that it will further improve the management of the network and ease the impact of congestion on road users. There is some way to go but I am confident that the agency has been set the right objectives not only to meet the challenge but to achieve the Government's aim of a high quality, safe and reliable strategic road network.

I am grateful to my hon. Friend the Member for Crewe and Nantwich for giving us an opportunity to debate the Highways Agency. I am sure that we shall have other opportunities to discuss some of the issues. I assure her that the agency and the Department take seriously the points that were made in the report. We shall follow up with some vigour the issues that it properly raised.

Debate concluded, pursuant to resolution [21 June].

Questions deferred, pursuant to Standing Order 54(4) and (5) (Consideration of estimates) and Order [29 October 2002].

Taxis and Private Hire Vehicles

[Relevant documents: Third Report from the Transport Committee, Session 2003–04, on The Regulation of Taxis and Private Hire Vehicle Services in the UK, HC251–I, Fifth Report from the Transport Committee, Session 2003–04, on The Office of Fair Trading's Response to the Third Report of the Committee: The Regulation of Taxis and Private Hire Vehicle Services in the UK, HC418, and the Government's response thereto, Cm6183; The Department for Transport Annual Report 2004, Cm 6207.]

Motion made, and Question proposed,

That, for the year ending with 31st March 2005, for expenditure by the Department for Transport—

(1) further resources, not exceeding £5,665,964,000, be authorised for use as set out in HC 466,

(2) a further sum, not exceeding £5,144,950,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.—*[Paul Clark.]*

4.8 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): With the leave of the House, we unknown, up-and-coming Members of Parliament have to take every opportunity to get heard. I therefore hope that I shall be forgiven for introducing my Committee's second report.

My Government rely heavily on the theory that only by continually introducing competition to various services can high standards be achieved. I have reservations about that, especially in relation to state services such as the national health service. However, it is a sensible idea for transport.

Taxis are a form of transport that is not often debated in the House of Commons, and it is not always realised that they are not only part of the general transport system but an essential part of the system for a great many people, including those who do not own a car, and those who no longer drive or no longer have access to a car. Such people are very dependent on the provision of efficient taxi services, and that part of the transport system is always growing. It is therefore essential that the way in which taxis operate, the safety levels that they provide, the prices that they charge and, above all, the services that they offer are those that are required by the general public and are of a consistently high standard.

Because Her Majesty's Government have, in the past, been so reliant on the opinion of the Office of Fair Trading, the Select Committee on Transport was somewhat surprised to discover that the OFT had produced a report that seemed to suggest that it was no longer a good idea for local authorities to control the number of taxi licences issued in a particular area. A normal way of balancing supply and demand in such services is to ask local people what they want, and to place the responsibility for deciding the size of a particular fleet on an elected authority.

My own council, for example, decided some time ago, under a previous Administration, that it would be challenged if it sought to restrict the issuing of licences,

[Mrs. Gwyneth Dunwoody]

and there followed a period during which almost anybody with respectable traits—rather than people who did not comply with proper standards—was able to obtain a licence. That resulted in an extraordinary situation, in which there was not only an increase in the number of taxis but a drop in the number of private hire cars, which had previously not been allowed to ply for hire on the roads. That change was not necessarily to the advantage of the general public. I speak from personal experience as one who uses the taxi system in my constituency widely.

In Crewe, the large taxi firms that had provided a 24-hour service, including at difficult and sometimes unpopular hours—enabling people to get to railway stations or to get home safely at times when there were not large numbers of passengers looking for taxis—suddenly found that, following the issuing of large numbers of taxi licences, the emphasis was on providing lots of taxis at the times when there were lots of people available, but not on an equal basis right across the 24-hour period. So, if someone required a taxi late on a Friday, Saturday or Sunday night from one or two of the well known centres of entertainment, there would probably be a large number of taxis available, some of which would previously have been private hire cars. However, those services were not necessarily being provided at unpopular hours.

I therefore took a very personal interest when the Committee decided to consider the OFT's examination of the provision of taxi licences, and I have to say that the Committee found the report fairly disquieting. In the past, the OFT has been well known for the very high standard of its work, and the care with which it provided reports. Under Sir Gordon Borrie—with whom I had the privilege of working when I was an extraordinarily junior Minister of no import whatever in what was then the Board of Trade—the OFT had developed a very good reputation, not only for looking into the essential problems that were arising across the board, but for coming to measured and careful judgments based on fact.

I am not making a general assumption that all the OFT's work is now substandard, but the sad thing is that the Committee found that this report was frankly not one of which the office could be proud. Indeed, we found that, in many respects, the report was slovenly and did not seem to have been carefully researched. The research had not been undertaken by the OFT itself, but seemed to have been based on a ragbag of other people's research. Some of the research was done for completely different reasons, and then somehow aggregated into the report, which precipitated a series of decisions that boiled down to the fact that one way in which the travelling public could be assisted to get many more private taxis was to remove many of the responsibilities from local authorities, and to say, in effect, that almost anyone could have a licence if they complied with one or two very minimal conditions.

When we questioned the Office of Fair Trading, we were concerned about the quality of the research, as I have said, about the conclusions that it had reached, and that it had not given nearly enough weight to the views of local authorities. One of the responsibilities of an elected member in a particular borough, or town, wherever it is in the United Kingdom, is to know what their electors want and, certainly, to be aware of the conditions that apply in relation to the provision of transport. It seemed to us that the OFT had decided in a cavalier manner that local authorities should not have rights to place restrictions on the number of licences based on their assessment of need in a particular area but rather on a rather outdated view of the provision of competition, which had not been justified either by the OFT's report or the modelling that it had undertaken. Our inquiry session with the OFT confirmed that, and when we said one or two things that the OFT seemed to regard as at best disobliging and at worse cruel, it came out with a report saying, in effect, that we were all wrong and that we did not know anything about the subject. Well, it was precisely because we were concerned about the quality of its work that we asked it those questions, and we did not receive satisfactory answers.

I do not conclude from that that every inquiry into competition throughout the United Kingdom will produce a report that cannot be justified on the basis of facts and figures. In this particular instance, however, I repeat that we were clear that the Office of Fair Trading, which has a special responsibility and could destabilise taxi firms throughout the United Kingdom if it took the wrong decision, had not in this instance undertaken its research to an adequate standard. In some cases, it had been involved in very odd decisions. For example, in Cambridge, a university city, it had done this piece of work during the holidays. When we asked it why it had done so, it seemed to think that that was an unnecessary question. When we pointed out that one of the big users of taxis would be student populations, we did not really get a coherent reply. Indeed, some might say that we did not get a reply at all.

The Committee's report says plainly that for many women, elderly people and people who do not have access to cars, the taxi is not an indulgence or an expense but a fundamental way of getting to and from essential services such as doctors and shops. If there is not a proper taxi service available to everybody, across the board, at prices that they can afford, that is a definite drawback. It is not an abstract argument. This is a transport system that underpins the existing transport. In some areas, particularly where bus companies arbitrarily withdraw services on their own criteria, without, as far as one can see, considering the needs of the population, only people's ability to replace that with a taxi service, preferably at a reasonable rate, makes it possible for them still to enjoy a normal standard of life. It is therefore very important that we get this right.

I was not impressed with the original evidence from the Office of Fair Trading, and we have said why: the work was not well done, deeply researched or properly prepared. I was mildly irritated by the OFT's peevish response when we dared to criticise it. I am afraid that the House of Commons is here in order to criticise. Although some Members of Parliament might think that it is more important to notch up the number of television programmes on which they appear, I happen to think that it is more important to be here doing

detailed Select Committee work, looking at what we need for our constituents and defending their interests when the occasion arises.

Even if we are few in number today, the extent to which we make up for that in quality is so notable that I am sure that the House will not be surprised to hear how important I find this debate. I am grateful to the Minister for coming along this afternoon to discuss with us whither the future of the taxi service. We have to get away from the idea that only rich people use taxis. Rich people do not need taxis; ordinary people do. Ordinary people, at all stages of their lives, require access to taxis and private hire vehicles. Those are not the same thing. They perform different functions and it is clear that the ideas that the OFT was promulgating were neither soundly based, sensible nor, ultimately, defensible. That seems to me a sad comment on the OFT, and I hope that it will never do such a sloppy piece of work again.

4.21 pm

Clive Efford (Eltham) (Lab): I should like to preface my contribution by saying that I have been involved in detailed discussions on the taxi industry as a representative of the industry before entering the House—hon. Members will know that I am a former London taxi driver—and since I have become a Member of the House, particularly on the Private Hire Vehicles (London) Act 1998. I have to say that I find that the Department for Transport—although I do not mean the Ministers when I say this—is impenetrable when it comes to trying to get it to understand just exactly what the taxi industry is, what it stands for and what service it provides.

It is worth starting by trying to determine what a taxi is. It is a highly personalised transport service, but it is also an essential part of the public transport system. From my experience, I can tell the House that many main stations in central London would suffer enormously from the congestion of people and personnel on platforms and around stations were it not for the efficient way in which taxis can move people through those stations. Hundreds of people per hour can be shifted through a station rank as a result of the efficiency of our London taxi service. The failure to understand the contributions that taxis make in all sorts of ways to life not just in London, but in communities up and down the country, is at the heart of why we continually return to false arguments about what a taxi is and what the private hire industry provides.

It is clear what people want: an efficient service that is safe and affordable. We always return to the argument about what private hire is and what a taxi is. Page 2 of the Government response to the Select Committee report refers to an expectation, or assumption, that if we deregulate or derestrict the number of taxis in an area, there will be a flow of private hire drivers to become taxi drivers. That does happen now, as many private hire drivers are aspiring taxi drivers; but that is not an assumption that can be made. That demonstrates the false assertions and assumptions of which the Department is guilty in its response to the Office of Fair Trading. The Government have shown considerable sympathy for the position advanced by the OFT, though their final conclusion was to give local authorities the opportunity to determine numbers at the local level.

The private hire vehicle and the taxi provide the exact same service. Whether the vehicle is hired on the street and stops on the street, whether it is summoned through the telephone or pre-booked, the service provided is a door-to-door service that is exactly the same. It is important to recognise that if we are to discuss the taxi industry properly.

My view—it is a personal view and I would not suggest that others would necessarily support it—is that we should set a target date. I apologise to Conservative Members for referring to targets there. We should set a target date some time in the distant future when there will be a single system of taxi service throughout the country. We should set the standards for the vehicles, the drivers and the knowledge expected, establishing a framework to which all future drivers, proprietors and local authorities would have to adhere. Within that, there would be local frameworks of operation.

What would be the result? At the moment, several metropolitan districts require vehicles to have metropolitan standards of fitness—turning circles, size of vehicles, applicable tariffs and so on. If we were to require a greater degree of compliance with the metropolitan standards—they may need to be reviewed, but not dramatically changed—we would be opening up a much wider market for purpose-built vehicles. In the long-term future, that would enable us to provide wider variety and wider choice, allow us to meet a wider variety of disabilities through vehicle design—as suggested by the Disabled Persons Transport Advisory Committee in its evidence to the Select Committee—and reduce the cost of vehicles.

There is no doubt in my mind that the monopoly of London Taxis International—Metrocab until it went out of business—over the purpose-built vehicle industry enabled the company to name its price. Until we expand the demand for purpose-built taxi vehicles and open up the marketplace to a much wider area of demand, we will not have the necessary competition over designs that would force prices down. The inflation in the cost of the taxi to the driver has far exceeded any other costs facing the industry. We should deal with that problem.

Mr. Christopher Chope (Christchurch) (Con): If the hon. Gentleman is correct about London taxi builders, why has the matter not been referred to the Competition Commission?

Clive Efford: I cannot answer that, because I do not know what rules the Competition Commission would apply, but there is no competition. That is the point. There is only one company. It cannot be accused of restrictive practices, as it is not preventing others from entering the marketplace. The problem is that it is such a closed niche market that very few people have moved into it. The Nissan engine that was placed in the Fairway taxi about 12 years ago was the first purpose-built engine for taxi vehicles. Before that, there were ex-army engines that blew up when the engine blocks

[Clive Efford]

broke on them; earlier still, there was the transit engine. Throughout the history of the taxi, the design evolved, but no one bothered to construct a purpose-built engine for the job until Nissan designed one. That demonstrates that we need to generate wider demand for such vehicles to bring about greater competition, more efficiency in the vehicles and lower prices to the driver, which will lead in turn to fewer increases in the tariff to the travelling public.

I have said already that the Government have displayed considerable sympathy to the OFT's demand for derestriction in various areas. The Government have said that they are sympathetic to that, but it would be wrong to override local knowledge. Local authorities know what problems derestriction might cause at local level, but those are problems that the Government cannot foresee.

For instance, taxi enforcement officers made it clear in their evidence that derestriction in taxi numbers would cause massive congestion in the centres of some towns and cities because of the shortage of taxi ranks. I know from experience that taxi drivers, when business is slow, tend to stay at the ranks. Drivers can cause congestion by blocking access to stations and other areas, but sometimes they have to wait a long time before they find another job. Driving around merely burns up fuel and increases overhead costs, so it is inevitable that, in periods of low demand, taxi drivers will park their vehicles and wait. If there are too few ranks, there will be congestion in city centres. People with long experience of the industry and of taxi enforcement know that, but the OFT report ignored it completely.

It is clear that the OFT knew what sort of report it wanted to produce. It had predetermined that it wanted to promote a laissez-faire approach to the industry—a completely free market, open to anyone who met the required conditions. The OFT's evidence made it clear that it was ignorant of the trade, and that very little effort had been made to understand it.

I shall give an example of that. It is true that, because the tariff is a maximum, people can negotiate it downwards. I congratulate the OFT on getting one thing right, but the report suggests that people could agree a price in negotiations at the taxi window with the driver.

I can imagine what the result of that would be at some of the taxi ranks that I know, as late-night revellers—perhaps triumphant England football supporters celebrating victory in Portugal—negotiate with drivers the price that they are prepared to pay. The OFT suggested that a marshal would be needed to overcome any problems that might arise. The marshal would be expected to tell tired and emotional revellers what they would have to pay for their journey, or that they should join the queue for another vehicle.

We have all seen the Robocop films, but a taxi marshal would need to be as heavily armoured and to carry as many weapons as that character. That may sound cynical, but the suggestion shows the extent of the OFT's understanding of the industry. The OFT's approach was predetermined, and it tried to make its facts and figures fit accordingly.

In areas with restrictions on the number of taxis, services must undergo unmet demand surveys every couple of years or so. Those surveys determine whether there is unmet demand, and whether the number of taxis should be increased. The OFT criticised the surveys for being inefficient. They are mostly carried out by a company called Halcrow—yet the OFT commissioned the same company to carry out its own survey.

As my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) noted, the OFT visited Cambridge, but not at a time when the students were around. I know Cambridge reasonably well; I have visited it on many occasions. Even I can see that it would be beneficial to carry out a survey when the students are at college, not away from the city, to get a true picture of the demand there.

There is a catalogue of other criticisms. Initially the OFT set out to survey only the taxi industry. It took no heed of the existence of the private hire industry and its impact on the outcome of the surveys and the decisions that it might need to make about the industry. I questioned it about telephone hirings, which is a rapidly growing area of the taxi industry, but it took no account of the fact that that was a major part of both private hire and taxis.

The reason why hon. Members wait longer outside the House for a taxi to answer the light is that many taxis are pre-booked. People standing in the street may complain about empty taxis with the light out and no one in the back, but that is because it is increasingly a pre-booked service. That highlights the fact that the taxi and private hire industries are very similar and it is why the Mayor of London consulted and increased the excess after 10 o'clock at night. He wished to encourage more drivers to ply for hire on the street rather than be pre-booked through the radio circuits. I have made this argument over many years. The way to overcome the increasing trend towards pre-booking is to increase the fare when the driver first puts the meter on when people get in the cab. The radio services in the taxi industry have tried to keep the figure down because they want drivers to sign up for the radio service and not to ply for hire on the streets. That is where the problem comes from.

The backdrop to the debate is not only the OFT report but the other issue of major concern to the public, namely, safety. For many years I have argued with people about the way in which incidents are reported when someone is attacked in the back of a taxi. Too often, it has been reported that a taxi driver has attacked a member of the public, but when one looks at the detail, often it is an illegal hiring. It is invariably a tout who has picked someone up from the street and then attacked them in the back of the vehicle. We have failed the public by not reporting incidents properly.

When we debated the Private Hire Vehicles (London) Bill more than six years ago—something that has still not been implemented in London in full—the Government had plans to provide 20 enforcement officers across London. I pointed out that that would lead to a false sense of security among the public about how well regulated the private hire vehicle industry would be under the new legislation. Unless we have enforcement of a kind that can guarantee that a vehicle

is licensed, we will create such a false sense of security. We must take such issues into account when we consider derestricting numbers. If any hon. Member steps outside the House now they will be able to spot every licensed taxi that drives past, but they will not be able to spot every minicab that drives past. My point is that enforcement is much easier with purpose-built vehicles than ordinary saloon cars used as taxis and private hire vehicles. That goes back to my argument for moving to a one-tier system in the distant but not too distant future.

In conclusion, I wish to highlight one of the points that emerged in evidence to the Committee and that was acknowledged by the OFT. Over the past 25 years, the taxi industry has been the fastest growing form of public transport. It has grown by more than 40 per cent. since 1995. The OFT cannot conclude that that has been the result of the derestriction of the number of taxis in certain areas—although it tried to suggest that in response to the Committee's report. If that had been the case, it would have emerged from the OFT's surveys of the industry. That is a damning indictment of the OFT's report and its conclusions.

Not everything is perfect in the taxi industry. We could improve it in certain areas and we should endeavour to do so. However, blanket deregulation and riding roughshod over local knowledge—as the OFT has suggested—are not the answer. If it isn't broke, let's not try to fix it.

4.41 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I pay tribute to my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) and the other members of the Transport Committee for the work that they have done in closely scrutinising the OFT's report. I share many of the concerns that the Committee expressed about the quality of that report and the conclusions it reached.

Taxis and public hire vehicles play an important part in the lives of most of our constituents, especially in a city such as Plymouth, which has more than its fair share of low-income, non-car-owning households, with many vulnerable and disabled people who depend on such transport. We also have a lively night-time economy, in which taxis and private hire vehicles play an important part in getting people to and from the clubs and pubs. We also have a big student population and I recognise the comments made about Cambridge. At times when most students have gone home, demand for such vehicles is lower, but at other times there are not enough to go round. It is important to consider provision at the appropriate time in the season.

Cost is important, but so are the issues of safety and reliability. At least the Government have not opted for big bang deregulation in response to the OFT report. It will be up to local authorities to make sense of the local situation, in the context of their local transport plans. In Plymouth, the situation has always presented a challenge to council officers and councillors, and I wonder how they will respond to some of the challenges that the issues will produce locally in future.

I have two particular concerns, and I hope that my hon. Friend the Minister will be able to respond to them when he winds up. Plymouth has its own legislation on private hire trade issues—the Plymouth City Council Act 1975. The city council is unique in having the power to grant licences for the purpose of private hire, which, technically, gives it the right to limit private hire vehicle numbers. In practice, it chooses not to do so. However, local people are well aware that the council has that capacity and some in the private hire vehicle operator community have sometimes called for it to exercise that power.

Like my hon. Friend the Member for Crewe and Nantwich, I make wide use of taxis and private hire vehicles in my constituency. Over the years, a number of concerns have been raised with me that should leave us with no illusion that the relatively free market in the private hire vehicle sector compared to the taxi sector is by any means perfect. One of my constituents wrote to me about her current experiences of that trade. Her letter gave me cause for concern that a similar situation could arise for taxis if numbers are derestricted.

My constituent wrote:

"For the last two years I have been a private hire driver in Plymouth. For the first few months, it was great".

Then things became difficult for various reasons. She continued:

"Things started to pick up gradually and then started to go downhill again. I have realised now just what it is. There are too many private hire drivers and more pouring in each month."

When she phoned Plymouth city council, she was "absolutely amazed" to discover that there was no regulation to stop the issue of private hire licences, which was, she said:

"Something to do with freedom and democracy. Well, I'm all for that but not if it affects my weekly income."

She asked why people are allowed to go through the taxi schools run by some of the fleet operators in Plymouth when there is no work for them and existing drivers struggle to meet their bills. She described the difficulties in meeting those bills:

"If we were seeing small losses that would be acceptable, but in two years I have lost between £250-£300 per week and I put it down largely to the saturation of the market."

It is something to do with the market, but it is also to do with the way that some fleet operators suck some of the people they put through their driving schools into leasing vehicles with high maintenance costs. I am worried that we could have the same unrestricted market if we derestrict the numbers for hackney cabs.

Will the Minister look into that situation? If he goes ahead with the proposals in his action plan, will he ensure that the OFT and the Department of Trade and Industry give as much attention to the unfair competition aspects in the operation of the private hire market as they give to deregulation? Will he consider whether his Department could alert local authorities to look into such issues? He may tell me that they already have such a role, although I am not aware of it. However, if there is to be a greater move towards deregulated markets, perhaps he could provide guidance for local authorities on how to deal with such issues in the framework of competition legislation.

Secondly, will the Minister look into the position of the very worried black-cab drivers who have invested a considerable amount in their taxi business? They are concerned about the impact of the change on the value of their plates and the existing trade in plates. Unless local authorities are allowed to manage change sensibly,

[Linda Gilroy]

people who count on that as part of their retirement fund could face a sudden loss that might hit them very hard indeed.

I should like the Minister to say to what extent local authorities will be able to take account of such positions, given that, under the Government's proposals, they will have not only to review regularly but justify their decisions to continue to restrict licences. An article published in the *Financial Times* earlier this year shows just how unfair that would be. It was written by John Kay, who says:

"When licences are restricted, they acquire a value".

That value can vary. He says that

"in Crawley or Wycombe you may have to invest up to £50,000."

I suspect that the figure is prot ly a little less in Plymouth. He continues:

"The potential profit a taxi driver might derive from restrictive licensing through higher fares and fuller cabs is absorbed in the costs of servicing the loan needed to acquire the licence. Today's taxi drivers are no better off than if the restrictions on numbers of cabs had never been introduced . . . who does benefit from quantity licensing? The gains go to the people who were in business when the restrictions were introduced".

So a problem could arise if local authorities had difficulties in justifying deregulation.

We are all vulnerable with regard to our safety and, often, to our ability as consumers to know whether we are being taken all round the houses to get where we want to go. My hon. Friend the Member for Eltham (Clive Efford) referred to the difficulties that people face in trying to bargain over price; but, equally, if people turn up in a city or community with which they are not familiar, they do not know whether they are literally being taken all round the houses to get to their destinations. So there is scope for abuse.

I hope that the Minister will bear in mind the points that I have raised in ensuring that taxis and private hire vehicles can continue to serve our constituents' interests. On balance, at best, the benefits of implementing the sort of deregulation that the OFT envisages might be described as a cake that is not worth the candle and, at worst, such deregulation could open up a very nasty new can of worms.

4.52 pm

Mr. David Lepper (Brighton, Pavilion) (Lab/Co-op): I, too, congratulate my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), who is the Chairman of the Transport Committee, and the members of her Committee on their work—I was going to say, "for the demolition job that they have done", but it is, in fact, not a demolition job but a systematic, step-by-step taking apart of a wholly unsatisfactory piece of research by the OFT. We are all indebted to my hon. Friend and her Committee for the way in which they have approached the OFT report.

I will declare an interest. I am one of the few people in the country who not only does not drive, but has never learned to drive. I imagine that that can be said of few hon. Members. So to do my job—and, indeed, to do the job that I did before I was elected to the House—I have had to rely on public transport. I welcome the fact that the Government say in their response to the report that they consider taxis and private hire vehicles to be an integral part of local transport provision and that proper account should be taken of them in the local transport planning process. Like many other people, I regard taxis and private hire vehicles as important parts of public transport.

I echo the comments that my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) made about the investment that so many taxi drivers have made in setting up in the trade that they are engaged in. Given that investment, they must pay huge attention to the quality of the vehicle and its maintenance. The job that they do can be risky. My hon. Friend the Member for Eltham (Clive Efford) mentioned the ridiculous proposals about haggling over prices that were recommended as part of the OFT report. I would recommend that members of the Office of Fair Trading group that carried out the report come to West street in my constituency on a Saturday night and try to haggle at the taxi rank. I wonder how long they would last and whether they would be successful in getting a cab or would be set upon by others in the queue.

For taxi drivers themselves the job can often be risky. They do not know who they will be picking up late at night in our big cities—whether at a rank, when they are hailed or when they are sent in a private hire vehicle in response to a telephone call. All of us may well have heard from taxi drivers who, having taken a fare to a destination, are told by the passenger, "Sorry, mate. I haven't got any money with me." They can then get into difficulties trying to get the fare that they are rightly owed.

The OFT report shows no understanding of what the taxi trade is about and totally disregards the work that is going on locally in so many places to ensure that the quality of service offered by the taxi fleet is high. Let me put the report into the context of what has happened in my local authority area. Over the past three or four years, the taxi trade in Brighton and Hove has been through two upheavals. Two licensing authorities—Brighton and Hove—were eventually brought together uneasily when we became a unitary authority. Some leeway in the time scale was given for that process, but it caused concern and disruption to the livelihood of some taxi drivers.

Just a year or so ago, the licensing authority commissioned Halcrow to carry out research into significant unmet demand in the Brighton and Hove area. As we have heard, Halcrow not only carried out some work for the OFT but usually conducts research for local licensing authorities. There was haggling locally between the trade and council officers, but a plan was agreed as a result of the Halcrow report for the managed growth of the trade over the following few years. That agreement was not necessarily reached easily, but everyone knew where they were.

Then, in a matter of months, the OFT's report came along, disregarding completely the detailed local negotiations that went on all over the country of the kind that I saw from a slight distance in my constituency. The report caused a shockwave sufficient to bring out 270 drivers in the Brighton and Hove area in a convoy in protest through the city. I am not sure whether that was the best way for them to make their

point, but that was what they decided to do. Some 30 or 40 came up here to discuss the report and my views on it with them.

Managed growth is the key to a successful taxi fleet as part of the public transport network in any area. The people best suited to make decisions about the form that that managed growth should take are those on the local council and the local licensing authority, in consultation with local representatives of the taxi trade. In that way, we can end up with a system that is more likely to best suit the needs of the area. The underlying mistakes of the OFT's report—there were lots of mistakes—were to assume that one system was right for everywhere in the country, and to overlook totally the likely negative results of the delimitation of numbers.

I welcome the response to the OFT report. I also welcome the Department for Transport's decision that the delimitation recommendation at least should not proceed and its adoption of a more cautious approach than the OFT would have liked to many other recommendations. The taxi trade—I include in that the private hire trade—wants some certainty about the future. It does not want to think that every two or three years there will be another revision of how it does things. I think that local authorities want that certainty as well so that they can truly make their taxi fleets and private hire vehicles part of their local public transport network.

This is the second time in a couple of years that the OFT has considered an activity that is a business and a service. I also have in mind its report on community pharmacies. There are serious questions to be asked about the way in which it considers service industries of any kind. It shows glaring ignorance in both reports of the impact, or the likely impact, of its recommendations on the lives of the communities that we are here to represent. Although I welcome the response and, more cautiously, the approach adopted by the Department, there are wider issues on the remit of the OFT that might also need consideration.

5.2 pm

Mr. Paul Marsden (Shrewsbury and Atcham) (LD): I congratulate the Transport Committee, and not just because I am a member of it, on this very useful report. It demonstrates yet again the power of Select Committees. I also congratulate all hon. Members on their fine speeches: the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) showed robust leadership, the hon. Member for Eltham (Clive Efford) demonstrated his expert knowledge, and the hon. Member for Plymouth, Sutton (Linda Gilroy) showed her in-depth knowledge of constituents' concerns.

The hon. Member for Brighton, Pavilion (Mr. Lepper) raised a number of issues, not least that taxis and private hire vehicles offer a public transport service. That should never be forgotten. He also said that it can be overlooked that they provide safety for passengers. Those drivers are often put at risk, especially late at night. Having spoken to taxi drivers and private vehicle operators in Shrewsbury, I know that those isolated attacks can be frightening and have devastating long-term effects on the health and welfare of drivers, who provide such an important service.

Taxi drivers and private vehicle operators offer a vital service to local communities, especially those in rural areas. Where there are few bus, train or tram services and so on, or if those services are non-existent, taxis are the only recourse for people who cannot afford a car or who want the convenience of someone else driving them. Every time a bus service is altered in my constituency, it is often the elderly and disabled who have to turn more and more to taxi services to get them from A to B. I know of one case in which a route change to a bus meant the elderly taking taxis to the local hospital far more often. That is why it is important that the services are affordable.

Taxis do their bit for the environment. They reduce the need for car parking spaces and reduce congestion. As has been mentioned, they have been the fastest growing part of the transport sector for the past 25 years, with the greatest usage coming from those on low incomes, and disabled groups.

The problem with the OFT's report, which has been dissected by the Chairman of the Transport Select Committee, my hon. Friend the Member for Crewe and Nantwich, stems from a patent lack of understanding of how the industry works, and the fact that it is important that local decisions are taken by local people.

The OFT's report, which was published in November 2003, set out three recommendations, of which only the first was seriously put forward as a solution. The three were

"quantity regulation . . . quality and safety regulation . . . fare regulation".

It is key that it is the Office of Fair Trading, not merely free trading. It should be about making sure that it is a free and fair marketplace, not unfettered free trade. We do not want to see a derestriction of numbers, which will result in a lowering of regulations and a lowering of standards.

The Select Committee showed in its report a number of key faults of the OFT. It stated that it did not understand why the OFT did not ensure that its surveys matched its wider dataset, and particularly why it did not ensure that all the evidence relating to derestricted authorities was usable. I hope that the Minister will be able to explain why repeatedly the OFT did not seem to have robust and accurate data available. Likewise, when the OFT made the claim that the relevant basis upon which the decision to derestrict should be made was whether restricting taxi numbers benefited consumers today, its analysis robustly demonstrated that it did not, yet the Committee had to point out that that was based on flimsy evidence to do with waiting times.

The Committee also talks about the confusion of the quality of data. I hope that the Minister will be able to show the House that the OFT has learned from its mistakes. Page 2 of the Government's response states that they had concerns about the evidence. The Government, contrary to what the OFT were saying, stated that ultimately,

"local authorities are best placed"

to determine local transport needs. Why did the OFT seemingly make such a poor case, by basing it on poor data, in its report?

The Government also responded to the issue of best practice licensing guidance. They said in their response that advice on quality standards for vehicles to be licensed, covering the needs of disabled people, would be published. When will that advice be forthcoming?

[Mr. Paul Marsden]

Likewise, it is said that the situation will be reviewed in three years' time. It would be useful for the House to know whether that will be at the beginning or the end of 2007. As the hon. Member for Brighton, Pavilion said, stability is so important. Those in the industry deserve to know what will happen in future as soon as possible.

Taxis are not as polluting in some regards as other vehicles, but in other regards they most certainly contribute significantly to overall air pollution. To set this in context, I know that in Bejing city centre, 70 per cent. of taxis fail to meet even basic emission standards. That goes to show that we are making great strides in the EU and in Britain in improving air quality and reducing air pollution. However, as *The Scotsman* showed on 21 January, in a report to Aberdeen city council environment committee, the council's head of road management stated:

"There is a statutory requirement to tackle poor air quality because of the risk to human health."

The AA's view is that there is a real problem in Aberdeen city centre that is caused by old buses, old lorries and old taxis, and all diesel-engined vehicles in particular. The Commission for Integrated Transport has said that the retro-fitting of catalytic converters could be one of most effective ways of reducing emissions, although it would cost up to £500 per vehicle. Would the Government consider introducing an incentive for the retro-fitting of such converters to older taxis?

Elsewhere, there are robust attempts to tackle the problem of air pollution. In California, for instance, all cars, including taxis, in downtown Los Angeles are to be powered by alternative fuels, which would be a considerable advance on current EU standards. Diesel-powered taxis compare favourably with conventional taxis, as they emit only a third of the carbon monoxide and two-thirds of the hydrocarbons emitted by taxis with petrol engines. However, they emit twice as many nitrogen oxides and 10 times as many particulates, which affect people with asthma and breathing difficulties. Seventy-eight per cent. of particulate pollution in London is caused by road transport vehicles, of which taxis are a significant proportion. I welcome the fact that the Government have agreed to introduce new EU standards in January 2006 that will encompass taxis and halve the particulate emission rate. However, I urge them to look at older vehicles, because we want a thriving and robust taxi service that is nevertheless less polluting.

I will conclude with the concerns of the LTI and the industry. As has been said, the LTI has a virtual monopoly on the manufacture of vehicles, but it has said:

"Taxi vehicle manufacturers need to play their part in improving air quality and preventing damaging climate change."

It wants to increase the efficiency of diesel and petrol engines and decrease the pollution that they cause, and it urges manufacturers to consider the use of alternative fuels. However, it wants more encouragement and support from the Government to meet the ideal of zero emissions. I pay tribute to taxi drivers, particularly in London, who have the knowledge. The LTI asks for a review of

"antiquated administration and testing techniques"

and says that the Public Carriage Office should

"remove unnecessary delays from the Knowledge test process whilst not diluting the standard."

It is concerned about proposals for the rear loading of wheelchair users that threaten the security and safety of disabled people. I hope that the Minister can address those concerns and ensure that, above all, the OFT is rebuked for a clearly substandard report.

5.13 pm

Mr. Christopher Chope (Christchurch) (Con): I, too, congratulate the Transport Committee on its report, which has inspired a well-informed debate and influenced the decisions that the Government made in March. It is right that local licensing authorities should decide certain issues, as that is a true example of localism, which is supported throughout the country by Conservative authorities. We are delighted that there is to be a Conservative chairman of the Local Government Association as a result of our continuing success in local government elections.

Everybody loves a cabbie. Members of Parliament particularly love cabbies because they are a useful barometer of the political climate and are well informed about what members of the travelling public think. Now is an especially good time for Conservatives to travel in the back of cabs, as we are getting encouraging messages from cabbies.

It is interesting that, as has been pointed out in the debate, since 1995 taxis have been the fastest-growing form of public transport. It is significant that they are not subsidised. They are flexible and responsive. One can get a cab on Christmas day or in the early hours of the morning. One can get a cab more or less on demand, and it is not surprising that despite not receiving a subsidy, they meet the needs of the public. On the whole, the cabbie is an entrepreneurial, hard-working person. That is exactly what is needed in a dynamic industry that is consumer-facing, as the taxi trade is.

It has become apparent from the debate that for a taxi driver who has invested in purchasing a plate or the right to ply for hire in a particular locality, it must be worrying to think about the future. As was pointed out by the hon. Member for Plymouth, Sutton (Linda Gilroy), the only people who benefited from the introduction of restrictions on the number of cabs in particular localities were the people who were there at the outset, who were immediately able to sell their restricted right to ply for hire at a premium. Now that people have bought in under that system at premium rates, it is difficult see how the local licensing authorities can be fair in relaxing those restrictions while at the same time preserving the investment of those who purchased the plates.

Despite the flexibility and the growth in the taxi service, there are times in parts of the country when there still is not an adequate taxi service. That is the case in London in the early hours of the morning. If there were an adequate taxi service at that time, there would not be a proliferation of unlicensed minicabs. It is a difficult matter to enforce. I wonder whether thought has been given to the possibility of licensing a particular type of cab so that it can ply at particular times of day. At present, understandably, relatively few cabbies want

to be out at 2 am, when they can earn no more than if they were out at 10 pm. There is a problem of demand exceeding supply.

Clive Efford: There are many types of taxi driver and they fill different niches in the industry. Many choose to work nights because they prefer the free roads and the speed with which they can get work done. They earn very good money indeed working at night, so it is an attractive type of work in the industry. It is not necessarily the case that there are fewer cabs on the road at night because of the lack of trade.

Mr. Chope: I bow to the hon. Gentleman's great knowledge of the subject. I, no doubt like him, have often left functions in London late at night or in the early hours of the morning and looked in vain for one of those cabs to which he refers, yet have found myself being offered the services of unlicensed minicab drivers, who draw up alongside, see someone in a suit and think, "There's the opportunity for a rip-off exercise." In my experience, there is a mismatch between supply and demand, particularly in the early hours of the morning.

It is clear that in certain parts of the country, the cost of taxis is a significant burden for people for whom no public transport is available. In many areas, there is no true bus or rail alternative, and taxis are effectively the only form of public transport. They can be a pretty expensive option, so affordability is an issue.

I hope that the Minister will respond to the points that have been made, which come from a knowledgeable group of participants. The hon. Member for Shrewsbury and Atcham (Mr. Marsden) referred to many of the points that LTI Ltd. made in its briefing. I hope that the Minister will respond to the points that the hon. Gentleman raised, but I should like to add another—the metropolitan conditions of fitness review. LTI Ltd. is concerned that the metropolitan conditions of fitness should not be altered so as to remove the very tight turning circle that London cabs enjoy. I am a proud Volvo driver. The Volvo has a pretty good turning circle, but even its turning circle is not as good as that of a London cab. LTI makes a very good case on the grounds of reducing congestion and allowing flexibility, particularly in London circumstances, for maintaining the standard conditions of fitness.

Although the hon. Member for Eltham (Clive Efford) argued the case for national standards, there are different circumstances in different parts of the country. In some areas, there are many part-time taxi drivers. Such drivers may run garages during the day, for example, and offer a taxi service on an occasional basis. In London, taxi driving is very much a professional's activity.

Mrs. Dunwoody: Surely, the reality is that we should have a set of standards enabling somebody who has a mobility difficulty, a pram or a lot of difficult parcels to use a taxi. All those needs are much better catered for by a proper, agreed design and by vehicles that have large doors and proper access, which mean that people can use any available vehicle. We should not be saying that people throughout the country can accept different standards, as they face the same sort of problems wherever they are.

Mr. Chope: The hon. Lady is right that the problems of a disabled person who wishes to go to a particular destination are the same anywhere in the country, but we would not want to introduce a system that restricted entry into the cab trade by imposing a very high barrier in terms of providing an expensive vehicle. Sometimes, such a vehicle will be used relatively infrequently, perhaps because of the remoteness of the location where it is kept and used. Would we really want to penalise villagers in remote locations where nobody can afford the capital investment that is required to purchase a cab of a standard similar to those in London? London cabs can be used by a series of drivers almost 24 hours a day.

I submit that we need to maintain some flexibility and common sense in these matters, so that the consumer is advantaged and will not be precluded from having the important mobility that we all cherish, yearn for and wish to extend to as many people as possible.

5.23 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): I congratulate my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), as others have done, on choosing taxis as the subject of the second part of today's debate. They are a very important transport mode in the wider context of integrated transport strategies, and they are all too infrequently debated in this place.

The Government are dedicated to delivering better transport, and taxis and private hire vehicles, which are sometimes called minicabs, have an important part to play. I demur from the point made by my hon. Friend the Member for Eltham (Clive Efford) about the Department for Transport somehow being a black hole or a dead zone in terms of taxis and PHVs. If my hon. Friend and others read the body of the Government response to the OFT report, they will find that it is more at one with the Transport Committee than it is with parts of the OFT report, so I did not understand the point about the impenetrability of the DFT on taxis. We broadly agree with the Transport Committee that the relationship between PHVs and taxis is a lacuna in the report, and I shall return to that matter in a moment.

I shall start at the same point as my hon. Friend the Member for Crewe and Nantwich by acknowledging the invaluable service that the taxi and private hire industries provide to the people of this country. I shall tell a short anecdote, which may add to the point made by my hon. Friend the Member for Eltham. I met representatives from the taxi trade shortly after I joined the DFT. Hon. Members who are familiar with the fifth floor of Great Minster house will know that it is replete with pictures of various transport modes such as planes and buses in all their respective glory. After one meeting, colleagues from the taxi trade went up and down the corridor looking in vain for a picture of a black taxi. However, if one goes up to the fifth floor now, a photograph of a black cab in all its splendour is on the wall straight outside my office, although perhaps that is part of the problem raised by my hon. Friend.

My hon. Friend the Member for Crewe and Nantwich made the important point that taxis and PHVs are not only for the rich—far from it, because the rich can afford

[Mr. Tony McNulty]

alternatives. In the more deprived parts of our towns and cities, taxis or PHVs may be the only form of transport that people can rely on. Furthermore, taxis or PHVs provide safety, security and reliability. Even in areas where the transport network is well developed, PHVs and taxis complete the tail end of journeys from the railway station to locations such as the home or hospital.

The use of taxis or PHVs is not linked to affluence. As a matter of record and research, people in the lowest income groups make the most taxi trips, so taxis and PHVs are vital in tackling social exclusion to enable the most marginalised members of society to access services and a quality of life that many of us take for granted.

In that context, it is not surprising that, as many hon. Members said, the taxi and PHV industries have experienced some of the greatest growth rates for any transport mode over the past 20 years, and that is true not only in cities, but in rural communities as well. Taxis and PHVs provide opportunities for entrepreneurs to innovate, which is why we relaunched our guidance "Flexible Transport Services" in 2002. The guidance explains the various options that the law allows and provides many examples involving buses, taxis and car-sharing schemes. We want people to utilise taxis and PHVs to fill the gaps. Even if nothing else emerges, it would be a broad advance if hon. Members were to leave this debate with the notion that taxis and PHVs are key to an integrated transport system, and that the DFT treats them as such.

It is most important that transport authorities outside London consider taxis and PHVs as fundamentals in any local transport plan. To aid that—I freely admit that the first round of transport plans contained a gap on taxis and PHVs—we shall produce model local taxi-PHV policies for the next round of local transport plans in the taxi-PHV best practice licensing guidance, which I shall return to later and which was part of the response to the OFT.

Aside from which party is in power, for the first time we shall reach a stage where local transport plans, which are the key resource allocation packages, routinely include a strategy that places PHVs and taxis at the heart of every community outside London's local transport planning strategy.

Let us consider the Office of Fair Trading's market study into taxi and PHV services. It is not for the Government to comment on the OFT's choice of subject for the study—that is a matter for the OFT. Beyond our response to the report, it is not necessarily my place or that of the Government to go into the same amount of detail, robust or otherwise. It is up to us to respond to the substance of the report and consider its recommendations carefully. To that end, it is appropriate to commend my hon. Friend and the Committee for producing two reports that helped greatly in our consideration of the OFT taxi and PHV study.

One or two hon. Members have alluded to the influential nature of the reports, of which we took full cognisance. As hon. Members know, my right hon. Friend the Secretary of State responded to the OFT on behalf of the Government on 18 March by means of a written statement. We responded to the two Transport Committee reports last month.

Our response to the OFT included an action plan for taxis and PHVs that we are now taking forward. Although we accepted many of the OFT's recommendations, we concur with the Committee that local authorities are best placed to make local decisions in the light of local needs and circumstances. Many colleagues made that point in a far more erudite fashion than me.

I was struck by the experience of hiccup and disruption outlined by my hon. Friend the Member for Brighton, Pavilion (Mr. Lepper), first through the merger of Brighton and Hove into one unitary authority. The new joint unitary authority conducted a survey of unmet demand, but there is a fear that the Government's response will cause great disruption for the third time. We shall send a letter to all local authorities and, without wishing to pre-empt Brighton and Hove, I should think that, given the detailed work that was conducted last year on a managed growth strategy and the amount of local detail in it, the Government would not seek to change the position that prevailed under it after the survey of unmet demand. Brighton and Hove's strategy appears exemplary and something that we would request of all local authorities that would like to retain quantity controls.

We start from the premise that quantity controls are appropriate given local circumstances and that any change to the position should be in local hands and determined by local people. It is entirely justifiable to say to local authorities, "You know the local market far better than we do and the unmet demand that exists in your area. Please tell us in simple language, because we are simple folk at the Department for Transport, why you think restrictions should remain." In most circumstances, that should be a straightforward exercise for most local authorities.

We therefore concluded that it was not the role of central Government to take away local discretion on the number of taxi licences granted by local licensing authorities, as the OFT recommended. For the reasons that I have outlined and that have, I believe, all-party support—local knowledge and autonomy for local government—it is appropriate for local discretion to remain. However, it is right and proper that local authorities first justify maintaining the restrictions. I stress that approximately half of all local authorities have such controls. I make it clear that the power to restrict taxi licence numbers in England and Wales outside London will stay with local government. I emphasise a point that perhaps the OFT overlooked. There are already two or three discernibly different sorts of market for taxis and PHVs.

As I have said, about half the authorities have no restrictions, including London—although London has a different regulatory framework. Some authorities—although not a whole lot—have reviews on a regular basis. Others decide, after exhaustive annual research, that they should allow 10, 20 or 30 more licences a year—this might be a bit of a caricature—thus allowing the same level of increase on a yearly basis as a sort of escape valve for the unmet demand. Other authorities go further and have restrictions in place which they review perhaps less than once a year.

So we already have a disaggregated market, rather than the pure market that, if I were being less than kind, I might say that the OFT report seemed to suggest that we had. We are very comfortable with the notion that things should stay local. We have already written to all authorities that have restrictions in place, not to ask them to justify their position—"justify" is the wrong word—but simply to substantiate why carrying on having restrictions is appropriate. If they are anything like Brighton and Hove, they will be able to answer that question in very short order.

Clive Efford: I understand why my hon. Friend has written to those authorities that have restrictions on numbers to ask them why that might be the case, and to assess whether it is necessary to continue to operate restrictions, but has the Department also written to those authorities without restrictions to ask whether they felt any need to cap the numbers because problems were being caused in their local area?

Mr. McNulty: My hon. Friend makes an entirely fair point. In the first instance, the answer is no. We have written to those authorities that have restrictions in the context of our response to the OFT report. They will need to reflect on whether they should have restrictions in the context of their local transport plan, and of how the PHV and taxi plan fits into it. It is not for us in the first instance to ask those authorities without restrictions why they do not have them, because that is beyond the purview of our response to the OFT report.

Mrs. Dunwoody: That is a perfectly reasonable attitude to take, as long as the Department is aware that some authorities that had initially deregulated found that the ensuing chaos did not provide a better service—in fact, it resulted in a much worse one—and sought a form of re-regulation. I know that my hon. Friend is as concerned about this issue as I am, and I would ask him to ensure that, when the Department decides which attitude it is going to take, it bears in mind the fact that it is not always simply a question of removing restrictions and saying, "Fine, this is the market and it works better." Sometimes, it works much, much worse.

Mr. McNulty: In the wider context, I would accept that argument. I would expect authorities that sought to put restrictions back in place to justify that decision in the context of how taxis and PHVs fitted into their overall local transport strategy. I would guess—this can only be a guess—that if a PHV and taxi strategy had been at the heart of local transport plans years ago, when deregulation first took place, people might have thought twice about that deregulation, because they would have been able to see how it fitted in with all the other aspects of transport in their area.

As I was saying, we have written to those authorities that have restrictions in place, and they should at least be able to tell us whether there is unmet demand for taxis in their area and whether they have plans to grant new taxi licences accordingly. That has essentially been the legislative position for the last 20 years. We have asked all the local authorities concerned—fairly, I think—to respond by 31 March 2005. We have also made a commitment to review the position in this regard in three years' time, with a view to taking further action if needed.

Clive Efford: I do not want to labour this point too much, but in the Select Committee's second report—in our response to the OFT's response to our original report—we point out that the modelling suggests that local authorities with entry regulations in place are likely to have lower regulated fares. Bearing that in mind, it would seem logical for authorities without restrictions to consider whether their policy works in the best interest of the consumer.

Mr. McNulty: They may well do, and it is an entirely fair point, but I will not prescribe how each local authority, with or without restriction, should respond to their local circumstances. That is precisely counter to the theme running through our response to the OFT, which is that local people should discuss local circumstances and come to local remedies within the legislative framework, and within the context of the guidance that we will issue. That is the way matters should go forward, for both those with and without restrictions.

Mr. Chope: The Minister said earlier that the issue was not one of justification, and yet the Secretary of State for Trade and Industry, in a written statement in March, said that

"the Government believe that local authorities should publish and justify their reasons for restricting the number of taxi licences issued."—[*Official Report*, 18 March 2004; Vol. 419, c. 34WS.]

Mr. McNulty: Well, that was terribly well spotted by the hon. Gentleman. I meant justified in the context of standing up on a pile of bibles and discussing in public policy terms why it is appropriate that restrictions should be maintained. That was the tone of at least some of the contributions. Of course, they must justify. We will not write to them to ask what their policies are—we know what they are. Justification is to be in the context of the latest unmet demand survey, how taxis and PHVs fit within overall local transport strategies, and in relation to all the reasons that I have suggested. I thought that we were having a serious debate about the OFT report and our response to it, rather than a silly little game of call my bluff. But there we have it.

We have accepted the OFT's recommendations to produce best practice taxi-PHV licensing guidance because we consider that that should help local licensing authorities with a range of licensing issues. There will be full consultation on draft guidance before a final version is published—by the summer, I hope, but we shall wait and see. The guidance will cover most licensing issues, including quantity controls—in the context that I have set out—taxi fare setting, and, as I said earlier, a model local taxi-PHV policy framework for the local transport plan process.

I should stress that this guidance will of course be on a voluntary basis: ultimately, licensing decisions are matters for local authorities and they will remain so, in the current legislative framework—there was at least a nuance in some Members' contributions that somehow we are about to introduce new legislation, which I know was one of the OFT's recommendations. We have no

[Mr. McNulty]

intention of introducing new legislation, and we feel that what we want to achieve in our response to the OFT, and in terms of maintaining the local dimension, can be done within the existing legislative framework and within the guidance.

I have already mentioned the importance of taxis and PHVs to socially excluded groups, which is a very strong point. I would now like to say something about their importance to disabled people. Taxis are the form of public transport on which many disabled people depend most. Although they generally travel less often than others, for obvious reasons, when they do so, they make proportionately much greater use of taxis. That is why we encourage local licensing authorities to introduce local policies for accessible taxis before we make accessible taxis mandatory. As I announced last October, we are pursuing a policy that would see regulations introduced in many areas between 2010 and 2020. We are currently considering research findings, which will inform those technical regulations. In the meantime, we have already regulated to ensure that taxi drivers and PHV operators and drivers are under a duty to accept assistance dogs travelling with disabled people and to carry those animals free of charge. That said, of course, there is still much that we can do generally as regards taxis and PHVs before 2010.

Enforcement is of major importance, so that the taxi and PHV trades are seen to be for legitimate, licensed drivers and vehicles only. We are determined to crack down nationwide on the touts who jeopardise the legitimate taxi trade and encourage all police forces to give this problem the priority that it deserves. In London, for example, a lot of time and effort is going into combating touting.

Mr. Lepper: I hoped to catch the Minister before he left the issue of disabled taxi customers. Many of my disabled constituents who use taxis feel that one style of vehicle is not necessarily appropriate for all disabled travellers. Many people with disabilities would prefer and find it easier to use a saloon car than, for the sake of argument, a London-style black cab. Does the Department accept that that is so?

Mr. McNulty: We do. That is absolutely right, and the Disabled Persons Transport Advisory Committee and others who have done significant research would say quite freely that although the London hackney-style configuration is very useful, certainly for wheelchair access and a range of other disabilities, it is not the 100 per cent. all-singing, all-dancing, all-purpose vehicle for every single form of disability. Without going into the matter too much, that is why I profoundly disagree with the suggestion of a one-tier taxi. My hon. Friend the Member for Brighton, Pavilion (Mr. Lepper) is entirely right, not least in that the design of some saloons—those taxis that are more like people carriers—is far more appropriate and convenient for those with impaired mobility but who are not in wheelchairs. The whole array of different saloons that are on offer means that it does not follow that only one model is appropriate.

I want to dwell momentarily on touting. I recently went out on an anti-touting exercise to see for myself the good work being done by the enforcement authorities. I stress that we must not be complacent about the touting problem, but must continue with initiatives such as the recent decision to make the touting offence recordable, to deter persistent offenders. Such high-profile measures contribute greatly to making passengers feel safe when travelling by taxi and PHV.

To those in London and other urban areas who are tempted after an enjoyable night to jump into the first car that pulls up outside the nightclub, I take this opportunity to say, "Don't do it, because you do not know what you are getting into." Unless that is a properly licensed cab or PHV that has been ordered for that customer, they do not know whether it is licensed, whether the driver has a licence, whether it is insured, whether it is roadworthy or whether or not the person behind the wheel is violent or a sex offender. Many people, not least young women—it frightened me when I saw this when out on the exercise in London—are jumping into the backs of cars that are in one form or another potential death traps. They simply should not do that, however much they are tempted simply to get in the car and go home.

Clive Efford: I could not agree with my hon. Friend more on that point. Does he agree that the reporting of those incidents is essential to ensure that people are made fully aware that it is an illegal tout that is the cause of the problem? When people understand that, they will be more wary of getting into those vehicles.

Mr. McNulty: That is absolutely right. Far too often, touting is reported as a problem of the minicab or PHV sector, when it is not. Some of the most vociferous calls for more to be done to raise awareness and change the regulatory framework to stop touting—such as making the offence recordable—come from the legitimate end, which is overwhelmingly the largest, of the PHV industry. This problem is not about dodgy minicab drivers, but about unlicensed touts who should not be plying their trade in the first place. I was grateful when I went out on the exercise that not only police but benefits officers and people from a range of other public agencies were in tow. Rather than just catching touts whose cars were unroadworthy or had no insurance, those officers caught the odd person who according to their records had been in bed ill for three months, or who had been taking disability allowance and not worked for a number of years. That was a good example of joined-up working.

Some of the anomalies in the regulations that govern taxis and PHVs in and out of London still need to be addressed, as and when they are pointed out to us. This is an enormously complex area with much of the legislative and regulatory framework going back to Victorian times. We will seek to do something about those anomalies.

There is a little loophole in the Private Hire Vehicles (London) Act 1998—a fairly recent piece of legislation—which we want to deal with when we get the opportunity to do so. The 1998 Act, as my hon. Friend the Member for Eltham suggested, provides a framework for the licensing of private hire operators, drivers and vehicles in London. It was introduced as a private Member's Bill with Government support. The objective was to introduce a system of licensing for private hire vehicles in London, thereby bringing the

capital into line with much of the rest of England and Wales, where touting is less of a problem precisely because that sector has always been licensed.

The Act was framed initially in terms of giving the Secretary of State the power to appoint a licensing authority. However, under the Greater London Authority Act 1999, responsibility for private hire and taxi licensing in London was transferred from the Secretary of State to the Transport for London organisation. TFL is introducing private hire licensing in three phases. Operators must have held licences since 2001; driving licensing was introduced last year; and vehicle licensing has just been introduced earlier this year. Special arrangements are in place to ensure a smooth transition to a fully regulated system, hopefully by 2006.

TFL and the trade have requested a change to the 1998 Act in order to close an apparent loophole that allows operators and drivers to work within the licensed structure without being licensed. The existing definition of private hire vehicle requires a vehicle to be licensed if it is made available to the public. Some operators and drivers who service contracts with hospitals, schools and so forth—often serving the most vulnerable people—are avoiding licensing by using the argument that they are not making their vehicles available to the public. A number of contract workers are therefore still operating unlicensed.

TFL and others, including the GMB, have been told that the Government intend to rectify that problem as soon as parliamentary time permits. I will certainly seek to do all that I can in that regard. It may be possible to test the difficulty more readily under the law, but small areas of law like that can have profound consequences for our attempt to put a fully licensed system in place in London, so they should be dealt with at the earliest opportunity.

Significant progress has been made in our understanding of where taxis and PHVs fit into the wider transport network. That is all to the good and the excellent reports from the Transport Committee also help in that regard.

There are a variety of views about the Office of Fair Trading report, and no one who has contributed to the debate has been shy in giving the House their full understanding of it. We believe that our response underlines the fact that we need to deal more fully with certain issues such as guidance across the range of issues that I have outlined. The first key recommendation about quantity control was important. Hon. Members have stressed the significance of the local dimension, local knowledge and local understanding of local markets. We take that point entirely on board, which is why we responded to the OFT report as we did.

I hope that the OFT report and the Government's response to it has, if nothing else, highlighted the crucial importance of taxis and PHVs throughout our communities. I hope that those who have expressed an interest thus far or those with a longstanding interest in the sector will understand all that we are trying to do in respect of the wide-ranging guidance that we will be issuing to the licensing authorities. They will know how licensing authorities already restrict some controls and will see how they respond to our initial suggestions.

We anticipate a rolling programme on a three-yearly basis. We have not yet determined the time frames. However, we are asking authorities by letter to respond by the end of March next year and we intend to respond to those responses by the end of April. The three-year rolling programme of review would start at about that time. I do not believe that the duties involved are too onerous.

Mr. Kelvin Hopkins (Luton, North) (Lab): I am sorry to have missed most of the debate, but I have heard much of what my hon. Friend has said. I agree with the thrust of what the Government are doing. I want to ensure that there is a good provision of taxis and PHVs, as many people cannot afford—or do not want—to use cars. They depend on taxis where there are no public transport services. Many people who choose not to own motor cars depend on public transport, and fill in the gaps with taxis and PHVs. It is most important that the Government promote that option.

Mr. McNulty: I do not disagree with that. I am sure that there is a good reason to explain why my hon. Friend was not present earlier, but if he had been here he would have heard my hon. Friend the Member for Brighton, Pavilion confess that he has never driven a car and that he does not have a licence. He manages very well without a car, and would like to continue to do so with the help of a strong and vibrant PHV and taxi sector.

My hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) spoke about Plymouth's unique position, thanks to the 1975 Act that she described. In the first instance, Plymouth council must resolve the matters that she raised. I hope that the guidance that we issue will assist in that regard, as will an exhortation from me—to put it no more strongly—to Plymouth and everywhere else that a PHV and taxi regime has an important place in any local transport plan as part of an integrated transport strategy. I await the city's responses to our requests.

Linda Gilroy: I am not sure that I heard my hon. Friend correctly earlier, but is that guidance out for consultation? If it does not cover some aspects of the operation of the market in Plymouth, will he accept representations, from me and the city council, in search of clarification?

Mr. McNulty: I hope that the guidance will be out by the summer, and I assure my hon. Friend that it will be available for consultation. I do not want to pre-empt it, or Plymouth's reaction to it. Plymouth occupies a legislatively unique position, having its own Act to cover taxis. It would be churlish of my Department not to listen to what people have to say about that narrow legislative framework, and to see what gaps there may be in the guidance.

We have discussed in some detail matters that go slightly wider than the OFT's report and the response to it from the Government and the Select Committee. The debate has been very worth while. I do not want to be too critical of the OFT report, as it came to some good conclusions that we have, broadly, taken on board.

[Mr. McNulty]

However, any omissions in it stem from the fact that there is not a universal and pure market for taxis and PHVs, as the situation varies between towns and licensing authorities. As the Select Committee response notes, there is wide variation in the relationship between the PHV and taxi sectors. Some people never see a hackney cab until they come to London, whereas others have no understanding of experience of minicabs.

The local peculiarities faced by each licensing authority mean that our decision to leave determinations of quantity restrictions at local level is the right way forward. I think that I heard the hon. Member for Christchurch (Mr. Chope) express agreement with that, on the grounds that it is a splendid example of the new Conservative localism.

All of a sudden everything is left to the local community. He has clearly pointed out that he understands the word "justification", although not the notion of nuance or irony, but he might just go back to the dictionary and look up the word "hubris"—I will spell it for him if he wants—in telling us how wonderful—

It being Six o'clock, MR. DEPUTY SPEAKER *proceeded to put forthwith the deferred Questions relating to Estimates which he was directed to put at that hour, pursuant to Standing Order No. 54(4) and (5) (Consideration of estimates etc.) and Order [29 October 2002].*

ESTIMATES, 2004–05

Resolved,

That, for the year ending with 31st March 2005, for expenditure by the Department for Transport—

(1) further resources, not exceeding £5,665,964,000, be authorised for use as set out in HC 466,

(2) a further sum, not exceeding £5,144,950,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.—*[Charlotte Atkins.]*

ESTIMATES, 2004–05

Resolved,

That, for the year ending with 31st March 2005—

(1) further resources, not exceeding £195,591,528,000, be authorised for use for defence and civil services as set out in HC 466, HC 467, HC 468 and HC 469,

(2) a further sum, not exceeding £177,378,551,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs of defence and civil services as so set out, and

(3) limits as set out in HC 466, HC 468 and HC 469 be set on appropriations in aid.—*[Charlotte Atkins.]*

Ordered,

That a Bill be brought in upon the foregoing resolutions: And that the Chairman of Ways and Means, Mr. Chancellor of the Exchequer, Mr. Paul Boateng, Dawn Primarolo, John Healey and Ruth Kelly do prepare and bring it in.

CONSOLIDATED FUND (APPROPRIATION) BILL

Ruth Kelly accordingly presented a Bill to authorise the use of resources for the service of the year ending with 31 March 2005 and to apply certain sums out of the Consolidated Fund to the service of the year ending with 31 March 2005; to appropriate the supply authorised in this Session of Parliament; and to repeal certain Consolidated Fund and Appropriation Acts. And the same was read the First time; and ordered to be read a Second time on 28 June 2004, and to be printed. [Bill No.121.]

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9)(European Standing Committees),

ESTABLISHING A EUROPEAN DEFENCE AGENCY

That this House takes note of the unnumbered explanatory memorandum of 26th May 2004 from the Ministry of Defence on the Council Joint Action on the establishment of a European Defence Agency; endorses the Government's support for the Council Joint Action to create the European Defence Agency and its swift implementation; and supports the Government's wider aims in seeking a key role for the Agency in the development of European Union military capabilities.—*[Charlotte Atkins.]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Tuesday 29th June,—

(1) proceedings on the Motion for the adjournment of the House relating to London schools may continue for three hours or until Four o'clock, whichever is the later, and shall then lapse if not previously disposed of; and

(2) the Speaker shall put the Questions necessary to dispose of proceedings on the Motion in the name of Mr Edward Leigh relating to Public Accounts not later than Seven o'clock or three hours after their commencement, whichever is the later; proceedings may continue after the moment of interruption; and the Orders of the House of 28th June 2001 and 6th November 2003 relating to deferred Divisions shall not apply.—*[Charlotte Atkins.]*

DELEGATED LEGISLATION

Ordered,

That the Horse Passports (England) Regulations 2004 (S.I., 2004, No. 1397), dated 19th May 2004, be referred to a Standing Committee on Delegated Legislation.—*[Charlotte Atkins.]*

PETITIONS

Hospitals (St. Albans)

6.2 pm

Mr. Kerry Pollard (St. Albans) (Lab): I bring a petition from many thousands of residents of St. Albans and the surrounding areas which

declares that there is a need for a new acute hospital and centre of excellence—

to include a cancer centre—to serve the community of central Hertfordshire and

that there should be a medical school linked to the University of Hertfordshire and that St. Albans City Hospital should continue to provide non-acute services.

We are grateful for the help of the *St. Albans Observer* in this petition.

The petitioners remain, etc.

To lie upon the Table.

Pets

6.3 pm

Janet Anderson (Rossendale and Darwen) (Lab): Thank you, Mr. Deputy Speaker, for allowing me this opportunity to present a petition of more than 1,000 signatures which have been collected by my constituent Miss Murielle Elliot of 7 Foxhill drive, Rossendale. The petition of residents of the Rossendale valley

Declares that a great many pets—

particularly cats—

have been stolen from their owners in the Rossendale area.

The petitioners therefore request that the House of Commons urge the Government to make provision for the protection of pets, and for the return of stolen pets to their rightful owners.

And the Petitioners remain, etc.

To lie upon the Table.

Schools Reorganisation (Northumberland)

Motion made, and Question proposed, That this House do now adjourn.—*[Charlotte Atkins.]*

6.4 pm

Mr. A. J. Beith (Berwick-upon-Tweed) (LD): I am glad to have this opportunity to focus the Minister's attention on education in Northumberland and in particular to seek some clarification and help for parents and communities as they consider the difficult issues of reorganisation that they now face. Parents, children and school staff and communities in Northumberland face the prospect of a massive reorganisation of schools, which on present plans will change the age range of every school in the county and will require a substantial building programme. It has generated a major public campaign of opposition, with many thousands of supporters in the county's middle schools, and different views have been put forward by some of the high school and first school teachers and parents.

The background to all that can be found in a critical Ofsted report on the Northumberland education authority, which stood in marked contrast to the very good Ofsted reports on many of the schools threatened by that reorganisation. The report referred to the fact that the county has one of the highest levels of surplus places in the country and argued that that cannot be explained entirely by the fact that there are many very small schools serving isolated rural areas, especially in my constituency.

The report criticises the county's past attempts to deal with the problem by ill thought-out school closures, which were rejected by the adjudicator. It says that

"this is not an LEA which evaluates its own performance rigorously".

It also says that

"the LEA does not engage sufficiently with its schools or with the local authorities to find innovative or imaginative solutions to the problems it faces."

In addition, Northumberland and its schools, which already suffer from a poor standard spending assessment that is 8.5 per cent. below the national average, have been turned down again and again in bids for education action zones and specialist school status. The impression given was that the Department for Education and Skills would not help Northumberland unless something drastic was done. And it was.

The chief education officer of Gateshead and a team of officials were drafted in to take over on a temporary basis, and a massive reorganisation plan was produced. It involved the replacement of the county's three-tier system with a two-tier system, replacing transfer at 9 and 13 with transfer at 11. The plan depends on £270 million in funding from the Government's "Building Schools for the Future" programme and on capital receipts from the sale of school sites.

Following widespread public discussion and in the face of strong opposition from middle schools, including a 35,000-signature petition, the county's executive voted in favour of the two-tier system. At the full council on 9 June, the proposals were again carried, but with an opposition amendment making two-tier the preferred option but putting the three-tier system out for

[Mr. A. J. Beith]

consultation alongside it. The Church of England and Roman Catholic dioceses have indicated an intention to move to a two-tier system.

I have much experience of the county's present system. Both my children were educated in it throughout their education. My first wife, who died six years ago, taught extensively in the county's middle schools and high schools. Middle schools have considerable advantages. In my experience, most of them are very happy schools, with an atmosphere of enthusiasm among both staff and children. The Rothbury Church of England middle school produced a wonderful video as part of its campaign that vividly portrayed the shared enthusiasm of staff, parents, community and children in support of the school, and a generally enthusiastic attitude towards education during the years between 9 and 13.

Most of the middle schools have good or excellent Ofsted reports and they provide good opportunities for the oldest children to take on positions of responsibility. The most recent visit I made to Berwick middle school was to attend a meeting of the school council, which consists entirely of pupils. No staff were present at all. The pupils engaged in a mature and carefully thought-out discussion with me about the advantages of middle schools. Many of them were exercising responsibility in the school at the ages of 12 and 13, or in their classes at lower ages. It reminded me forcibly that in such schools those who take responsibility do so at a relatively young age. From my observation of those children, that equips them well for later school and adult life.

Another advantage of middle schools is that because they were nearly all built as secondary modern schools, they are spacious, with good facilities for science, craft subjects and sport. The presence of specialist teachers benefits the age groups from 9 to 11.

In rural areas, transfer at 13 is felt by parents to be much better than having 11 and 12-year-olds travel 15, 20 or even 30 miles each way every day to high school, waiting at town bus stations and changing transport, sometimes several times in a journey. That advantage was vividly expressed in a letter from a Rothbury parent, which states:

"In the case of rural children there will be social exclusion from an earlier age if this 2-tier idea is forced upon us because they will not be able to access out-of-school activities from 11 instead of 13 years of age. Do you know that when our children undertake after-school activities at High school in Morpeth, this can mean parents undertaking 40–64 mile round trips to pick them up from school?"

The same letter points out:

"Our 11 year olds will be travelling between 1 h 50 min and 4 hrs a day."

As the letter says, that will mean that they face days longer than those recommended by the European working time directive.

So why change? If the system is to be changed, parents need to be convinced by the educational arguments, not the money arguments. The Department's answers to parliamentary questions from me and from my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) are studiously non-committal on the educational case for and against middle schools. The LEA has produced data suggesting that too many children make too little progress between the ages of seven and 13, and high schools argue that transfer in the middle of key stages 2 and 3 is disruptive and at odds with the national curriculum and the exam timetable.

Under a two-tier system, primary schools would be wholly responsible for key stages 1 and 2 and high schools for everything after that. Some of our high schools have had serious problems in raising achievement levels and their heads believe that they would do better if they had the full age range and the new staffing and accommodation opportunities that reorganisation could provide.

Many first schools see the change as a lifesaver for village schools. Back in the 1970s, many communities objected to the creation of middle schools because it took two age groups from local schools, making many of them liable to closure. It also involved nine-year-olds making long journeys to the new middle schools. However, there is wide interest in the federal arrangements for some small rural schools suggested in the county council's proposals, which build on the county's successful work in recent years building up clusters of small rural schools that work together and have some shared support teaching. The idea was pushed back by lack of funding but it was extremely successful and could be developed under the federal ideas for small schools. It was also accepted by some of the people who were opposed to the change to the two-tier system.

Parents fear that the change is too much driven by arguments about buildings and money. Surplus places are clearly at the heart of it. Over the years, we have had many arguments about whether calculations on surplus places are either fair or realistic, especially in villages where the school's facilities are used as a vital resource for the whole community.

We should remember that buildings were a key factor in the decision to introduce middle schools in Northumberland in the first place. Most of those schools are in former secondary modern buildings that could not be utilised effectively in the 11 to 18 comprehensive system, which was being introduced with very limited capital expenditure. Those were the newest buildings that the education authority had on its hands and part of the motive for creating middle schools was to make use of them, although they then became the focus of real commitment from head teachers who believed in middle schools as an extremely effective part of the system.

The present plan depends on releasing £31 million through capital receipts from the sale of school sites to fund the primary end of the system. However, it is difficult to see how that can be achieved while Northumberland is so severely restricted in the amount of house building that is permitted. The proposed figures allow only 30 houses a year in Berwick borough and between 65 and 70 a year in Alnwick district. That leaves the sale of sites dependent on hope value that may not be realised.

Central Government funding from the "Building Schools for the Future" programme will be essential for the building and extension of high schools. For example, Alnwick will require a new high school and major investment will be needed at the Berwick high school site. Parents need to know whether the Government will

put their weight and their funding behind the reorganisation. If the money is not forthcoming, the whole scheme will collapse and there will be educational chaos. Bearing in mind that every proposed closure and every change in the status of a school can be challenged through the formal statutory process, and that parents will—understandably and rightly—use those challenges if they are not satisfied that they will get a better system after reorganisation, the Government must provide reassurance and answer some crucial questions. If they do not, the whole process will drag on. Indeed, on that point, some people have suggested that the whole thing should be put on ice while we hold the referendum on regional assemblies and reach a decision as to whether Northumberland will become a single-tier area or be divided into two areas.

I am not in favour of deferring the matter, because whether the result was a new single authority or two new authorities, they would face similar decisions and probably reach similar conclusions, with the added complication that, if two authorities were created, there would be movement across the boundary between the two areas, as well as all the upheaval of creating two education authorities. As education would be split between two unitary authorities, instead of being a whole-county responsibility, a significant number of my constituents would have to travel from one of the new proposed authorities to the other. So there are too many complications and disadvantages in deferring the issue until a possible local government reorganisation. We must face up to the decision and produce a timetable that can be achieved, perhaps based on one that the county has proposed. That can be attempted only if there is some confidence that the end result will be better and parents' anxieties and fears can be allayed—so far, those of many have not.

Parents need answers from the Government on key questions. Are officials at the Department for Education and Skills telling Northumberland county council that there will be no money for new schools unless they get rid of middle schools? That is the impression that has been pretty firmly left by the county council, although the chairman of the education committee denied that when I put it to him on the radio this morning. The story is that those in Whitehall have said, "Sort your system out, or you will continue to be unsuccessful"—as unsuccessful as Northumberland has been in many of its recent bids. At least, the Department is virtually on record as saying, "Unless you do something about your surplus places by this or some other means, you will get no additional money for new schools." Are the Government putting on pressure? If so, and they have good reason for doing so, they should tell us.

Do the Government believe that the middle school system is less educationally effective than transfer at 11 years? If so, is there any research evidence for that view that would convince the parents who are so committed to middle schools? If the county undertakes the enormous task of reorganisation, will the money be there to build the new high schools, or could all this be in vain? What a disaster it would be if we embarked on that horrifyingly difficult and complicated process and, somehow, the money was not forthcoming at the end of the day.

If the first schools become schools for five to 11-year-olds, how will they provide the facilities for science, technology and sport that have been available to nine to 11-year-olds in the middle schools? The first schools do not have provision for that age group and so do not have developed science and technology facilities—even the rooms, let alone the staffing—or the extensive sports facilities that nine to 11-year-olds can now benefit from in the middle schools.

What if the county decides that some areas must get special treatment? If the county accepts that areas such as Rothbury and Wooler, for example, need to keep middle schools because of the travelling distance, even if the rest of the county changes, will the Department accept a mixed system and still give Northumberland the funds that it needs for new schools? Other places in other constituencies might be candidates for that—for example, Bellingham and Allendale.

Will rural pathfinder bids be possible to provide resources for special schemes at rural schools? As well as the possibility of retaining middle schools or combined first and middle schools in some rural communities, some other ideas are forthcoming. At Belford, for example, a learning village centre of excellence is proposed for three to 14-year-olds, with youth and adult learning facilities as well—an exciting and pioneering idea, making use of existing buildings, while enabling children to stay in the village. Such ideas could benefit from rural pathfinder funds, but we need to know whether that is a serious possibility if such things are to be pursued.

Parents, communities and the teaching staff of schools are facing difficult choices against the background of suggestions and hints that the abolition of middle schools is, in practice, a condition of future funding. There is a great deal of uncertainty about what resources are on offer to carry through any change, thus a great deal of anxiety. Ministers need to come clean about their attitudes, so that there can be a genuine and open debate about which system is best for Northumberland's children and young people.

I ask the Minister to put himself in the position of a parent of children starting at a middle school in Northumberland and to consider what it would take to convince him that losing the advantages of that system will be effectively compensated for in those children's educational experience by something very significantly better. That is what he and the authority must do between them if such a change is to be carried through.

6.19 pm

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Stephen Twigg): I congratulate the right hon. Member for Berwick-upon-Tweed (Mr. Beith) on securing this debate and on having the opportunity to speak on behalf of his constituents and other residents of Northumberland, and particularly on bringing his family experience to bear on his opening remarks. I am acutely aware of the very high level of concern and interest in this matter among people living and working in Northumberland, which is obviously particularly felt among not only parents and pupils but staff, governors and the broader schools community. I shall seek in responding to the debate to address the particular concerns that he has raised.

We welcome and support the stated aims of the local education authority in conducting the review: to raise standards and to transform and improve the education

[Mr. Stephen Twigg]

service. We understand that the LEA is reviewing provision on the basis of a possible move to a primary and secondary system, as the right hon. Gentleman set out. My understanding is that its proposal is to start public consultation on a county plan in the autumn.

The right hon. Gentleman challenged me to come clean on the view in the Department for Education and Skills. My starting point in seeking to do so is to say that we do not prescribe a particular pattern of provision. That is very much to be determined locally. He asked specifically whether our officials are telling Northumberland that there will be no money for new schools unless it abolishes the middle schools. The answer to that is emphatically no. There is no suggestion of Ministers or officials in the DFES prescribing that.

In more general policy terms, the Department knows that the national position is varied. The majority of LEAs have a primary and secondary model, but a significant minority operate middle school systems. We accept as a Department that both systems can be effective, and we are not aware of any clear research evidence to suggest that one is preferable to the other. Indeed, the right hon. Gentleman set out arguments for both the two-tier system and the three-tier system. Having seen both in practice in different parts of the country, I think that his points are a legitimate part of the debate.

The right hon. Gentleman made the point that the county may undergo considerable reorganisation and then face the question of whether funds will be made available to enable that to be implemented on the ground. He referred to the "Building Schools for the Future" programme, which aims to rebuild or renew all secondary schools in England over the next 10 to 15 years. The first wave of "Building Schools for the Future" was announced a couple of months back. Northumberland was not successful in that first wave of the programme, but will certainly feature in a future wave. We hope to be able to make an announcement on the future waves later this year. Clearly, there is contact between our officials and those in Northumberland on that.

Mr. Beith: This is a crucial matter of timing. I can only assume that Northumberland failed in the previous bid because it was too early a stage in the process. Is it therefore likely that some clear indication about funding possibilities could be given during the autumn or towards the end of this year, when the reorganisation is under discussion and it will be important to give some assurance to parents?

Mr. Twigg: Absolutely. Only 14 LEAs were successful in the first wave of "Building Schools for the Future". We are hoping to be in a position to make announcements in the early part of the autumn about the next wave. That will be important as a reassurance to Northumberland, as well as to schools in other parts of the country.

The right hon. Gentleman raised the possibility that at least some areas—he mentioned Rothbury and Wooler—in Northumberland will keep middle schools because of travelling distances, and asked for the Department's view on a mixed system and whether it would still be prepared to fund Northumberland if it decides to go down that route. I emphasise that funding from "Building Schools for the Future" is not dependent on the adoption of a two-tier system; it is not dependent on having a primary and secondary model. Other parts of the country continue to operate a three-tier system with middle schools, and they are preparing their applications and are in discussion with the Department about the funding under BSF that could be available to their schools. When we consider proposals as part of "Building Schools for the Future", we will be concerned to ensure that there has been appropriate consideration and consultation at the local level to secure the local consensus necessary for the particular application that an authority has made. In fact, the right hon. Gentleman made a specific suggestion about rural pathfinder bids. I want to take that suggestion away and write to him about it.

"Building Schools for the Future" is a hugely ambitious national programme of renewal for all schools. Large authorities, in particular rural authorities, may wish to phase their programmes within "Building Schools for the Future", with clusters of different schools receiving funding at different stages. Those are the sorts of discussions that we are having with other county and large metropolitan areas. It may well be a suitable way for us to proceed in Northumberland. I shall write to the right hon. Gentleman, setting that out in more detail.

I have a couple of other things to say about the position in Northumberland and how the process will move forward. The right hon. Gentleman referred to the Ofsted inspection, which was conducted in June 2003 and published last September. It set out a number of serious concerns about the local education authority, and there had been some deterioration since the previous inspection in 1999. He set out some of the ways in which the LEA has been trying to address those weaknesses. The Department for Education and Skills has worked closely with the LEA to assist it in drawing up and progressing an action plan to overcome the weaknesses and some of the problems highlighted. We welcome some of the early signs of progress as a consequence of that work.

The right hon. Gentleman also rightly said that surplus places are a significant issue in Northumberland. Of course, that is not unique to Northumberland because of demographic trends, in particular the declining number of children of primary school age. The latest review of surplus places last year shows an overall level in Northumberland of around 5,000. I emphasise that it is very much a matter for individual LEAs to decide whether and how they reduce their number of surplus places. I welcome some of the innovative ideas to which he referred—collaboration, clusters and federations—as possible models in moving forward. The other possibility is to look to extended schools and using some of the surplus capacity in school buildings to provide extended services for the local community, rather than simply to take the option of closing a school down all together, thereby losing that critical asset for the local community, which is especially important to those in rural areas.

I have spoken about "Building Schools for the Future", so let me conclude by saying a little about where the process goes from here. It is important that

the right hon. Gentleman's constituents, and the schools, parents and pupils in Northumberland, are aware of where the debate and consultation will go now. The combination of issues that he referred to form the backdrop for the consultation that the LEA will undertake. Any LEA that decides to reorganise provision takes that decision locally. Such decisions are not taken in the Department or by Ministers.

The LEA will consult all interested parties, as is required by law. It must issue statutory notices in a newspaper, post them at the gates of the affected schools and put them in another prominent place locally. There is then a six-week period for objections and comments, and the notice and other supporting documentation need to be sent to the local school organisation committee. If no objections are received, the LEA may proceed to implement its proposals. If objections are received, the proposal goes to the school organisation committee, made up of five or six groups representing the major stakeholders in the provision of education. If the school organisation committee cannot reach a unanimous decision, the case is referred to the independent schools adjudicator for a final decision.

We recently issued new guidance from the Department for those who are publishing and deciding upon these proposals for changes to local school organisation, making it clear that the Secretary of State wants to see local education authorities organise provision so that places are where parents want them. We are clear that the removal of surplus places must always be in support of the agenda of raising standards and matching places with parental choice.

I reiterate that any decision to change the current pattern of provision rests, first, with the LEA and, secondly, needs to support those key policy priorities of improving standards and ensuring that we maximise choice for parents. The Department does not specify the type of provision that should apply. It is true, as I said earlier, that increasingly LEAs have adopted a two-tier approach, but there are a number of LEAs that successfully operate three-tier systems with middle schools, with the benefits of middle schools, as set out by the right hon. Gentleman. I can confirm that there are no plans on the part of the Department to phase out middle schools, as a matter of national policy, or to make our funding of particular programmes, including "Building Schools for the Future", in any way dependent on that sort of reorganisation.

Our priority as a Department is to give support to local communities in reaching these decisions themselves. I hope that the community in Northumberland will have the opportunity to have a full and informed debate about the merits of the proposed reorganisation, in which parents, governors, pupils and the wider community can seriously consider the advantages and disadvantages of the status quo as against the proposed change in the system.

I can certainly reassure the right hon. Gentleman and his constituents that whatever decision is reached locally, the major programme of investment that we are undertaking through "Building Schools for the Future" will be available to the schools in Northumberland to support their improvement, in the way that we seek to improve schools throughout the country. Our other capital programmes in the Department are also available to support first schools, which obviously by their nature will not qualify for "Building Schools for the Future". However, there will be opportunities, for example, through target capital funding as well as the mainstream capital funding of primary schools, to ensure that those schools are also receiving the investment that they need.

I finish where I started, which is to thank the right hon. Gentleman for airing this important issue for the people of his constituency. I very much hope that a full, open and rigorous debate can happen among the people of Northumberland.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes to Seven o'clock.

Westminster Hall

Tuesday 8 June 2004

[MR. EDWARD O'HARA *in the Chair*]

Sierra Leone

Motion made, and Question proposed, That the sitting be now adjourned.—*[Paul Clark.]*

9.30 am

Mr. Win Griffiths (Bridgend) (Lab): I have to say that there has been quite a wait for this debate. I first applied for it in January, which was the second anniversary of the end of almost 11 years of fighting. Unfortunately, the lottery system that we have for such things—I am not complaining about it, but simply placing the matter on the record—meant that there was a six-month delay before I was finally lucky enough to have my name pulled out of the hat.

My desire for the debate arose partly as a result of a Commonwealth Parliamentary Association delegation visit to Sierra Leone from 10 to 17 November 2003. The delegation included my hon. Friends the Members for Crosby (Mrs. Curtis-Thomas) and for Sheffield, Hillsborough (Helen Jackson), the hon. Member for North Thanet (Mr. Gale), Lord Freeman and Lord McColl of Dulwich. I pay tribute to the delegation, because we had an extremely action-packed programme, and it was sometimes a little difficult to get to every place, but we all stayed good-tempered and had extremely good relations with everyone we met.

I should also thank the CPA staff in this country, who, in liaison with the Sierra Leone CPA and other bodies, organised an excellent programme for us. Likewise, I thank the Sierra Leone parliamentary staff; the Speaker, Justice Edward Cowan MP; and the acting Speaker—the Speaker was away for part of our visit—Elizabeth Alpha-Lavalie MP. Finally, I thank the Clerk of the Parliament, Mr. Joseph Carpenter, and all his staff—three parliamentary Clerks were with us for the whole of our visit.

Our visit was absolutely outstanding. The programme that was arranged for us—several changes were made to it as we were preparing for the visit—was absolutely impressive. If Sierra Leone can work with others in the same way that people there worked with us, the road to success is virtually certain.

Let me quickly run through our programme. Interestingly, many of our visits were called courtesy calls. One would imagine that a courtesy call would be a matter of, "Hello. Nice to meet you. How are you? Thank you for sparing a bit of time for us." However, each visit involved quite an intensive discussion of the problems facing Sierra Leone or a particular Department. Everywhere, there was appreciation for the role that the British Government are playing in helping Sierra Leone on the road to recovery.

The delegation had a briefing with the High Commission. We had a substantial meeting with President Kabbah, followed by visits to the truth and reconciliation commission and the registrar of the United Nations special court. We met representatives of the army and went to the Horton academy, where great work is being done with the Sierra Leone armed forces. We went to the Milton Margai college of education and technology, the United Nations Mission in Sierra Leone and to the Guma Valley Water Company, which supplies water for Freetown.

We also visited the British Council, which was excited about a major refurbishment that was about to begin—it was the first for 30 or more years. This week, I received a letter saying that the refurbishment was virtually completed. The British Council is working closely with the Westminster Foundation for Democracy to help strengthen and develop civic society, and it is playing a vital role. The Department for International Development and other Departments need to look a bit more closely at how they can support the British Council's work.

We then met Members of Parliament and talked about human rights in Sierra Leone. We had quite a debate about the world scene. I leave all that to hon. Members' imagination.

We visited a secondary school, the Prince of Wales school, and a major Sierra Leone company, Shankerdas, to see how it was doing. We saw a limb-fitting enterprise in Aberdeen village in Freetown. We made a call on the police and the chief justice. We went on an extensive tour of projects run by the national association for social action and reconstruction in and around Freetown. We also went to a place called Bumbuna, the site of a major hydroelectric project that was almost finished at the start of the war, to see what more needed to be done to bring it on stream and provide power for Freetown and many villages along the route to Freetown.

We had a little free time, but even that had an association with the future of Sierra Leone. On the Sunday we went to Lakka beach. Of course, questions arose about tourism and what could be done to make Sierra Leone a tourist destination and earn it many dollars. We had an exciting evening with the Sierra Leone national dancing troupe—again, arranged through the British Council. We saw a preview of the show that the troupe put on for the Commonwealth Heads of Government meeting in Nigeria. Our programme was action-packed.

Of course, visitors to the country see the legacy of war immediately, in the number of people on the streets of Freetown who are without arms or legs or are in wheelchairs. One is aware not only of the 75,000 or more people who died during the fighting but the thousands whose lives were wrecked by the disfigurement of the loss or arms or legs, or sometimes both.

A peace was made in January 2002. We were impressed by the huge effort of reconciliation and the forgiveness that is being shown in Sierra Leone, towards reconstructing the country and avoiding war in future. At the Aberdeen limb-fitting centre it was amazing to see the dedication of the staff, and the way in which people who had suffered in the war were trying to get on with their lives.

We are aware, too, of the huge importance of international aid for Sierra Leone, which is one of the poorest countries in the world. Part of the purpose of the visit was to discover how aid could be a basis on which Sierra Leone could generate its own wealth, and escape

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the vicious circle of poverty and aid that seems to be a permanent aspect of the existence of many African countries.

From the evidence of our visit and of the six or seven months since, I would say that so far the recovery has been successful. I do not say that problems do not remain. There are still massive problems. The Government in this country say that things are getting better, but there is much more to do. However, in Sierra Leone that is true, multiplied by 100 or even 1,000.

One reason why I feel that we can speak of success in Sierra Leone is that there has been peace for more than two years. In May 2002 successful, peaceful presidential and parliamentary elections were held, in which the opposition accepted the outcome even though they were disappointed with it. Everything has gone well. I was pleased, having feared that change was occurring too quickly. In the presidential and parliamentary elections, the Sierra Leone People's party virtually swept the board. President Kabbah had a huge majority and that of his party was overwhelming—akin to that of the Labour party here.

Although I do not think that this will happen in the United Kingdom on Thursday, it was interesting that in the local government elections—which went ahead successfully, so far as I could see; there was not a single item in the British press about them—while the governing party won convincingly outside Freetown, inside Freetown, where about 40 per cent. of the population live, the Opposition won the day. Although the Government are not too keen on it, that is a healthy step in the development of democracy in Sierra Leone. There was no news in the newspapers—in a sense, that was good—and I did not receive any faxes or phone calls from the politicians I know saying, "It is terrible, the electoral commission is fixing the election and the government are influencing it." It is clear that the elections were free and fair. That is another step on the road to successful recovery.

What elements did we consider to be important? The first thing that struck me was what I would call stability, although I note that last July, when President Kabbah was here and gave a speech to the Royal Commonwealth Society, he focused on national security. The two are linked—one needs stability; that is the basis for a continuing peace and for people's hopes for prosperity.

Mr. John Bercow (Buckingham) (Con): I am sorry to interrupt the hon. Gentleman at this early stage. He made an important point about the local elections being free and fair. In so far as that is so, it is extremely welcome, and I appreciate the importance that he attaches to it. However, is he aware of, and what thoughts does he have about, the report in the Freetown *Chronicle* of 25 May, which says that the turnout in those elections was low? It went on to suggest that the elections were relatively badly organised, with candidates' names being put down for the wrong parties and so on. I do not cavil at the success of the elections in terms of freeness and fairness, but has the hon. Gentleman any concern on that front?

Mr. Griffiths: Local government elections generally have a poor turnout; I am not sure what the turnout was there. Let me take the opportunity to say something about the press in Freetown—I am not sure what happens elsewhere. The press in Freetown is thriving, and some elements of it might be regarded, particularly by the Government, as rather scurrilous. Nevertheless, it is allowed freedom of expression and there is no doubt that the paper that the hon. Gentleman mentioned is concerned about strengthening democracy.

There might have been problems, and they might have been accurately reflected in the report that the hon. Gentleman mentioned. However, consider this: in the run-up to the presidential and parliamentary elections, I had several phone calls and faxes asking me to look at A, B and C. I contacted the National Electoral Commission and tried to help however I could to deal with the problems. During the local government elections, I did not receive a single fax or phone call from any of the parties expressing concern about how things were going. I accept that there might be criticisms of the nature that the hon. Gentleman has described, but overall, the people in Sierra Leone were pleased that the local elections happened as they did.

On the issue of stability and the Government's confidence in the whole process, the support that we are giving through UNAMSIL is due to be drawn down by December. We discussed how easy that might be, particularly with countries like Liberia, and others a little further away such as Guinea and the Ivory Coast that still have an element of instability. Of course, it was the Liberian incursion into Sierra Leone that started the whole terrible process.

We had the feeling that UNAMSIL was aware of the need for flexibility. We are trying to create armed forces and a police force that can operate in a democracy, especially as they have been operating for many years in a free-for-all and have no real concept of how to work in a democracy. We were there when the Horton academy opened; there, the international military advisory and training team will provide invaluable training for officers in the Sierra Leone army on how to work in a democracy. Indeed, the vast of majority of the team—98 of its 114 members—are British officers. We stepped in on a group involved in an interesting conversation about some of the moral issues that people involved in the civil war had to deal with, and how such people should be treated in places such as the United Nations special court.

A lot of investment in stability is going on. The Sierra Leone truth and reconciliation commission, whom we met, is due to report this year. I have not yet seen its report; it had hoped to publish by the beginning of the year. Interestingly, it was also going to produce a report aimed at children, because so many children suffered in the war and were dragged directly into the fighting. I shall be interested to see that report. I imagine that the process will be rather like what happened in South Africa after the release of Nelson Mandela.

There is some controversy about whether there should be a United Nations special court. As it is voluntarily funded, it has not been able to match the heavy expenditure of some of the other special courts. The United Kingdom has given about £500,000 out of a £3.5 million budget to the court, but people were still concerned that it might not be sufficiently funded to try

the nine to 11 people who were likely to be brought before it. However, I understand that that has now been done; perhaps that can be confirmed this morning.

We also met the chief justice. A major programme of law reform is being funded by international institutions and the British Government. That is important, as it gives the people of Sierra Leone the feeling that justice will be delivered in their country; the fact that there will be good governance is another part of that important process. In particular, corruption should be eliminated. There is an anti-corruption commission, and there have been new judicial appointments, including judges from the United Kingdom. Although I have not heard any reports lately, it appeared at the time of our visit that the process of dealing with corruption had begun to speed up. People were being investigated, and their cases were coming to court.

It is not connected with the fact that I had this debate, but I was interested to receive an e-mail from Victor Sylver, the editor of the *Sierra Herald* in Freetown. He raised the issue of corruption in the context of something that the Americans have done, which I regard as rather odd. On 25 May, the Americans announced that there would be visa bars for corrupt officials in Sierra Leone. Some had already been placed on the list due to their corrupt practices, but the Americans were not going to tell the Sierra Leone Government who those people were. They were also looking at additional cases. Getting on the list did not require a conviction for corruption; the United States Government just had to have a reasonable belief that the officials were corrupt.

The editor of the *Sierra Herald*, Victor Sylver, has expressed concern that we are not using sufficient strength to tackle corruption, and asks that our Government play a more proactive part in dealing with corruption. He thinks that there are about 300 corrupt officials in the system; however, that is only his guess. There is the important issue of whether our Government could speak to the Americans to try to ensure that the process is a bit more open. That might help to speed up the tackling of corruption in Sierra Leone. Certainly, President Kabbah, in his speech to the Royal Commonwealth Society, attached great importance to dealing with the problem.

On economic management, the record so far looks pretty good: there has been 6 to 7 per cent. growth in the past two years; inflation has remained relatively low; and agricultural production is up by about 6 per cent. The Government have a national recovery strategy and a poverty reduction strategy. Also, there is a partnership between the Department for International Development and the Sierra Leone Government. That long-term partnership for development has within it benchmarks and checks, and hard work is being done on it. I would like the Minister to comment on what he thinks is the longer-term future of British aid to Sierra Leone, because in 2002–03 there was a dip in aid spending. I will be interested to see what happens in future. There is also a privatisation programme, in which British advice is being given—I hope that none of the advisers had anything to do with Railtrack—and there are priorities for economic development.

Diamonds are obviously seen as being very important for the Sierra Leone Government. They want to make sure that they are producing clean diamonds that go through official channels, so that tax can be collected and Government programmes for redevelopment can go ahead. I was interested to read an article by Peter Penfold in *The World Today*. It dates back to April 2002, just before the elections. He ventured to say that diamonds need not be seen as critical to the future of Sierra Leone. He mentioned its fertile soil, mineral resources, rice production, palm oil, coffee, cocoa, the fishing off its coast, and the oil deposits that are currently being explored. There is also the potential to develop the Mano River Union—bringing Guinea and Liberia into an economic union—and to exploit rutile deposits. With such natural resources, Sierra Leone has an excellent chance to recover.

Towards the end of his article, Peter Penfold said:

"In Sierra Leone, Di Wor Don Don",

as they would say in Freetown. He transmutes that into his English:

"The flames of conflict have been extinguished, but the embers are still warm and the wood remains tinder dry."

More than two years after that article, I think that we can say that we have overcome the worst problems to do with the reignition of fighting in Sierra Leone, and that things are going well.

We visited the Shankerdas factory, which is run by a Sierra Leone company. We were all impressed by the commitment of the owner to investing, despite the fact that much of the factory had been destroyed in the war. He gives a good example of having the confidence to invest in Sierra Leone, which British industry should take on board. There is the recently formed UK-Sierra Leone business forum, in which Lord Freeman has played a critical role. At the beginning of this year, we had a visit from the vice-president of Sierra Leone, Solomon Berewa, underlining his Government's commitment to get foreign investment—in particular, British investment—into the country.

A small company anxious to develop a significant project in Sierra Leone raised an issue with me recently. It found that when it made its first approaches to DFID, no one told it about the African infrastructure fund, which is organised by the Standard Bank but officially supported and sponsored by DFID. The company found out about the fund only through a meeting with a DTI official, and it will receive significant help for the project that it wants to develop.

The company also found that no one in the United Kingdom trade and industry body, which exists to help companies to invest abroad, had specific responsibility for Africa. I know from my work on Indonesia that there is certainly a consultant in that body with specific responsibilities for Indonesia and south-east Asia. This company felt that it needed someone, but that the DTI in its view of the world outside does not have a specific person with responsibilities for Africa. It would help if it did.

The small company also found that, although there was general advice and assistance, unlike in other countries, the Government did not stand by or give direct help and support to get its project off the ground. In the United Kingdom, the Government stand by and support both companies in the UK and companies investing in the UK in those areas that require special help. They are almost like sponsors if they think that a project is good. However, the company has found that it has not been given the extra hands-on help that other

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countries provide for their small and medium-sized enterprises. The Government could usefully look at that.

In infrastructure terms, we went to see the Bumbuna hydroelectric project, which was 95 per cent. completed when the civil war started. It now looks as though the Italian Government will provide the additional support to get that project off the ground, which will make significant improvements in providing the power needed not just for households but for economic development. Guma valley is a fantastic setting for the reservoir that supplies Freetown. Additional projects have also been spoken about because of the way in which Freetown is growing. I hope that we look at that again.

Besides all the natural resources and physical infrastructure are the personal resources. We visited Milton Margai college and a secondary school. When we consider that teachers and lecturers wait months for their salaries, and that it is incredibly difficult for children to afford to go to school, we should remind ourselves of people's commitment and determination to succeed. We have pulled back a little from secondary and university-type education funding and have focused on primary education, although I am pleased to say that all children in Sierra Leone now have access to such education.

I conclude by quoting from an early-day motion that I tabled after the successful presidential elections. It gained 400 signatures, which is the second highest ever in the history of Parliament; it is a tribute to Sierra Leone that so many hon. Members signed it. The motion was

> "That this House . . . looks forward to the new Government of President Kabbah extending democracy to local government, rooting out corruption, promoting freedom justice and prosperity with continuing international support for the rebuilding and renewal of the Sierra Leone economy and civic society; praises the opposition parties for committing themselves to the democratic process and looks forward to them playing an effective role in Parliament and in helping to strengthen civic society."

All that is happening to some extent, and my best wishes go to the Sierra Leone Government and our own Government as they provide continuing assistance to make that a success.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Hon. Members wishing to speak should bear it in mind that the wind-ups should start no later than 10.30 am.

10 am

Tony Baldry (Banbury) (Con): The hon. Member for Bridgend (Mr. Griffiths) has done us all a service in persistently balloting for this debate and giving us an opportunity to comment on Sierra Leone. As the Register of Members' Interests shows, I am still a practising member of the Bar. I am now joint head of my chambers, and we are proud that President Kabbah was formerly a member of our chambers.

My predecessor as head of chambers, Desmond Da Silva, is prosecuting the war crimes in Sierra Leone. His connections go back a long time; many years ago he defended President Kabbah in a treason trial in Freetown. It is appropriate that Desmond should be prosecuting war crimes in Freetown now.

The war crimes were horrific. The hon. Member for Bridgend gave a summary of them. What happened during the years of conflict in Sierra Leone was horrific, and the indictment goes to many pages. It is important that a clear signal should go out to the world that those responsible for war crimes, whether perpetrated in Rwanda, the former Republic of Yugoslavia, Sierra Leone or wherever, will be brought to justice.

I have a concern, which I have raised in the House before, about the most serious indictment against Taylor, who has been given asylum in Nigeria. I understand the realpolitik of getting him out of Liberia, but there is a valid UN indictment against him. I hope that the Nigerian Government will find an appropriate time in the future to ensure that Taylor stands trial in Freetown. After all, all of us who support the Commission for Africa and the New Partnership for Africa's Development put great store on peer review. Nigeria is a leading member of the Commonwealth and one of the architects of NEPAD. If peer review does not work to bring Taylor to justice—if Nigeria does not ensure that he is brought to justice—that would be a great sadness. No one in Sierra Leone will feel fully safe until Taylor is brought to trial.

I am slightly more pessimistic than the hon. Member for Bridgend, and that may be because I had the opportunity of travelling outside Freetown. Sometimes we underestimate the impact of the war on Sierra Leone. I do not gainsay anything that the hon. Gentleman said. However, we must recognise that Sierra Leone is right down at the bottom of the United Nations Development Programme leagues of development.

The conflict led to two things. First, it led to double migration. There was substantial migration from the countryside—the rural areas—into Freetown. People with initiative and get-up-and-go, got up and went to Freetown. That has meant that there is little leadership left in the countryside. I was fortunate enough to spend several days on an island south of Sierra Leone called Bonthe. I am patron of a small non-governmental organisation called Friends of Africa, which has provided funding for two community bakeries and a new fishing boat in Bonthe; many of the fishing boats were destroyed.

Bonthe was really prosperous in years gone by. It produced large amounts of rice, palm oil, piassava—the material from which brooms are made—and coconuts. The Wellesbourne research station helped with the development of a particular sort of coconut. There is no agricultural production in Bonthe at present, but the area is fertile and can produce large amounts of rice. I suspect that one of the reasons why the Opposition parties have done so well in the Freetown local elections is that the cost of rice there has been at record levels recently—the highest that it has ever been. That is because Sierra Leone is having to import rice; that is a crazy situation.

Leadership is not something that one can just whistle up. However, I suggest to the Minister that perhaps we ought to engage with non-governmental organisations

such as Farm Africa to see what can be done in the countryside in Sierra Leone to get agriculture moving again. I asked a taxi driver in Freetown where he came from. He told me that he was a tractor driver in Bonthe. There are no tractors left in Bonthe and it has no electricity. The power station has gone, as has the infrastructure. The only people showing any real leadership are the Members of Parliament, many of whom are very impressive. I mean no criticism by that; the people have gone through a terrible war.

There has been another migration: from Freetown to the UK and to Baltimore in the United States. The Select Committee is carrying out an inquiry into migration development, and held a fascinating meeting, organised by the right hon. and learned Member for Camberwell and Peckham (Ms Harman), with the Sierra Leonean diaspora in Southwark town hall. One of the things that we want to understand better is the work and the role of diasporas in development.

I do not know the size of the Under-Secretary's private office. I suspect that he has four or five people working for him. He has three or four officials here today. I do not criticise that. That is fine; the Cabinet Office is a huge Department. I suggest, however, that he visits Solomon Berewa, the Vice-President of Sierra Leone, who has one Secretary. That is no criticism of Solomon Berewa; it is simply the resource that is available. The burdens on him, on President Kabbah and on other Ministers are phenomenal. They desperately need officials who can help to formulate policy. The Department for International Development will soon move to budget control, but all that we require is people to write the cheques. We should be training all these good officials to help to develop policy elsewhere. I have other thoughts on the matter, which I shall express another time.

We should think about the possibility of a fund to help to recruit Sierra Leoneans in London and in Maryland who would like to return to Sierra Leone to help to rebuild it but who, in the intervening years of conflict, have taken on obligations here such as mortgages, families and schooling commitments, and would be reluctant to return to earn the money that one can earn as a civil servant in Sierra Leone, but who have a great amount to offer to their country.

Mr. Bercow: My hon. Friend is making a series of interesting and original observations. Given the importance of leadership by example, is he politely suggesting that the Under-Secretary should second at least half his private office to Sierra Leone so that it can do the sort of work that he has in mind?

Tony Baldry: I was not being quite as mischievous as that. Rather, I was saying that we in Whitehall are privileged to have some very able civil servants. Indeed, I believe that DFID has the highest number of fast-stream entrants in the civil service. The Under-Secretary's private office has about four times the resource available to the Vice-President of Sierra Leone. It sometimes falls badly from our mouths and the mouths of colleagues in the US to make allegations about corruption when often there is not corruption but gross inefficiency born out of a lack of resource. How can one or two people be expected to grapple with the policy issues of a whole country?

In an earlier incarnation as a junior Minister, I was privileged to help to privatise the electricity industry. I know how complex these things are. The privatisation bureau in Freetown simply will not work with a tiny number of staff. Perhaps we could think of ways of encouraging by financial means members of the Sierra Leonean community in this country, without financial prejudice to themselves, to return to Sierra Leone to help to rebuild it in key areas of public policy with a shortage of skilled resource.

Diamonds were the root cause of the conflict. Notwithstanding the best efforts of many—not least of President Kabbah—Sierra Leone is still receiving far too little of the proceeds of diamond wealth. It has some of the best diamonds in the world. It is suggested that a 3 per cent. tax should be levied. That is a tiny amount, but if it were levied on all diamonds, it would make a huge difference to the income of the Sierra Leonean Government. We must address this issue. DFID has been working hard on the development of a new diamond code and new systems, but we cannot be allowed to fall back to a system where outside influences simply spirit the diamonds over the borders into Liberia and other neighbouring countries.

One of the reasons that there was great pressure for a war crimes tribunal in Sierra Leone—I suspect that the Sierra Leoneans, left on their own, would have preferred a truth and reconciliation commission, as in South Africa—was that when people started trying to find the bank accounts for al-Qaeda, they could not. One of the reasons was that al-Qaeda had been using a lot of conflict diamonds for arms sales and other sales. Conflict diamonds are easily transportable and one does not require bank accounts. In these days of heavy regulation and heavy money laundering, diamonds are moveable. We have to encourage a system in Sierra Leone where there is transparency about diamond sales and where more of the proceeds of the sale of diamonds go to the benefit of the people of Sierra Leone.

I know that DFID is on a watershed as far as Sierra Leone is concerned. It did excellent work in the post conflict period. That involved a great deal of work helping ex-militia members to do worthwhile jobs—rather like the community service programme in the UK—and a lot of repair to the immediate infrastructure. DFID has now to decide whether it will move to budgetary support and which bits of the economy it will support by way of budget help. I suspect that it will be a case of different countries providing support—for example, Italy supporting electricity. I want to recommend two areas that I hope that DFID might support.

There was much destruction in the schools. Rebel troops had used schools throughout the countryside as headquarters and many school buildings were destroyed. Non-governmental organisations such as Plan International have done excellent work, but the schooling system has been devastated. One of the consequences of people not going to school in a country such as Sierra Leone is that people fall back on their own language. English is a great—excuse the oxymoron—lingua franca in Sierra Leone. It brings people together, and gives them access to the outside world. If people do not have the opportunity to get to school they are cut off, not only from the outside world but from the other

[Tony Baldry]

parts of Sierra Leone. It is a disuniting feature. I hope that we can think in terms of offering budgetary support for education in Sierra Leone.

The other area of concern is primary health. Sierra Leone is an unaccompanied post for Foreign Office officials. Why? It is considered unsafe by the FCO for wives and children to go to Sierra Leone, not because of rebels or the dangers of muggings on the street, but simply because of the lack of basic health care, even in Freetown. At the moment, the international community is supported by a field hospital run by the Jordanians, which will probably pull out when the UN peacekeeping troops start to run down. Frankly, outside Freetown, if anyone gets sick, they die. It is as simple as that—they die. If there are any complications—gallstones, any slight problems—there are not the medical resources to deal with them.

The EU has built a number of clinics around the country, so the physical buildings are there. However, one day I spent some time resting in a clinic because the car in which I was travelling had broken down. There is no kit, no equipment, no drugs and no support. Some very good ladies are working as community midwives, but there is no support.

I would make the following requests to the Government and the Minister. First, so far as war crimes are concerned, the job will not be complete until Taylor is brought to trial. We have to recognise that there has been a considerable movement of leadership from the countryside to Freetown and from Freetown to the rest of the world. We need to think of ways to reinforce civil society and the machinery of government in Sierra Leone. We need to give thought to how we will give budgetary support to health and to education, and to how we will ensure that the wealth of Sierra Leone—primarily diamond wealth—is used to the benefit of the people of Sierra Leone and is not ripped off for the benefit of others in other parts of the world, who make no contribution to the people of Sierra Leone.

10.14 am

Helen Jackson (Sheffield, Hillsborough) (Lab): I would like to start by thanking the Commonwealth Parliamentary Association for organising an excellent and worthwhile visit. I particularly want to pay tribute to my hon. Friend the Member for Bridgend (Mr. Griffiths) who was assiduous and tireless in keeping us together and focused on the job in hand. That was done with good humour and we formed a positive and friendly group. He is right to put a positive approach on our findings in Sierra Leone, because it is a country that is emerging from a horrendous and vile conflict. Until the embers and difficulties from that finally start to be put to rest, it is tough to put together an emerging democracy that will go places and will capitalise on the immense wealth and potential that there is in that country.

I believe that the satisfactory conclusions of the recent local elections bode well and that there is an overwhelming determination among all people in civic life to ensure that they do not descend back into civil war. Without that determination it is difficult to be hopeful. Wherever we went, whether it was to see the emerging police force, the schools or the colleges or to the rural areas in Bumbuna, the determination not to return to that situation was evident. That is a hopeful sign.

Following some work that I had been doing earlier last year with the British Council in Malawi, I was interested to look at the work being done by the 50/50 Group of Sierra Leone. I was impressed at the way in which Sierra Leone and the 50/50 Group, which, for those who do not know, aims to get 50:50 gender representation in most areas of democracy and public life, are going about it.

In a debate about the international role of women, which I think took place in March in Westminster Hall, I used the example of Sierra Leone and what we were hearing from the ministry that is responsible for economic affairs about its policy on grants and small loans for small businesses. It was increasingly focusing on small businesses and small agricultural concerns that were headed by women or run by a co-operative group of women in local communities. It said that in that way there was far more certainty that the grant or small loan would be put towards growing the vegetables or towards making the clothes or textiles for the community for which the money was sought and, indeed, that the loans would be repaid. Therefore, it now has a conscious policy of working through small businesses that are headed by women. The meal that we had at one of the best restaurants in Freetown, which was mentioned in our report, was a tribute to how successful some of those small businesses are.

The restaurant was run by a member and key organiser of the 50/50 Group. That group has produced a good Sierra Leone women's manifesto. Some of the proposals took me back to the work that we have done in this place on the post-conflict situation in Northern Ireland. I will quote a couple of those that relate to peace-building. It urged its Government

"to include at least 30 per cent. of women in all Peace Missions and conflict management teams."

That took us into the detail of quotas. In addition it wanted them

"to train both women and men in mediation, lobbying and negotiation skills."

We saw some of that in the peace and reconciliation movement that was taking place. Similarly, in the move towards democracy, the parties are taking steps to include more women candidates in the elections. I have not heard what the results of the local elections are in terms of gender representation, but if anyone has those figures, I would be interested to find out. We also all felt that we should pay tribute to the work of the British Council and Mr. Rajiv Bendre, who was doing a superb job.

My main point is about the value and sustainability of democracy. I was left concerned that, in a country where resources for anything in the public sector are so scarce, democracy is underfunded. The way in which Sierra Leone Members of Parliament were struggling with the resource side of their jobs was risky to say the least. Such a situation can so easily lapse into corruption and a lowering of esteem among the population. When we were planning to visit the half-finished hydroelectric project at Bumbuna, the woman MP who was hosting the trip said, "I'll have to leave the day before, of course,

because although I may have the opportunity of a ride in the official Land Rover today, normally I have to use public transport, which might take one or two days". We have problems going to and from our constituencies, but we are not crowded on to buses for two days.

I came away feeling that the difficulties, hardships and problems faced by the elected representatives whom we met in the Parliament there were massive. I urge the Minister to take on board the point about nance, both in relation to the Government's own funding and in consultation with the Westminster Foundation for Democracy, the British Council and any other bodies that are there actively to support such work. Funding should not just go into salaries—they are very low indeed—but into the resources available to Members of Parliament and local councils.

Mr. Win Griffiths: May I add something? My point has nothing to do with the physical movement of people around the country, but the Westminster Foundation for Democracy, in association with the National Democratic Institute, is developing an internet resource for Members of Parliament in Sierra Leone.

Helen Jackson: Yes, I appreciate that point. As many Members there told us, training programmes in how to make best use of resources and link them with offices in constituencies are an absolute must.

We also discovered that an understanding of both NEPAD and the overall policies for Africa were not filtering through to ordinary parliamentarians there. The parliamentarians whom we met made very little mention of HIV/AIDS, although the problem is not so acute there as it is in sub-Saharan Africa. On those two issues, I wondered whether there were not positive signs for the future, including the increasing importance of the Economic Community of West African States—ECOWAS—and the regional element of government in Africa as a whole, in improving the infrastructure of democracy. People may say, "It's bureaucracy and a waste of money". However, in an emerging continent such as Africa, such programmes are not a waste of money and are a way of making progress, rather than reverting to civil war or corruption. Our Government and DFID rightly place great emphasis on good governance, but the seeds of corruption are laid when public expectation is much greater than the politicians' capacity to deliver. The politicians then look for other means of maintaining their status within their communities, which can lead them down the road of lining their pockets, giving jobs to their families and so forth.

Huge resources were rightly going into the development of the police and the security forces in order to solidify the move towards democracy. I agree with the hon. Member for Banbury (Tony Baldry) that they now need to be linked more closely with the democratic process and to start to be matched by the necessary investment in the public service sector—the education and health services. Most of all, it is important to recognise and pay tribute to the huge determination that is being shown by the elected representatives and the people in all areas of civic government throughout Sierra Leone to make a go of things and to take the country forward to prosperity—well, prosperity is perhaps a long time in the future for them, but a little more prosperity is something that they can aim for and achieve.

10.27 am

John Barrett (Edinburgh, West) (LD): I thank the hon. Member for Bridgend (Mr. Griffiths) for securing the debate. This is not the first time that he has kept Sierra Leone on the agenda in this place. Unlike him, the hon. Member for Sheffield, Hillsborough (Helen Jackson) and the hon. Member for Banbury (Tony Baldry), although I have been to a number of African countries I have never been to Sierra Leone, so I will bow to their expertise and first-hand experience.

The nightmare that has been lived through by the old and young in that country has left many scars, both physical and emotional, and it will take years for them to heal, if they ever do. Sierra Leone is a country with a long and tragic history that stretches back to the slave trade. The flow of slavery was reversed in 1787 when freed slaves were returned to Sierra Leone. Thousands of liberated slaves made their way to Freetown, and many stayed there. It became one of Britain's first colonies in west Africa.

That history is important. Other African nations lost their youngest, strongest and best to slavery. One would have hoped that Sierra Leone, where the reverse effectively happened, would be different from those other African nations, which have ended up with long civil wars. The people have experienced the worst of human nature because they were the victims of slavery and they must have relished plans for the start of a new life in a new country, yet that was not the case. Crimes against mankind have been committed in Sierra Leone, bringing the country close to hell on earth, with executions, amputations of limbs, ears and lips, mass rapes and more.

The story of the boy soldiers sums up the tragedy of Sierra Leone. I recently read about one 12-year-old boy who said:

> "The rebels told me to join them, but I said no. Then they killed my smaller brother. I changed my mind. The rebels trained me for a month. They gave me an AK47. I was good at using the guns. The first time we went out on patrol, we attacked a village and we killed so many people. I don't know how many people I killed, because I was just shooting. I couldn't see anything. They just told me to shoot."

He also said that they always gave him blood to drink before he went into battle, and that they encouraged him to kill people. There are stories of children being injected with cocaine before they carried out their roles as soldiers. That is not a childhood; no child should start life like that. We must do what we can to ensure that Sierra Leone puts the past behind it and moves on to the future. With that start in life for some, what hope is there for a future?

I share the optimism of the hon. Member for Bridgend. We must all have hope for the future, or we would we give up. That applies to parliamentarians, including those in the Department for International Development and the Government generally, as well as non-governmental organisations—many NGOs are doing good work out there—the EU and the UN. We must keep the flickering flame of hope alive and hope that it will burn brighter for those who were child

[John Barrett]

soldiers, so that when they put down their guns they can play in the sunshine like children anywhere else in the world.

The history of the country and its civil war is important, because what is happening now in Sierra Leone is a direct result of that. Much attention has been paid to the special court—the first war crime tribunal to sit in the country—but many are asking whether the guilty will get away with murder. I certainly hope that they will not. If the tribunal is to deliver justice, and the chief prosecutor, David Crane, is to deliver what Sierra Leoneans expect, there must be full and open trials. They should be no less than we would expect here, or anywhere else in the world.

If many people continue to go hungry and without clean drinking water or basic education while money is being spent on justice, the court will have even more to prove, because those with aching stomachs and no shelter at night want to see that the money has been well spent. With a budget of $85 million, and having been four years in the planning, it must now get on with the job. The UN has a lot riding on the court: war criminals must not go unpunished.

While the court gets on with the job, those involved in the judicial process are taking a real risk with their personal security. We should pay tribute to them, and hope that they remain safe throughout the process. What can the Government do to help to ensure that adequate security is maintained for those people so close to the end of the process, which must be effective and thorough?

Is it true that only 13 people have been indicted and that only nine are in custody after one of the greatest human tragedies of all time? After 11 horrendous years of violence, what can our Government do to bring all those responsible to justice?

The nightmare that was the reality for the people of Sierra Leone unfolded over 11 years and is well documented, yet, to some degree, it is forgotten by many. I have said many times in this House that it takes television news crews to make a difference because, try as we might in this place to keep an issue on the agenda, nothing does it better than having an image on TV. Fifteen years on from Tiananmen square, who can forget the image of the student standing in front of a tank? Why was there so little coverage of the trouble in Sierra Leone? It was not so much forgotten by the west as never really given the appropriate volume of coverage. It may well be that the news crews were in Kosovo at that time, where battles were being fought over human rights violations and the systematic killing of an entire race by the Serbian-led army of Milosevic. Whatever the reason, few cameras followed the struggle in Sierra Leone, where the same human rights violations were occurring in the most depraved of ways over long periods of time.

Sadly, more and more of those who obtain such images for our newspapers and television screens pay an ever-increasing price. On Sunday, BBC cameraman Simon Cumbers paid with his life. We wish his colleague, who is critically ill, a speedy recovery.

There are still too few images of Sierra Leone on our televisions, but, hopefully, the world will become more aware of what is happening there, so that the court can not only do its job, but be effective enough to ensure that this is the last time that Sierra Leone experiences anything like its recent past. Although some of the main culprits are dead, others such as the former Liberian President, Charles Taylor, who is exiled in Nigeria, must be brought to justice. What is being done to put pressure on countries that can help to ensure that Charles Taylor and others are brought to justice?

The UK and the UN deserve credit for their involvement in Sierra Leone, which has been a success, but it is time to support that success with peace and security. Can the Minister detail any future plans to train forces to support democracy in Sierra Leone? My right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) has reaffirmed Lib-Dem support for UK Government action on a number of occasions. A well trained police force is as vital as trained armed forces. Will the Minister say what future plans he has for continuing with police training in Sierra Leone?

The hon. Member for Sheffield, Hillsborough mentioned AIDS. It is true that the percentage of people suffering from HIV and AIDS in Sierra Leone is not yet as high as in other sub-Saharan countries, but there is always a risk of the increasing prevalence of AIDS. Once a country gets back on to its feet, mobility and transport increase, people have more disposable income, move around more and are more economically active, so there is a danger that HIV and AIDS will spread. Education is the key to stop that happening. If our Government, through DFID and NGOs, can support educational projects to teach people how best to avoid AIDs, it will be money well spent.

Has DFID assessed the food aid requirement for Sierra Leone? As the hon. Member for Banbury said, there is the capacity dramatically to increase production in the country, but it has not been used often. Basic support, like basic technology, can make a huge difference. The same is true of the mining industry, which stopped completely in some areas of the country during the civil war. What support is available to get the mining industry up and running and avoid corruption as the income starts to flow? Sierra Leone has been working with other countries through the Mano River Union, but that needs to get back on track and be revitalised so that the hope and optimism can be turned into reality for the people.

UNICEF's humanitarian action document reveals that only 35 per cent. of the requested funds have materialised. By December 2003, only $4.4 million of the $12.4 million was received. What can our Government do to help UNICEF achieve its funding target? The scale of the problems facing Sierra Leone is daunting. About 70,000 people died as a result of 11 years of civil war. Another harrowing fact is that every year approximately 100,000 children die from immunisable diseases—malaria, measles and so on. During the civil war, almost 3 million children died. Funding for health must be a priority, and within that must come access to clean drinking water, which is only available to about 40 per cent. of the population and is urgently needed.

Sierra Leone has suffered too much in the past. We must play our part to help its children have a peaceful future.

10.38 am

Mr. John Bercow (Buckingham) (Con): I begin by warmly congratulating the hon. Member for Bridgend (Mr. Griffiths), both on his persistence in seeking to secure the debate and on the compelling speech that he made on introducing it. Similarly, I applaud my hon. Friend the Member for Banbury (Tony Baldry), who made a characteristically thoughtful contribution to the debate, and the hon. Members for Sheffield, Hillsborough (Helen Jackson) and for Edinburgh, West (John Barrett), for developing some of the key features of the problems facing Sierra Leone.

As all who have attended the debate will know, the fighting in Sierra Leone has been savage. The human rights violations that took place during the civil war are as mind-boggling as those that have been witnessed in any country in the world. The damage to the country's infrastructure and its population has been immense. The challenge of change and reconstruction is monumental and urgent. I shall focus on a number of specific points, to highlight the issues for the Minister, in the hope of a useful, informative response.

First, the Under-Secretary will know that his Department is committing £5 million over three years to the African Agricultural Technology Foundation; it is mentioned in its 2004 annual report. That project is important to Sierra Leone, because it supplies affordable agricultural technology to African farmers. The economy of Sierra Leone and the people generally would greatly benefit from a rejuvenated agricultural sector. Can the hon. Gentleman offer some indication of the output so far achieved as a result of the welcome input that his Department has made on that front?

Secondly, the Department funds a community reintegration project to provide employment for ex-combatants and to resettle internally displaced persons, while rebuilding essential infrastructure in the Port Loco and Kambia districts. I think that I am right in saying that that project has now been running for three years. It is an important project, and its purposes are laudable. It would be useful to us and to others outside to know the Minister's assessment of what progress has been made through that project.

Thirdly, I am concerned to know what assessment the Minister has made of the law development project. At the heart of the country's problems are the phenomena of lawlessness and corruption, and an absence of the transparency that we take for granted as a necessary condition for a healthy, functioning democracy. The objective of improving and strengthening the country's legal institutions, which is supported by DFID, is of the first importance. What can the Minister tell us about progress in that respect?

My hon. Friend the Member for Banbury made an important point when he said that the absence of schooling in substantial parts of the country was effectively a force for fragmentation—and, at its worst, for disintegration. Health, too, is important. My hon. Friend spoke about primary health care, and a number of those hon. Members who referred to the importance of the fight against AIDS acknowledged that the problem was not a pandemic on the scale found in other countries, notably in sub-Saharan Africa. It is important to focus also on malaria in Sierra Leone.

The Minister will be aware that Médecins Sans Frontières has urged donor countries to help Sierra Leone introduce new drugs in order to overcome local resistance to traditional malaria treatments. The disease has reached a truly critical stage in the country, and whatever the Minister can tell us about his Department's efforts on that front would be of interest to all hon. Members.

The hon. Member for Edinburgh, West referred to the need to train the police. He was right to do so. The reality is that the Sierra Leone police force is fundamentally weak. It has too few personnel; it suffers from inadequate funding; and, to date, it has received relatively poor training. That is a problem for the force, but more of a problem for the population. If the force is thought to be weak, fragmented and under-trained, it will not be able to deter potential civil uprisings, and it will be poorly equipped to cope. Again, whatever reassurance the Minister can offer on the scale of Britain's contribution to the force would be of interest.

The Minister will be aware that as many as 66,000 Liberian refugees remain in Sierra Leone, predominantly in eight camps in the south-east of the country. Returning those refugees safely to Liberia is crucial to the internal politics of the country and to the regional picture. What can the Minister tell us on that front?

I endorse what a number of hon. Members said about the importance of eventually extraditing and indicting Charles Taylor, but I cannot improve on what has already been said. However, I flag up a couple of further points.

The Minister will know of the recommendations of the International Crisis Group, which is the beneficiary of direct financial support from his Department. He will know that the recommendations to the British Government and the Commonwealth include a reference to the importance of continuing

"to support the international Military Advisory and Training Team . . . by focusing attention on training to handle border areas and threats of incursion, champion high standards to keep unqualified 'political' candidates out of the armed forces, and help the armed forces reduce size and weed out unqualified soldiers and officers as well as remaining troublemakers."

That is of the essence to the integrity of the reform process. What progress is being made on keeping unqualified "political" candidates out of the armed forces?

The Minister will know that the recommendations to donors urge the use of

"explicit benchmarks as the criteria for distributing . . . aid"

and, where necessary, for its periodic suspension. They also refer to the importance of securing

"demonstrations by officials that they are increasing their capacity to function independently . . . that accountability and transparency measures are in place"

and that officials will

"stop funding projects until benchmarks are met."

The recommendations go on to talk about the importance of assisting

"the government to create and implement new investment",

advance "land ownership" and develop

"corporate laws to encourage international investors to return."

[Mr. John Bercow]

Of all the practical steps that are important to sustaining and bolstering the country's movement towards democracy, prosperity and self-sufficiency, those must rank pretty high.

Solemn commitments have been entered into, and I am sure that work is being done to translate those important words into practice. However, the Minister will not be surprised to know that I would like a progress report—and I would like it now.

10.47 am

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): I join others in congratulating my hon. Friend the Member for Bridgend (Mr. Griffiths) on securing the debate and on the assiduous way in which he continues to keep the issues facing the people of Sierra Leone on the agenda of the House. I also pay tribute to the contributions by the hon. Member for Banbury (Tony Baldry), my hon. Friend the Member for Sheffield, Hillsborough (Helen Jackson) and the hon. Member for Edinburgh, West (John Barrett). We have had an interesting and useful debate, which has covered the panoply of issues facing the people of Sierra Leone.

I share the view of my hon. Friend the Member for Bridgend that Sierra Leone has successfully emerged from conflict, although as the debate has clearly demonstrated, it has a long way to go down the development road. The two elections that have taken place since peace was successfully concluded and the end of the war was officially announced highlight that progress. In one case, the country held its first local elections since 1972—it had spent 30 years without democratically elected local government. That is an indication of the progress that has been made.

All parts of the country are now accessible, and, as we heard, the press and media are thriving. Furthermore, the international financial institutions are pleased with the economic management of the country.

The removal of Charles Taylor and the putting in place of a national transitional Government in Liberia have removed the main external threat to the security of Sierra Leone. Several hon. Members asked about Charles Taylor's trial before the special court in Freetown, and we continue to put pressure on the Government of Nigeria to return him to the court. As hon. Members have said, it would be a powerful demonstration of the process of reconciliation to bring to justice the people who were responsible for the atrocities that marked the 10 years of conflict. We continue to exert pressure to encourage the Nigerians to bring Charles Taylor to justice.

Britain is committed to Sierra Leone's long-term progress. There has been positive and successful co-operation between the British military and diplomats and those working in development. The 10-year memorandum of understanding signed at the end of 2002 demonstrates the UK's commitment to the long-term development of Sierra Leone. We have committed £120 million over the first three years of that memorandum of understanding. That does not include the considerable cost of the international military advisory and training team, nor our share of the costs to the UN mission in Sierra Leone. We remain committed to Sierra Leone because the success that has been achieved so far is fragile, as hon. Members have pointed out.

The key to building on the progress that has been made, as some hon. Members have suggested, will be the development of an effective security sector that will be able to take over responsibility from the UN mission and British troops in the long term. The international military advisory and training team is working hard training the armed forces of Sierra Leone so that they can take over responsibility for the security of their country.

We have put substantial investment of £26 million into the Sierra Leonean police and are also working hard to support the development of a politically impartial intelligence system—again to support Sierra Leonean security needs. We also want to build capacity with respect to the Ministries responsible for security sector reform.

Hon. Members raised issues about the special court, which is also an essential part of the security process. The UK's strong support for the special court was demonstrated by the fact that my right hon. Friend the Secretary of State attended its opening in March. We remain one of the main funders of the court, having put in a total of £6.6 million. There is funding for the court until the end of 2004. We shall keep the court's funding needs in view, given its importance to the process of reconciliation in Sierra Leone.

Several hon. Members were concerned about the capacity of government in its wider sense—the Parliament, the civil service, or local government. The remarks of the hon. Member for Banbury gave rise to an interesting suggestion, which may perhaps be attractive to members of my private office. More seriously, a series of measures is under way to try to deal with the capacity issues that the hon. Gentleman in particular alluded to. They are not unique to Sierra Leone. They are, unfortunately, a feature of countries emerging from conflict. Afghanistan comes to mind as experiencing something similar.

We are supporting a programme of civil service reform and training. Similar efforts are being led by the World Bank, with our support, to develop the capacity of local government. The local elections were the first part of the process of decentralising responsibility for government and helping with the provision of services such as education and health in rural communities and urban communities outside Freetown. However, we must clearly continue with the development of capacity.

The hon. Member for Banbury also alluded to the considerable difficulties facing the President and Vice-President. We have offered to support a programme of reorganisation and strengthening within several ministries, including the presidency and the vice-presidency. My hon. Friend the Member for Sheffield, Hillsborough also referred to the capacity issues facing the Parliament. We are about to give support to a 30-month programme to support parliamentary committees so that they can hold the Sierra Leone Executive to account more effectively.

A number of hon. Members also referred to the considerable importance of minerals in Sierra Leone: one thinks not only of diamonds, which get all the headlines, but rutile, which is a key mineral. In that context, the re-establishment of Sierra Rutile is a welcome, albeit slow, sign of the country's increasingly encouraging economic development, and it will potentially offer scope for new jobs, which is also welcome.

The economic development of Sierra Leone is beginning to take off. The hon. Member for Bridgend alluded to the steady economic growth in the past two years. The Bumbuna project, which is now fully funded, will provide access to cheap electricity, which is a key precursor for the development of business. We are funding a consultant to consider the liberalisation of many state-owned enterprises to try to get them re-established and up and running. That will send positive signals about Sierra Leone's economic prospects.

Mr. Win Griffiths: I thank my hon. Friend for giving way at this crucial point. He may come to this issue, but given the sterling work that has been done by the high commissioner in London to develop the Sierra Leone-UK business forum, has he anything to say about issues relating to the specific focus on Africa in the DTI and in UK trade?

Mr. Thomas: I was just about to welcome the fact that a Sierra Leone-UK business link has been established. The Birmingham chamber of commerce has already visited Sierra Leone to look at opportunities. The hon. Gentleman made a specific point about concerns identified by the one business with which he has had links. I will write to him about that.

The hon. Member for Banbury mentioned minerals, and specifically diamonds. A consultant is helping the Sierra Leone Government to develop a comprehensive strategy for diamonds. We are working on revising the legislation governing the diamond industry. Progress is being made. The revenue coming into Government funds from diamonds is steadily increasing. The sanctions on Sierra Leone diamonds have been lifted, because the export certification systems have been revised, are in place and are delivering more effective, transparent regimes. However, the Government must continue to speed up these improvements, and we are committed to supporting them in that process.

A number of hon. Members referred to corruption. It is interesting to note that a series of national surveys carried out in Sierra Leone have identified that the people view corruption as the single most important issue for the security of their country. The UK has been the leading donor supporting the fight against corruption through the Anti-Corruption Commission. We are working with the Commonwealth secretariat to try to establish a number of expatriate judges to deal with the backlog of corruption cases and put in place a prosecutor who can deal with corruption and specialise in it in the long term.

Crucially, later this year we expect to see the publication of a poverty reduction strategy, which has taken a bit longer to surface into the light of day than we wanted. That strategy offers the Government of Sierra Leone an opportunity to set out for its people how they will deal with the education and health needs referred to by the hon. Member for Banbury and other hon. Members. We do not work specifically on education and health, but other donors do. We will review what we are doing in the light of the poverty reduction strategy. We will work to encourage all donors to align themselves with it, so that we can make sure that all the issues identified in the strategy are properly addressed.

World Oil Prices

11 am

Mr. David Stewart (Inverness, East, Nairn and Lochaber) (Lab): I welcome the opportunity to introduce this debate. Three major interests have led me to request it. First, I have a long-term interest in North sea oil and gas production, particularly due to past constituency interests relating to oil fabrication; however, sadly, there is no longer such production in my constituency. Secondly, I have a long-term interest in the pump price of oil and its effects on motorists and hauliers, particularly in the highlands and islands. A few days ago I looked back at my maiden speech, which I made three weeks after the 1997 election, and I found that I had mentioned the subject then. Thirdly, I have a wider interest in the economy as a whole.

I do not want to start by painting a picture of doom and gloom. The offshore oil and gas industry in the UK supports 260,000 jobs, a third of which are in Scotland. We all know that the UK is the fourth largest producer of gas; crucially, we are still a net exporter. Also, the UK is still the 10th largest producer of oil.

I shall consider three factors that have a bearing on the world price of oil and its effect on our economy. I will first discuss supply issues—basically, that has to do with the Organisation of Petroleum Exporting Countries—and then the demand issues that have caused the spot price of oil to shoot up. Then, I will mention the speculation that has contributed to the trend of increasing world oil prices. I will also touch on some of the worrying issues for not just our economy but industrial western economies in general.

First, what are the supply issues? As we all know, the biggest player is OPEC. It accounts for 40 per cent. of world oil production and two thirds of oil reserves. Perhaps crucially, it contributes nearly all of the world's excess oil production. There are 11 members of OPEC. Hon. Members will be familiar with them; they include Algeria, Indonesia, Saudi Arabia, United Arab Emirates and Venezuela. Saudi Arabia is clearly the most important card in the pack. It is the only member with substantial extra oil capacity. We know from last week's OPEC summit that OPEC has agreed to increase output to between 2 million and 2.5 million barrels a day. Most of that will come from Saudi Arabia.

I will touch on terrorism later, but targeted terrorist attacks, especially against Saudi refineries, clearly have worrying implications for the west, specifically in terms of oil supply, loss of life, damage to infrastructure, and the haemorrhaging of trained western staff essential for the operation of Saudi refineries.

Indonesia currently holds the presidency of OPEC, but ironically it is now, for the first time, a net importer of crude oil. On 20 May, the *Financial Times* questioned Indonesia's status as a member of the oil cartel. It has had great difficulties, caused by its inability to attract sufficient investment. It has fields that are in decline, and there has been an increase in domestic gas consumption.

Iraq is another very important country in OPEC. It has the world's second largest oil reserves. I tabled parliamentary questions, which were answered by the Foreign and Commonwealth Office on 27 May in column 1814W of *Hansard*. According to those answers, oil exports from Iraq increased between June 2003 and April 2004 to 1.8 million barrels a day. That is important. Some experts have estimated that, at peak flow, we could expect about 3.5 million barrels a day from Iraq. The US has estimated that, on a good day—and with much investment in infrastructure, trained staff and so on—we could probably expect about 6 million barrels of oil a day. There is tremendous potential for export from Iraq. Since the fall of Saddam, it has been worth $10 billion to the Iraqi economy.

As hon. Members know, United Nations and other arrangements dictate that 95 per cent. of that income must be spent in Iraq, on food production, and electricity and oil infrastructure, for example. However, following the bombing of a southern Iraq pipeline, exports fell by 1 million barrels a day, which is very worrying in terms of oil supply. That has been one factor in the increase in world oil prices. Apparently, that is just a supply issue, but there are also issues of nervousness and psychology, which I will touch on later.

Neil McMahon is an analyst at Sanford Bernstein. He said:

> "The reduction of 1 million barrels a day in Iraq exports effectively nearly wipes out any OPEC increase we could get."

For completeness, I should add that although Iraq is a member of OPEC, since 1998 its exports have not counted towards the OPEC quota system.

There are also some technical issues to do with a time lag. It tends to take three or four weeks before changes in production hit the American and UK markets. That is partly to do with practical issues about the length of time that the effects take to reach the US, but there are also technical issues. Some of the oil that we have lost because of the bombing is called Basra Light. That is not something that might be found in the Strangers Bar but light crude, which is very important for American consumers. Some of the extra OPEC production from Saudi Arabia is a much heavier crude that is not as useful to western economies.

What about non-OPEC issues? Barclays Capital recently reported that it does not expect there to be any net growth from non-OPEC countries, except Russia. It is the second year in a row that it has made that prediction.

What about supply issues for the UK, which interests all Members present? It is perhaps now a cliché to say this, but oil and, in particular, gas production are at a mature stage of development. Output for oil and gas fell by 10 per cent. for March this year compared with the previous year. Worryingly, it is the 16th consecutive month that it has fallen.

However, it is not all doom and gloom. Paul Blakely, the vice-president of the Canadian company Talisman Energy, estimated that 10 billion barrels of North sea oil is untapped. In 2003, the industry produced 1.3 billion barrels from the UK continental shelf.

The good news, and the crucial strategic news for us, is that in overall terms the UK is still a net exporter of oil. We expect that to last until about 2010, but that is difficult to predict. The UK continental shelf produces a light crude, the bulk of which is exported and, because we need a mixture of grades, we import OPEC crude,

which is a bit heavier. That is good news; there is a balance of payments surplus for the oil and gas production industry.

Miss Anne Begg (Aberdeen, South) (Lab): Does my hon. Friend agree that there is an irony in this? Large rural constituencies such as his depend a lot on the price of petrol; therefore, the economy is negatively affected when oil prices go up. However, the economy of the north-east of Scotland is made much more buoyant if world oil prices are high. That gives us some hope for the future, provided that we get the balance right between the cost of the oil and the production, which will continue if oil prices are high, and ensuring that the knock-on effects of higher petrol prices do not undermine the economy.

Mr. Stewart: I thank my hon. Friend for that. I know that she has a great interest in oil and gas production. She was right to put her finger on that dilemma. North sea oil and gas are extremely good for the north-east—and, indeed, for the highlands. The other side of the coin is that we must ensure that we get the balance right because high petrol prices at the filling stations are bad news for motorists and cause difficulties for hauliers. I will touch on that later.

I want to turn briefly to the United States. Petrol production there reached an all-time high in April of this year. The American Petroleum Institute said that the refineries were operating at 92 per cent. of capacity; that almost full capacity has resulted in 9 million barrels a day of production. I must say that there are some conflicts between the Republicans and the Democrats on the issue. One may say that that is no surprise. For example, the Republicans are pushing for oil production in the Arctic national wildlife reserve in Alaska, which has been defended by many Democrats and environmentalists. The Democrats have argued strongly that the strategic petroleum reserve should be released to try to lower price, as President Clinton did during his Administration.

What demand factors influence price? The US is the world's largest importer of fuel and believes that cheap subsidised oil is a "constitutional right". A bit like the original frontier men and women, it believes that driving and roaming cheaply is important for its economy. China is another major player in the demand issue. It has 1 billion consumers, a massive increase in car ownership and insufficient reserves of both oil and gas. That has caused it to import substantial quantities of fuel. China is becoming even more significant in the world market and is responsible for 40 per cent. of the increase in demand. It buys 7 per cent. of the world's oil supply. I will give hon. Members one comparison. China currently imports 5.5 million barrels of oil a day, which compares with 2 million just 15 years ago. Therefore, China is clearly an important player. In India there are similar statistical trends. Perhaps the difference is that India has added substantially to its strategic petroleum reserve. Again, that has put a big strain on the world market.

What then is the big picture? Historically, over the past 30 years, there have arguably been three global recessions, which were all pre-dated by an increase in oil prices. The UK, through the good stewardship of my right hon. Friend the Chancellor of the Exchequer, has a strong economy. As we all know, there is low unemployment, low inflation, low interest rates and high employment. That is combined with a flexible labour market and strong social justice policies, such as nursery education. Obviously, there are worries about the continued effect of rising oil prices for consumers, particularly in rural areas such as the highlands and islands. There are also worries about margin squeeze—in other words, that higher oil prices will fuel higher raw material costs—and about higher inflation. I note that the Bank of England, when it explained its higher interest rate charge, cited higher oil price pressures as one of the factors. That is something that we must be careful about.

Speculation is another concern, particularly in relation to global hedge funds. Findlay MacDonald of Britannic Asset Management was quoted in *The Herald* on 3 June. He said:

> "This is not a supply issue, but mainly trader speculation that's driving the prices up. What OPEC is trying to do is prick the speculative bubble, but there are limits—many speculators are gambling that prices will continue to grow, because they reckon demand will remain strong, even if OPEC opens up its taps to full capacity."

On that factor, there are clearly worries about the future stability of Iraq and Saudi Arabia.

In conclusion, a stable and relatively cheap and available supply of oil are key foundations to the success of industrialised economies. However, in recent months there have been gathering storm clouds and a triple whammy has led to oil price crunch. There has been a surge in global demand, low inventories of oil and terrorist attacks in both Saudi Arabia and Iraq, which have vast oil production capacity. That combination of events has unnerved traders and that in turn has fuelled speculation. That has not helped the spot price of oil, which is hovering at about $40. None of that will be any comfort to the hard-pressed motorists and hauliers in high petrol price hot spots—black spots—particularly those in the highlands and islands and elsewhere in the UK. However, the situation is not all doom and gloom.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): The remoter parts of the hon. Gentleman's constituency, no doubt, share a problem with mine: whatever the price of oil in the world or the domestic markets, we routinely pay something in the region of 10p a litre extra for fuel at the petrol pump. Does he agree that it is time that the Government did something to tackle that problem within the highlands and islands?

Mr. Stewart: As the hon. Gentleman said, our constituencies share many common denominators. However, his is much more remote, with island issues. It is important that the Scottish Executive should consider this matter; that is why I supported the rural transport fund, which helps support rural petrol stations to set up transport companies that could do something about this issue.

There is widespread concern about the effects of high oil prices. Today, I am trying—hopefully this is coming over to the hon. Gentleman—to put forward some of the macro issues that are affecting the spot price of oil, and the suggestions that I shall make in my conclusion may be of some help and comfort to the hon. Member for Orkney and Shetland (Mr. Carmichael).

[Mr. Stewart]

It is not all doom and gloom; an extra 2.5 million barrels have been released by OPEC through the recent summit. However, there is a larger, philosophical point. It is not in OPEC's long-term interest, in my view, for the oil price to go above $50 a barrel because of the economic dislocation that that would cause its customers, who are basically the western countries—America and Europe.

There is another positive aspect. New and undeveloped North sea oilfields can and should be developed by smaller oil companies; they would be viable at the current price range of oil. However, I accept that the large players make longer-term decisions on oil not just in a few months but over a longer period. Iraqi oil production has increased month by month since June and the fall of Saddam. That could be tripled from available reserves once investment, capital equipment, staff and security issues have been resolved. That will be one of the major objectives of the new Iraqi Administration, who take office at the end of the month.

I welcome the opportunity to have this debate. This subject will have resonance for motorists, hauliers and all of us who seek, as consumers, a stable, well managed economy. There are wider arguments, which I will touch on but which I have no time to develop today.

In the longer term, we have to consider alternatives to oil. We must reduce our heavy dependency on OPEC, and that would be consistent with our commitments to reduce global warming. For example, we should develop the use of hydrogen, biocells, hybrid vehicles and fuel cells for buses. In my view, the Government should review their policies for strategic gas and oil reserves. We do not have sufficient storage capability for gas. We currently have 12 days' capacity, compared with 55 days' capacity in Germany and France.

On oil, perhaps the Minister could comment on the policy for reviewing the strategic petroleum reserve, apart from the particular arrangements for the Ministry of Defence, which I suspect are beyond the Minister's remit.

I understand that there is an EU proposal to increase our reserves from 90 days to 120 days, but they would be specifically held by oil companies. My own view is that there should be a Government strategic petroleum reserve held by Government alone and not by oil companies. Strategically, for defence against terrorist attacks, that will be very important for the future.

These important issues will impact greatly on the future performance of the economy. As a Government we cannot control external pressures on our economy, but we can develop internal strategies to react to those pressures. Perhaps the key debate should be about how to use less oil in future, not more.

11.19 am

The Economic Secretary to the Treasury (John Healey): I congratulate my hon. Friend the Member for Inverness, East, Nairn and Lochaber (Mr. Stewart) on securing the debate and on the way in which he made his points. This is a short debate, but he dealt with the issues at stake in a long and wide way and, as he said at the start, he has a long-term interest in the offshore oil and gas industries. He also has a long track record of championing the interests of rural areas.

I am also glad to see my hon. Friend the Member for Aberdeen, South (Miss Begg) and the hon. Member for Orkney and Shetland (Mr. Carmichael); they, too, have a strong interest in such matters and a good track record.

I start where my hon. Friend the Member for Inverness, East, Nairn and Lochaber ended: his principal concluding points, his suggestions for the future. He is right in saying that we need to exploit fully the oil and gas reserves within the UK. Many of the changes to the fiscal regime that we have developed in consultation with the industry have been designed to do just that. The challenges are particularly great given that our reserves are in a mature field on the UK continental shelf.

Secondly, he mentioned the prospect of increases in Iraqi production. I know that he speaks from experience, having visited Iraq as part of the parliamentary armed forces scheme. He is right that we hope that increases in oil production, and more secure production, will come with the greater stability that should result from the handing of control to an Iraqi-led regime this summer. On the question of strategic reserves, he will know that the International Energy Agency, of which the UK is a member, has principal responsibility for holding national emergency oil reserves. Those reserves constitute a supply of 112 days of net imports. He will also be aware that under the obligations of the IEA, net importing countries have a legal obligation to hold oil reserves equivalent to at least 90 days of their oil imports. However, exporting countries, of which the UK is one, have no such legal obligation under EU consumption-based regulations.

I turn to the concerns that have given rise to the debate—the current high oil prices and the nature of the political debate that has been conducted over recent weeks as a result. My right honourable Friend the Chancellor made it clear last week that the Government welcome the OPEC decision to raise production targets in July and August, and the Saudi and United Arab Emirates announcements that they will bring forward increases in production. As my hon. Friend said, Saudi Arabia is the most important card in the OPEC pack. He mentioned the scale of the Saudi plans to increase oil production, but oil stocks are already building at current levels.

Those announcements are both welcome and essential for the much-needed stability in the oil market that we have sought. So far, their impact on oil prices has been positive, taking prices down to about their lowest for a month. Last night, the spot price in New York was $38.43 a barrel, and this morning at 10 am the price of Brent crude was $35.67 a barrel. In recent weeks, the Chancellor has been at the forefront of discussions with OPEC. He and other international Finance Ministers will continue to press OPEC both on meeting the increased production targets and on the case for raising the levels further. Because the world oil price has been rising, it is in the British national interest that the focus should be on oil supplies, OPEC and its responsibilities.

As my hon. Friend indicated, high demand on the Asian and US markets, plus short-term instability in the middle east and the accompanying speculation that that has triggered, have meant that no country can buck the global price. For Britain, it is in nobody's interests to

have higher than expected petrol prices. I understand the concern of motorists, hauliers and business. I regularly meet the haulage associations and representatives of business and, like many others, I drive a car.

However, this is a problem of world fuel prices, not UK fuel duty. It is worth remembering that over half the oil that we use in the UK bears little or no fuel duty—that used for industrial production and home heating and by airlines and trains, and the fuel used off-road for farming and construction.

Mr. Carmichael: I fear that little that the Minister is saying will give any comfort to motorists in my constituency or in that of the hon. Member for Inverness, East, Nairn and Lochaber (Mr. Stewart). The Minister told me recently that the Treasury was not capable of implementing a variable rate of duty such as that given to peripheral communities in Greece and Portugal. If that is the case, does he have any alternatives or does he expect us simply to live with a continuing premium on the cost of fuel in the highlands and islands?

John Healey: If the hon. Gentleman looks at the full picture, he will see that we support rural areas—for example, the maintenance costs on rural roads are higher than elsewhere, given the relatively low usage—and that we support farming and other rural communities. The problems with differential road duties make them an inappropriate and impractical solution to the problem that the hon. Gentleman describes.

A large number of people and businesses in the UK pay little or no fuel duty on the oil that they use, but they are still affected when oil prices are high. That is why it will continue to be important, in the run-up to the next OPEC meeting on 21 July, to concentrate on the source of the rise in world oil prices, and in particular on world production targets.

We have already postponed the inflation-only increase in domestic UK fuel duties until 1 September, at a cost to the Exchequer and a saving to the motorist and haulier of £300 million. We have also confirmed our plan to give a special incentive for the introduction and use of sulphur-free fuel, to reduce the environmental damage and local air pollution caused even by current ultra low-sulphur fuel. We have been working closely with the oil industry, which has made significant investments in advance of September. We therefore expect a universal switch to sulphur-free diesel within days and to sulphur-free petrol within months.

All the Chancellor's tax decisions take into account a balance of economic, social and environmental factors. We propose the usual annual inflation rise in order to maintain the resources available for investment in schools, hospitals and public transport and to meet our commitments to the environment, while taking into account the impact of the world price of oil on economic stability and the impact of fuel prices on different sectors of society and the economy in Britain. It is important for the British economy that we have the strength to get the balance right between a fair deal for the motorist and the haulier, the needs of the public services, the stability of public finances, and our environmental responsibilities.

My hon. Friend the Member for Inverness, East, Nairn and Lochaber drew comparisons with the past and he was right. In contrast with previous periods of high world oil prices under the last Government, the UK economy now has a foundation of stability and strength. In late 1980, when oil prices also reached $40 a barrel, inflation was more than 15 per cent., interest rates were 14 per cent. and GDP had contracted by 4 per cent. over the year. In 1990, when oil prices also reached $40 a barrel, UK inflation was almost 11 per cent., interest rates stood at 14 per cent. and the economy had again entered recession.

Today, of course, as a result of Labour's macro-economic management, the UK economy now enjoys the longest continuous expansion on record, the lowest sustained inflation for 40 years and the lowest levels of unemployment in a generation. Today, the UK is therefore better placed to deal with the challenges of the global economy, including those posed by higher oil prices. Having fought so hard over the past seven years to achieve the stability of the economy and of the public finances, the Chancellor has vowed not to do anything that will put that at risk. Some may make and change their policy positions on the basis of day-to-day events and opportunism, but we will not take short-term decisions. That is why both the Chancellor and Prime Minister have said that in August we will look at what progress has been made in dealing with this period of high and unsustainable oil prices. We will then be able to reach a judgment on our own fuel duty change, based on an assessment of all the factors, including the level and trend of oil prices at that point. Until that time, the focus of all responsible Governments should be on OPEC and other oil producers, and on their responsibilities to meet their own targets for sustainable oil prices.

11.29 am

Sitting suspended until Two o'clock.

Crown Prosecution Service (London)

2 pm

Richard Ottaway (Croydon, South) (Con): It is fair to say that crime affects everyone. Last year, there were more than 1 million cases of reported crime in the Metropolitan area; a staggering amount. That figure has to be put in the context of bringing criminals to justice.

The last year for which I can obtain relevant data is 2002. In the financial year 2002–03, the number of crimes reported in the Metropolitan area was 1,080,000, and in the calendar year 2002 there were 54,249 convictions. That is not a direct comparison, but it indicates the scale of things: less than 6 per cent. of the crimes committed led to convictions. I do not suggest for a second that that weak figure can be laid at the door of the Crown Prosecution Service. However, with that in mind, the debate is set against the background of two CPS inspectorate reports on the London CPS in 2001 and 2003.

I am sure that the Solicitor-General will be the first to acknowledge that the situation in 2001 was dire; the system was closer to collapse than many may have imagined. There were serious failures in the fundamentals of bringing criminals to justice. The police were bringing in the suspects, but the courts were not trying them. Cases were frequently not ready for trial and a high number of cases was discharged because the CPS was not ready to proceed. About 46 per cent. of briefs were not delivered to counsel on time. In 38 per cent. of cases, the CPS was in breach of its statutory duties on disclosure.

Having read my critical remarks, the Director of Public Prosecutions wrote to me, saying that the situation was regularly the fault of witnesses, the police or the courts and not of the Crown Prosecution Service. I was even more surprised when the Solicitor-General wrote to me in similar vein. That prompts the central question: who has overall responsibility for case management? Which Minister accepts responsibility? Does any single Minister accept responsibility? The Solicitor-General's letter, which implies that the worst is behind us, prompted me to secure this debate. I suspect from the tone of the letter that she believes that things are better than they appear on the ground.

Mercifully, the 2003 report paints a more optimistic picture than its 2001 predecessor. However, in the executive summary, there are phrases such as

"there is further work to do . . . there is still work to be done . . . there is still some way to go . . . has not yet fully implemented the national guidance . . . Issues relating to timeliness of primary disclosure, and the effectiveness of secondary disclosure, still need to be addressed . . . remains at an unacceptable level".

Those phrases are littered throughout the report and suggest that despite the improvement—and improvements have been made—there is a long way to go. There is more money, and more staff; 100 new lawyers have been recruited. There have been structural changes that should result in more decisions being made at operational levels for the delivery of effective prosecutions. There is a reported improvement in morale.

However, I continue to have grave concerns about the efficiency of the Crown Prosecution Service in London. The re-inspection in October 2003 showed that many of the recommendations in the original report were only partially implemented. Considering that we were starting, and I quote from the report,

"in many cases, at a very low level",

that is doubly alarming. The underachievement seems to stem from problems with case ownership and management, staff quality, and effective and timely intervention by managers to identify and remedy inadequate case preparation. In short, there may have been improvements, but the benefits have yet to be seen in court. The Solicitor-General is responsible for all those issues.

Bringing prosecutions to court remains inefficient and costly. Offenders are not brought to justice, witnesses are demotivated and victims lose confidence in the criminal justice system. The reforms in the Criminal Justice Act 2003, which unifies the administration of the courts, will do little to solve such practical problems.

I welcome the modest increase in staff recruitment and the reduction in the number of casual staff in the administrative grades. Those steps, and the provision of better training and career paths, should help to improve the professionalism of the service. However, they are only small steps, and the report states that the high number of casual staff in administrative grades continues to cause operational difficulties.

In a letter to me on 5 March, the Solicitor-General acknowledges that a collaborative approach to "joining up justice" through multi-agency communication is critical, and I agree. She says that things are getting better as a result, but I regularly hear reports that files are still not being updated on a timely basis. That results in ineffective days in court because, too often, witnesses are not told the date, so they do not turn up. The CPS does not provide advance information and primary disclosure. It falls to the court to decide whether the interests of justice are served by proceeding in such circumstances. Has it occurred to the Solicitor-General how the victims feel when an adjournment is not granted and the case collapses because the CPS offers no evidence? The public's impression of the judicial system suffers, and justice is not seen to be done.

The report finds that between October 2002 and March 2003, 69.5 per cent.—more than two thirds—of trials in magistrates courts were listed as ineffective. Clearly, collaboration between the police, the criminal justice units, the CPS and the courts is not yet working as well as it should. Yet again, that raises the question not so much of who is responsible but of where overall responsibility for the management of a case lies.

The consequences of inadequate preparation cut both ways. Defendants obviously have the right to a fair trial. If, as the report finds, there are failures in primary and secondary disclosure, it is difficult for a court to refuse to grant an adjournment. That means more cost, more delay and a risk that witnesses will not return to court on a later date. The result is often that there is no prosecution, and police and court time is wasted.

Article 6 of the European convention on human rights deals with the right to a fair trial. Quite properly, it is considered to be against the interests of justice to hear a case when the defence has not been served with

the information on which the prosecution has relied or has not used because it might undermine its case. That is included in primary disclosure. If that single aspect of case management were improved, a considerable number of case adjournments could be avoided.

The inspectorate's update reported:

"Handling of secondary disclosure generally, and timeliness of primary disclosure in the magistrates' courts, are priorities",

and I am sure that the Solicitor-General will agree. Those words are, however, code for the fact that these remain problem areas, and I would be interested to hear what developments there have been since the report was published.

Defendants seem to have spotted that these problems create a potential loophole. The original report concluded that a higher than average number of defendants in London elected to be tried in the Crown court in either-way cases or to plead not guilty. They do so in anticipation that the CPS will not be ready to proceed at the next hearing. In short, if they spin it out, the case will never come to anything. That is a massive indictment of the system. The 2003 report does not review whether things have changed in that respect, so could the Solicitor-General report on the problem?

In raising concerns about the standard of CPS work, I acknowledge that some of the delays arise as a result of the defence not being ready for court. But the courts have a remedy if a defendant or defence witness declines to come to court when the case is ready to be heard: they can hear the case in the absence of the defendants or defence witnesses, provided that they are satisfied that the defendants or defence witnesses have been given every opportunity to attend. The defence is far less likely to cause a delay than the prosecution.

I am told that COMPASS—the case management IT system—is operational throughout London. In theory, that means that Crown prosecutors and caseworkers can track the progress of cases on screen and take timely action to ensure that the file is ready for court. That is great in theory, but does it actually happen? The Solicitor-General told me that the system is having a significant impact on case ownership and management. It may have been installed on time and on budget—a remarkable feat by this Government's standards—but is it making a difference? By all reports, that difference is not evident on the ground.

Technology is not solving the use of agents, whose deployment in 50 per cent. of cases continues to create its own problems. The report concludes that there is still widespread concern about the quality or preparedness of some agents. Agents do not receive files early enough to prepare for court and, all too often, files are missing entirely. Agents claim to be unable to make decisions in court on the ground that they are "just agents". That is a basic problem, and must be addressed.

Regrettably, the advocacy skills of the CPS and its agents are largely unsung by magistrates and Crown court judges whose evaluation is completely swamped by their concerns about the inefficiency and lack of preparedness that result in too many cases being adjourned. The inspectorate's report notes that

"there remain concerns about the quality of some counsel in serious cases and the caseworker cover provided".

Why? What is going wrong? The Solicitor-General brought to my notice the report's favourable comments on the training given by CPS London to prosecution agents, yet the report also states that

"trial advocacy training has not been provided for CPS prosecutors, a need identified during the course of the last inspection".

Why not? Again, that is basic.

I do not need to tell the Solicitor-General, a fellow London Member of Parliament, that many Londoners are the victims of crime. My constituents in Croydon are no exception. There has been a welcome shift in the criminal justice process to consider the impact of crime on victims, who now have the right to be informed of progress on the prosecution and to make a statement, which can be read out in court, on the impact that the crime has had on them.

The police have received their fair share of brickbats in debates on narrowing the justice gap. However, I commend the Met's introduction of victim and witness focus desks to provide a single point of contact to deal with the needs of victims and witnesses. The work of the court-based witness service to help them to understand how court proceedings work and to encourage them to have the confidence to give evidence is to be applauded, especially as the service is manned by volunteers.

Improvements have been made recently, and I recognise the huge effort that individuals and organisations have made to narrow the justice gap. None the less, crime and the fear of crime are still high on the agenda of London residents. I hope that the CPS in London can build on the progress made to date. The least that we should expect is that prosecutions that are brought to court are heard without delay, and that justice is done and seen to be done.

I did not secure the debate for political advantage. The Solicitor-General knows that I have corresponded with her for several years, and I hoped that there would be a substantial improvement in the period between the two reports. In an area where justice and the application of justice are highly relevant, it is critical that justice is applied as effectively and efficiently as possible. Those of us who have close contacts with magistrates and with people who work in the courts realise how effective they can be. I give the Solicitor-General every support in achieving the objectives, as, I am sure, will my hon. Friend the Member for Huntingdon (Mr. Djanogly), but the sad fact is that an awful lot remains to be done.

2.15 pm

Mr. John Burnett (Torridge and West Devon) (LD): I begin my short contribution by raising a case that is currently being heard. Referring to its merits would be sub judice, so I shall refer only to its existence and the fact that it is taking an inordinate amount of time. As a result of the incompetence of the Crown Prosecution Service, the Serious Fraud Office, the defence, the prosecutors and perhaps even the judge herself, the fraud case involving the Jubilee line extension is taking an inordinate amount of time and vast sums of money are being disbursed in its prosecution. I ask the Solicitor-General to look into the matter urgently.

The hon. Member for Croydon, South (Richard Ottaway) rightly talked about Her Majesty's inspectorate of the Crown Prosecution Service, which is

[Mr. John Burnett]

an important body of individuals on whose work we must rely. The inspectorate has expressed views about the CPS and its difficulties. I am not sure whether the inspectorate has been able to make a formal inspection and report in relation to Customs and Excise prosecutors. Not too long ago, owing not least to the unhappy events well documented by Mr. Justice Butterfield in his "Review of Criminal Investigations and Prosecutions Conducted by HM Customs and Excise", those prosecutors were brought under the aegis of the Law Officers' Department. I welcome that, but wonder whether there has been an opportunity for the inspectorate to look into that prosecuting service, which is housed in London. If so, has the inspectorate reported and what was the thrust of the report? Perhaps I have missed it. If so, I apologise, although I should like the Solicitor-General to let me have a copy of it.

Before I leave the subject of the inspectorate, I am anxious for the Solicitor-General to say who inspects the small prosecution departments that do not come under her aegis. I believe there is a light-touch relationship between the Attorney-General and Solicitor-General, and the prosecutors for the Health and Safety Executive, the Department of Trade and Industry, the Inland Revenue and the Maritime and Coastguard Agency. I am anxious to know who monitors and inspects those bodies to ensure that they do not go on a frolic of their own and that high standards are maintained. There was something seriously wrong with the CPS. I regret to say that things do not seem to have improved substantially, although in fairness there have been some improvements. Attention has been drawn to Lord Justice Glidewell's important report on the CPS, published in 1998. It went to the core of the problems that then afflicted the CPS, both nationally and in London.

In a critical article in *The Times* on 11 June 2002—I accept that that was two years ago—Mr. Robert McFarland made some compelling points: had there been a fundamental change; were the reforms properly acted on, and had recommendations been properly and completely implemented; and had there been a fundamental shift of emphasis towards the efficiency and standards that we expect from our national prosecution service?As the hon. Member for Croydon, South said, many stories, both in London and nationally, still emanate from the CPS about its inadequacy and lack of proper case preparation, about files being moved from one individual or department to another, and about prosecution failures. Cases such as that of Damilola Taylor, which hon. Members will recall, highlight the relevance of a succession of damning external reports.

Sylvia Denman's report of July 2001 is also relevant. Ironically, it arose as a result of events that took place at the Croydon branch of the CPS, and it is the hon. Member for Croydon, South whom I should congratulate on securing this debate. Sylvia Denman made a number of recommendations on race discrimination in the CPS. I would welcome the Solicitor-General telling us whether those recommendations have been listened to and properly acted on, and that the dreadful events described in Sylvia Denman's report will not occur again. There should be a proper ethos in the CPS when it comes to dealing with ethnic minorities.

In December 2001, the inspectorate's report on the CPS in London concluded:

"many of the serious weaknesses we identify can only be addressed through a substantial development and strengthening of both senior and middle management".

In April 2002, a report produced by Her Majesty's inspectorate of constabulary on the handling of cases involving allegations of rape concluded that there was a

"need for a more professional approach at the outset if the criminal justice system is to secure more convictions and greater support for current and future victims."

On the CPS's role, the inspectorate said that the

"approach too often tended to be one of only considering any weaknesses, rather than also playing a more proactive role in seeking more information and trying to build or develop the case."

The common themes have been inadequacy and failure. There are too many lawyers who are either overstretched, incompetent, or both. There has been poor management, inadequate IT systems and an inability for the three pillars of the criminal justice process—the police, the CPS and the courts—to work together effectively.

There has been much criticism, but I want to end on a more positive note, because it is essential to realise, as the hon. Member for Croydon, South said, that the CPS is not a party political football that we are kicking about. It is important that the public have every confidence in the justice system, every confidence that prosecutions are being brought competently and conscientiously, and every confidence that a system is in place to secure the conviction of the guilty and ensure the acquittal of the innocent. I am anxious to hear the Solicitor-General say that the thrust of Lord Justice Glidewell's three main recommendations will be met and for her to tell us when that will happen so that greater priority is given to more serious cases, so that we have a new organisation, structure and style of management, and so that we establish firmly the proper role of the CPS in the criminal justice process.

2.25 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): I congratulate my hon. Friend the Member for Croydon, South (Richard Ottaway) on securing the debate. He spoke about the thorough nature of the review and has followed the performance of the CPS in London over a significant period by asking questions and corresponding with Ministers and others.

Serious matters have been raised and both policy and operational issues have been mentioned. Although we are debating the CPS in London, the question arises as to what extent its problems are reflected around the country. For instance, the London inspectorate report of October 2003 refers to high proportions of casual staff, even though London CPS staff are paid more than non-London staff. Is the high cost of living in the capital having a detrimental effect on recruitment, or is London CPS losing trained and senior staff to other public bodies like the Treasury, the Department of Trade and Industry and the Serious Fraud Office?

Historically, it was generally accepted that when the CPS was founded in 1986 the quality of its staff was lacking, not least because of the initial need to recruit a lot of people quickly. However, many now think that the quality of staff, particularly outside London, has been steadily improving. There is no shortage of quality recruits coming to the CPS in Cambridgeshire. Is there some particular problem in London to which the Solictor-General can point?

Another thing that has been nagging me is the extent to which the Government know what is happening on the ground. It is not just a case of whether they know what is going on, but which Department takes responsibility for the CPS on the ground. My hon. Friend reiterated the point made in the inspectorate's report of October 2003: London has an unacceptable problem with discharge committals and with cracked and ineffective trials in the Crown court.

In a written answer on how many cases brought before the CPS had been dropped and for what reasons, the Solicitor-General admitted:

"The Crown Prosecution Service holds no historical records showing why cases did not proceed".—[*Official Report*, 15 March 2004; Vol. 419, c. 7W.]

Will she confirm that that information could be provided for new cases? More specifically, is that situation related to the practicalities of only recently introducing computerised case-management systems? Does she have any information to share with us on how computerisation is likely to improve the quantity and quality of case management? To what extent is there still a problem with CPS staff not having the necessary computer skills to use the equipment? What is being done to remedy that? Why are the offices of our criminal prosecutors only now being computerised?

There is no doubt that London has specific problems. From March 2001 to March 2003, the annual cases handled per CPS lawyer fell from 674 to 458 and the number of committals for trial per CPS lawyer fell from 60 to 50. That was despite the number of lawyers rising from 240 to 350 and running costs increasing from £35 million to £47.5 million. Those statistics follow an emerging pattern for all public services over recent years. With more staff comes more expense but lower productivity.

How do the Government propose to reverse the state of affairs within the CPS? They have made some proposals. One of the more bizarre proposals is to change the name of the Crown Prosecution Service to the public prosecution service. Where do we stand on that name change? If it does go ahead, how much will the rebranding cost? Will the Crown remain as the prosecuting party, and if it does, what is the point of the name change? Another interesting proposal made by the Attorney-General recently is that the career paths of the CPS staff should be reviewed to encourage talented people to join up—for instance, by enabling CPS staff to become judges. Will the Solicitor-General elaborate on those proposals? Has she considered the human rights implications of CPS lawyers who are employed by the state acting as part-time judges?

Another problem is that in some types of crime, such as organised crime or animal rights terrorism, specialist teams of defence solicitors and counsel have been going around the country and outgunning local non-experienced CPS lawyers. Will the Solicitor-General elaborate on the proposed moves to set up specialist groups of prosecutors to take on specialist cases? Will those teams be based in London, and if they are, will they be a separate body or pulled from regional teams case by case? Does the Solicitor-General foresee that the future effectiveness and productivity of the CPS could be improved through specialisation?

One London CPS problem that comes through strongly in the October 2003 inspectorate report is that work remains to be done on leadership and governance. The inspectorate acknowledged that a new Government framework was being developed, with the intention of devolving accountability and responsibility to geographically based sectors. It would help if the Solicitor-General could provide an update on how that process is developing and if she would comment on the inspectorate's finding that there is still work to be done on people and performance management skills.

My understanding is that the CPS is to be permitted to take the decision to charge, rather than receive the papers only after the police have made such a decision. That seems eminently sensible, as it has the potential to reduce tension between the police and the CPS and reduce duplication of effort. However, the proposed roll-out of the plan seems to be somewhat haphazard, with only two London areas operating the new scheme. Can the Solicitor-General confirm whether the costing of the scheme in London, and around the country, has been properly worked out? For example, how many more CPS lawyers and CPS caseworkers will be required to be based in police stations?

We should deal with more than just operational and management issues. Above all, there are policy and confidence issues to consider. If members of the public do not think that the CPS is prosecuting fast enough or well enough, that creates a confidence problem in our criminal justice system. I recently received a letter from a lady who had been mugged in broad daylight as she left a shop. The woman stole her handbag, which contained her cheque book. By the time the police identified the assailant, which they did by tracking down the six stolen and forged cheques, the mugger was already in prison having had 120 other offences taken into consideration. The CPS, following national guidelines, refused to prosecute her for the six new offences, saying that it went against its overriding duty of fairness. If the offences that had been taken into consideration had been 126 rather than 120, would the sentence have been worse? The CPS said no. The victim, however, was staggered that the criminal could not be prosecuted for the crimes committed against her. After all the hassle and upset of helping the police in their investigation, she was left thinking, "Why did I bother telling the police? What good did it do me? I have come off worse."

The system seems to be wrong. Yet again, we see the law working in favour of the criminal rather than the victim, while the CPS takes the blame for a failure in national policy. I am interested to hear what plans, if any, the Solicitor-General has for strengthening the case in favour of victims and for the CPS to prosecute on that basis.

It seems that there are other proposals to improve contact between the CPS and witnesses—for instance, to inform them of the progress of a case. That is necessary

[Mr. Jonathan Djanogly]

not only for compassionate reasons but, as my hon. Friend the Member for Croydon, South said, because it would help to ensure that people turn up and court time would not be wasted. It is a good idea, but no one seems to know what it would involve. We may be wiser were the Solicitor-General to elaborate on that. Has the she considered making a statement on the future of the CPS and the reorganisation proposals? A full debate on the subject would be worth while.

2.36 pm

The Solicitor-General (Ms Harriet Harman): I congratulate the hon. Member for Croydon, South (Richard Ottaway) on opening the debate, and on bringing the matter to our attention. He had some sharp things to say about the Crown Prosecution Service in London, but I welcome the opportunity to respond, because we all agree that these are important matters for Londoners. It is important that those who might be victims of crime should feel that justice will be done; and it is important that the public in London should have confidence that justice will be done. That is also a major deterrent; if people think that they are going to be caught and brought to justice, they are less likely to commit crime. I am sure that we all agree on the seriousness to Londoners of the issues raised by the hon. Gentleman.

I am the Minister accountable for the CPS in London. Hon. Members will be aware that the CPS is independent. It bases its prosecution decisions on the evidence in each case, but it also takes account of whether a prosecution is in the public interest. However, although its decisions are made independently, the CPS is a public service and is accountable to the House through me. I exercise close and careful superintendence over the CPS in London. I have to remember at all times that although Members of Parliament and the public want the CPS in London to be accountable, they also want it to be independent. They do not want me or any other Minister taking such decisions. I walk a fine line of proactive supervision without trespassing on the prosecutor's independence.

Richard Ottaway: The approach set out by the Solicitor-General is right, but it is not the answer to my question: who is the responsible Minister? I was looking at the wider issue, mainly framed around the letter from the Director of Public Prosecutions. The letter said that the CPS is not responsible for the delays, but that they are caused by witnesses, the police and other factors beyond its control. My question was aimed at finding out which Minister is responsible for the overall picture.

The Solicitor-General: I hope to answer as many of the hon. Gentleman's questions as possible, including the one of which he has just reminded me. I hope also to answer the questions put by the hon. Member for Torridge and West Devon (Mr. Burnett); and I welcome to his position as shadow Solicitor-General the hon. Member for Huntingdon (Mr. Djanogly). If I have not answered all their questions by the end of the debate, I undertake to do so in writing. However, I listened carefully to the points raised, and I shall set about answering them.

Having described the overall framework, I should explain that in London the police are accountable to the House through Home Office Ministers and the Home Secretary. The courts in London are responsible through the Under-Secretary of State for Constitutional Affairs, the hon. Member for Shipley (Mr. Leslie). However, when all is said and done, nobody in London wants to hear it said that something has not happened because "It is not our responsibility, it is somebody else's". Nobody will think that we have a fantastic police force if there is a problem with the CPS or the courts, as a result of which offenders are not brought to justice. The point was strongly made in the Glidewell report that although the CPS and the courts need to maintain their independence, they have to work together in close partnership. Nobody wants to hear either organisation claim that it played its part and so if something has gone wrong it is the fault of somebody else. That is no good to anybody; it serves only to undermine public confidence.

I acknowledge that there have been problems. They were detailed in the December 2001 inspectorate report that the hon. Member for Croydon, South mentioned. I stand by what I have said to him in person and in letters: the situation is improving. Let me explain how and why. So that cases do not fall through the gaps between the police and the CPS or between the CPS and the courts, various parts of the criminal justice system in London are working together in much closer partnership. Each borough now has a criminal justice group, comprising the police, the CPS and the courts. They are working together at borough level to ensure that more offenders are brought to justice, that there is a better deal for victims and that there is greater public confidence.

That is not an airy theoretical position. The agencies are working together in every borough. That is replicated London-wide: the chief Crown prosecutor, Dru Sharpling, the Metropolitan police, the courts and the probation service work together across London's criminal justice system. Inter-agency co-operation and partnership is cemented at borough and national level. That is new; it used not to happen. I remember that, when I first became Solicitor-General, a complaint about a case would go to the police in the first instance. The police would claim that it was the responsibility of the CPS, which had messed it up, and the complaint would be passed along the line. The focus is now much more on working together to get things right, rather than working separately to apportion responsibility.

Such co-operation occurs not only at borough level and London-wide but also among Ministers. Baroness Scotland at the Home Office, the Under-Secretary of State for Constitutional Affairs, my hon. Friend the Member for Shipley, and I meet monthly, as do the heads of the agencies, to monitor the progress of the criminal justice system in London. That, too, is new; individual Ministers used not to keep such a close watch on individual London agencies. Now we not only do that, but we work together to try to ensure that progress can be made. I thank all who work at borough and at London level, in particular the chair of the London criminal justice board, Dru Sharpling, for the new work that has been done to develop that partnership. It is producing results and will continue to do so.

In response to the proposals in the Glidewell report, there are now trial units for separate, specific consideration of more serious cases, backed up London-

wide by a casework directorate in London dealing with the most specialist and serious cases. There has been a big change in management in the London CPS. The Attorney-General and I have full confidence in those who are leading the CPS in London. I hope that the results that are coming through will inspire more confidence than has been shown by hon. Members.

Mr. Burnett: I thank the Solicitor-General for giving way. With your leave, Mr. Deputy Speaker, I would like to welcome the hon. Member for Huntingdon (Mr. Djanogly) to his new role and congratulate him on his appointment.

Obviously, it is important to have strong leadership and example. It is also vital to have continuity. If staff are coming and going, that is disastrous. If files are partly prepared by one person and then handed on to another, it is difficult to mount a successful case. What is important is good leadership, quality of staff and continuity, and a real endeavour at work. I hope that that is what is going on.

The Solicitor-General: I agree with all the points that the hon. Gentleman has made.

Mr. Djanogly: Further to the previous intervention, the Solicitor-General said that she holds meetings on a monthly basis to discuss the CPS in London. The management issues that the inspectorate said were a problem were occurring until October 2003, so will she explain how they have improved since the full report?

The Solicitor-General: I will.

I agree with the hon. Member for Torridge and West Devon that what is needed is strong leadership, a confident team of lawyers who are ably supported, and continuity on cases. I will address all those points in due course.

One of the problems in the CPS in London was simply that there were not enough lawyers. With the best will in the world, if there are too many cases per lawyer, there will not be a good quality of case preparation, so if there are more lawyers, that leads not to lower productivity but to better case preparation. The Government are committed to have more lawyers in the CPS, and we have made progress on that nationally, and particularly in London. Since 2001, when I became Solicitor-General, there has been a 49 per cent. increase in the number of lawyers in London. Lawyers should have time to prepare their cases properly.

When new people arrive it takes them time to bed in; obviously, they are not as experienced as those who have been around for 20 years. However, there has been a big increase in lawyers, and, interestingly, there has also been such a close correlation between that increase and an increase in guilty pleas that one would think that the lines that mark those rises were the same. The hon. Member for Huntingdon made a fair point when he said that some people may plead not guilty hoping that their case will fall by the wayside. When there were more lawyers in the CPS in London there were more guilty pleas because solicitors were clearly advising their clients to enter a guilty plea early in order to get the full discount for that, because the case might not fall apart and that would result in them being convicted.

I am sure that there being more lawyers has led to higher quality case preparation, to the ability to focus more on the interests and concerns of victims and witnesses, and to a greater likelihood of solicitors advising their clients that they will probably face justice if they are guilty, so if they are guilty the best thing to do is to plead guilty.

The hon. Member for Croydon, South said that CPS advocacy is unsung by magistrates and Crown court judges. We need to unpick that a bit. In my view, and in the view of CPS London, the DPP and the Attorney-General, it is not a good idea to have a high number of solicitor agents in the magistrates court. It is much better if our own prosecutors can be in court, prosecuting their own cases, which they know and understand, and on which they can make a decision. Magistrates say that they like the person who appears before them to be someone who knows what is going on in a case, rather than someone who tells them they must pop out and make a phone call, and then returns with the news that the prosecutor is not there, so they cannot get a decision.

Because we have more lawyers, we have needed to use fewer independent solicitor agents. The number of designated caseworkers has also increased. Those are people who are not qualified solicitors but who can be in court, representing cases at certain stages of the process. As well as more CPS advocacy, which is welcomed, and more designated caseworkers, there are more higher court advocates. Those are prosecutors in the Crown Prosecution Service, rather than the independent Bar, who can take a case through various stages, including, sometimes, up to trial in the Crown court. Instead of the Crown Prosecution Service instructing independent counsel, the prosecutor, properly trained as a higher court advocate, will conduct the case.

Mr. Burnett: I am encouraged by what the Solicitor-General says. I believe that it is wrong to take a merely accounting view of such matters. Nevertheless, we are here to ensure that there is value for money. One pointer to that will be the savings gained by using the Crown Prosecution Service to carry out its own advocacy, instead of hiving the work out to independent counsel. It would be interesting if the Solicitor-General could, in a few months' time, produce some statistics to show the savings made.

In addition, the Solicitor-General mentioned a 49 per cent. increase in the number of lawyers. I should like to know the figures for cases handled per lawyer, immediately before she was appointed and now. I should also like to know the number of successful prosecutions per lawyer, then and now.

The Solicitor-General: I do not have those figures with me, but I undertake to give them to the hon. Gentleman. However, I said that the number of guilty pleas, which he may count as successful prosecutions, had increased, and I believe that there is a correlation between that result and the increase in the number of lawyers.

I said something about CPS lawyers routinely doing their own advocacy in the magistrates court and increasingly working in the Crown court, and I want to mention the quality of CPS lawyers. I want to put this as delicately as I can, but sometimes the legal profession

[The Solicitor-General]

outside the CPS has not been as fair as it should have been to lawyers within it. The law is a chronically hierarchical profession and those at the independent Bar sometimes feel that they are the crème de la crème and that anyone who is not at the independent Bar, and heading towards the judiciary, is second rate.

I challenge that view. Many people in the Crown Prosecution Service have chosen it, and do an excellent job. They are not people who could not make it at the independent Bar. They believe in what they are doing, which is very important, and they do it to an excellent standard. Many CPS lawyers are women who have chosen to work for the service rather than the independent Bar, not least because the latter requires people to go zooming around the country at the drop of a hat. People in the CPS believe in the work that they do, and some find that the lack of family friendliness, and various other aspects of the independent Bar, make working for the CPS much more desirable.

Sixty-five per cent. of lawyers in the Crown Prosecution Service are women. I am not prepared to hear that those lawyers are less good than lawyers outside the CPS. They might not look or sound like a High Court judge, but are their legal brains any less good? I would say not. We must recognise that there has been a lot of snobbery about the CPS in the legal profession.

The CPS should be held to account, and individual cases and statistics from across cases should be carefully considered. We should account to Parliament for what the CPS does, and it is right that Members such as the hon. Member for Croydon, South should not only take up individual cases but look across the piece. However, we must also guard against the sense that the CPS is the poor relation in the law. I have looked at CPS branches, trial units and prosecutors in court, and I have talked to people, and I would be very depressed if they were as they have been described. In reality, however, I am always struck by the contrast with how they are seen from outside.

Mr. Djanogly *rose—*

The Solicitor-General: I am going to deal with the inspectorate's report. In fact, I feel that I shall answer the hon. Gentleman's question before he even asks it.

Mr. Djanogly: I thank the Solicitor-General for giving way and for her mind-reading, but I wanted to ask about a different issue. She is not wrong about the way in which the legal profession views the CPS, and I agree with most of what she says, but I return to the issue of specialisation. In an age of specialisation, in which big money goes into defence teams, is there not a need for specialisation in what, generally speaking, is a proficient organisation?

The Solicitor-General: I have made a note of the hon. Gentleman's point and I will deal with it.

We could build confidence in the criminal justice system if people thought that it understood them, and that judges and prosecuting counsels understood a great variety of different walks of life. Public confidence in the justice system has been held back because of the narrow cadre of people from which the judiciary is chosen. That is why I very much support the progress that the Attorney-General is making in conjunction with the Secretary of State for Constitutional Affairs in opening up to CPS lawyers the possibility of taking up judicial appointments. That will give us a much more diverse judiciary—more women, more people from ethnic minorities and, heaven forbid, more people who did not go to public school. Those involved in court cases will see that the people on the bench are more like themselves. They will see that the criminal justice system, and the justice system generally, is fair, rather than narrow and elitist. Such steps will also widen the pool of people who can be put into the judiciary.

Of course, the human rights issues have been considered. Prosecutors employed by the CPS will not judge in CPS cases, but there are many other tribunals—immigration tribunals, tribunals dealing with Customs cases and courts martial—in which a prosecutor can build up part-time judicial experience before taking a full-time appointment. We are making progress on the issue, and the results will be good. That will also tackle the problem of people thinking that they will have to leave the CPS and go to the independent Bar if they want to join the judiciary. We do not want to lose some of the most advanced advocates because they feel that they will not be able to go into the judiciary if they stay at the CPS.

The CPS is taking forward its law scholarship scheme, which enables people who may have no post-school qualifications to train as lawyers. Again, that is diversifying the legal profession, which, although it has been diversifying, still comprises a relatively narrow group of people. We want everybody with the necessary commitment and intellect to have the opportunity to become a lawyer.

All hon. Members who spoke mentioned victims and witnesses. There are two reasons why we should take special care with them. First, it is a matter of principle. It is horrible to be the victim of a crime, and victims need proper support. They do not want to be in a system that makes them feel worse. Secondly, even witnessing a crime can be a horrible experience, and going to court can be daunting. We need to be supportive, nice, helpful and kind to victims and witnesses not only as a matter of principle but because trials will collapse if they do not give evidence. If we want to bring offenders to justice, it is practical to provide better support for victims and witnesses.

The police and the CPS are working in partnership to staff focus desks that keep victims and witnesses in touch with the progress of their cases. We do not want to return to the situation in which people read the results of their cases in newspapers because no one had told them what had happened.

The hon. Member for Croydon, South asked whether it had occurred to me how victims feel when they go to court and their cases collapse. I agree that that is a problem. The Government are strongly focused on it and are giving greater attention and support to victims and witnesses. A great many things are being done to ensure that witnesses are warned in advance, kept in touch with developments in their cases and given better support. I pay tribute to the witness service, which is improving what it can offer in terms of pre-trial visits to

the court, so that witnesses and victims see courtrooms and have everything explained in advance. That is particularly important in Crown court cases.

Mr. Djanogly: On dealing with victims and witnesses more humanely and efficiently, the problem is that when they are not dealt with in a way that they feel is appropriate, they have a sense of helplessness and do not know to whom they should speak. That has come through to me in correspondence from constituents. The lines of communication between MPs and the local CPS can be a tenuous way of getting answers. Has the Solicitor-General set her mind to that issue, whose importance is widely reflected across the country?

The Solicitor-General: Yes, I have. The joint work between the police and the CPS on additional victim support provides victims with a single point of contact and regularly updates them on case progress. That is important not only so that people can be kept informed as a matter of courtesy, but so that any difficulties with transport or any other problems that might prevent them from getting to court are dealt with in advance, which avoids unnecessary adjournments. Those issues are being carefully considered and progress is being made.

COMPASS and the computer system were mentioned, and I was asked whether I know what is going on in CPS London. As a result of the introduction of COMPASS, there is a much greater ability to manage cases effectively and with greater accountability. When we first came into government, there was no computerisation at all: no one had a screen on their desk. That was six years ago, and we have made progress since then. Now that COMPASS has been rolled out and everyone has been trained to use it, there is less paperwork and it is easier to track trials. We are also better able to look at the figures and discuss the rate of discharge committals, discontinuances, ineffective trials and witnesses not turning up. We could not have had that discussion before because everybody would be speaking on the basis of anecdote. Now we have much greater accountability and the police, the courts and the CPS are all working from the same figures. Therefore, we can work out what the problems are and see whether or not the situation is improving. Discontinuance is when the CPS discontinues a case. The discontinuance rate in London is down. Discharge committals are also down and conviction rates are up. That is the direction of travel. We can monitor those rates and will continue to do so.

The hon. Member for Croydon, South asked about hearing trials in absence. The most important thing is to make it clear to defendants that they must turn up because if they do not they might be penalised for an offence under the Bail Act 1976 or have their trial heard in their absence. The Attorney-General has been liaising with the Secretary of State for Constitutional Affairs on that and the London Criminal Justice Board has considered how widespread the warnings are to defendants that if they do not turn up, they can be tried in their absence.

Hon. Members talked about the inspectorate reports—the original one in December 2001 and the reinspection in 2003. Of course, there is more progress to be made, but it is clear from examining those reports that huge progress has been made. We can have confidence that progress will continue to be made because we have strong leadership in CPS London. I am afraid that the hon. Member for Croydon, South shakes his head, but if he examines the direction of travel, and compares the 2001 report with the November 2003 report, he will see the improvement, and things have continued to improve since then.

The hon. Gentleman is right to be concerned about discontinuances, but, as I said, they are down, and he should acknowledge that that is good. If he is concerned about discharge committals being down, I can say that that situation is improving, which is good. If he wants the conviction rate to increase and the numbers of offenders who are brought to justice to increase, I can say that that is happening. The direction of travel should be looked at and we should ask ourselves whether things are improving and there is a sustained improvement. All of us would always like things to go faster, but the building blocks are in place and things are undoubtedly improving steadily.

Richard Ottaway: I acknowledge that the direction in which things are going is the right one. However, there is a grave danger that the Solicitor-General is going to believe her own rhetoric, which is not satisfactory. If she has time, perhaps in her car on the way back to her Ministry, she should read the overview to the 2003 report. It is only four pages long and will take her five minutes to read. Every paragraph, summarising every aspect, criticises, in a most serious and emphatic way, what is going on.

The Solicitor-General: Of course I have read the overview. I talked to the inspectors and know exactly what is going on. I did not say that everything is perfect, but that the building blocks are in place. There are more lawyers, computerisation, better partnership, and more focus on victims and witnesses. The hon. Gentleman must agree that those are building blocks, and they are in place and showing results. The further proposals in the reinspection report produced by the London inspectorate are being acted on. Nobody is resting on their laurels. People are working their socks off to create the improvements to which the public are entitled and which we all want to see.

Mr. Djanogly: Although I do not deny that people are working their socks off, it might aid my hon. Friend the Member for Croydon, South if the Solicitor-General could examine the four pages of the conclusion to the report and write to us. I do not think that there is enough time now to run through the conclusions and address the issues that they raise, to see how we have moved on from October last year.

The Solicitor-General: I shall certainly send anybody any letters that they might like to receive. However, I hope that I can do better than that. Since the inspection on which the report was based, lawyers have been introduced into police stations and have been advising them on charges so that the case can be got right from the outset. As a result, the discontinuance rate has fallen by 16 per cent.

[The Solicitor-General]

I am not being complacent, believing my own rhetoric or being over-optimistic. I am looking at the figures from 2001, from the 2003 report and since that report. I am not saying that we are virtually there; we still have a long way to go. However, the building blocks are in place. No one is going to sit back and assume that things will get better continuously, of their own volition. It all has to be worked at, but we need not have an apocalyptic view of what is going on. The hon. Member for Croydon, South talked about the situation being close to collapse, and I would not want people to take that view because that is not the case.

Sylvia Denman's report was very much under discussion when I first took office in 2001. There has been intensive work to improve relations between staff and to improve the recruitment and promotion of ethnic minority staff within CPS London, and to produce better relations between CPS London and the community that it serves.

I was also asked about specialist prosecutors, which have been established in the past few years. As a result of one of the inspectorate reports, every rape case—I think that the hon. Member for Torridge and West Devon mentioned rape cases—is dealt with by a specialist prosecutor. The intention is that they should be handled from beginning to end, and that is what happens in nearly all cases. The same specialist deals with a case from beginning to end in order to have continuity.

We also have training for all prosecutors in dealing with domestic violence, it being so prevalent, and each branch has a domestic violence specialist who can liaise on domestic violence with outside organisations and collate information, while acting as a point of reference for their colleagues in the CPS. There is specialism on street crime, as part of the street crime initiative. A team of specialist animal rights prosecutors have been dealing with animal rights extremists. A ministerial committee brings together the DTI and all the Departments concerned. The Attorney-General sits on that committee and has pulled together a team of specialist prosecutors to deal with this very tricky manifestation of an unpleasant set of offences.

Specialists are considering how we can deal with crimes that present particular challenges. I pay tribute in particular to those who have been working so hard to tackle the problem of bringing to justice those who are guilty of domestic violence and rape. They are never going to be easy crimes to prosecute, but a great deal of work is going into it. We have to continue that work if we are to see an improvement.

One of the things that I also hope will build confidence in the CPS and in the criminal justice system in general is better engagement with the community. Since I have been Member of Parliament for Camberwell and Peckham, the relationship between the local community and the police has been transformed, particularly after the Stephen Lawrence inquiry. That has paid dividends because people have been more prepared to give evidence to the police and to report crimes.

It is important, too, that the CPS engages with the community, while keeping its independence. It should be prepared to go to schools, to invite people to visit it and to talk about the work that it does. That does not mean discussing individual cases and whether we should or should not prosecute, but it should at least talk about the work that it does. For many people, the CPS has been a bit of a mystery, heard about only when it is blamed for a problem that arises at the end of a case. That has been a problem.

The CPS has been getting out and about, trying to engage with the community in London. However, part of that community engagement is a two-way process. As Members of Parliament, we are all used to going to see our commander of police; that is the first thing we do. If there is an issue with a big hospital, we go to see the chair of the trust board and the chief executive, and we go to see the head teachers of our local schools. We would certainly do that before complaining about them in the newspapers.

The problem is that there has not been an understanding relationship between Members of Parliament and the Crown Prosecution Service. Members on both sides of the House need to recognise that the CPS can talk to MPs and that MPs can talk to the CPS, without trespassing on its independence. The hon. Member for Croydon, South would then at least have the chance of hearing the CPS's view on the problems that he might want to raise. Everybody has a right to raise anything in the House and in the newspapers, but I contrast how people deal with the police, hospitals and schools with how they deal with the CPS. That contrast exists partly because the CPS is seen by many as faceless, and people do not know who their local chief Crown prosecutor is.

Richard Ottaway: The Solicitor-General will be aware that I have studiously avoided going to the press and have kept our correspondence private during the past three years. Will she deal with the specific problem of primary and secondary disclosure? That is the real weak spot and she has not yet addressed it.

The Solicitor-General: I was not taking a sideswipe at the hon. Gentleman; I was merely saying that people need to get to know each other. Just as the police and the prosecutors need to get to know each other to work in partnership, we, as accountable Members of Parliament, need to get to know the prosecutors to understand the work that they are doing. I was not in any way, shape or form criticising him.

There is a new protocol on disclosure. Hardly a day goes by without the Attorney-General thinking about disclosure, and I have plenty of notes on the subject. It is an issue. We need to be sure that disclosure is properly dealt with before a case comes to trial in a magistrates court or the Crown court. That is why the case preparation project, which involves certifying a case as ready for trial, is so important. It ensures that a person does not get to court and find that the case has to be adjourned because certain issues are raised. Disclosure is very important. It is not an easy issue; it is very difficult. However, the police and prosecutors are working closer on it and trip wires are in place to ensure that disclosure takes place before a case is certified as ready for trial.

The hon. Member for Torridge and West Devon asked about other prosecuting departments. He is right that the Maritime and Coastguard Agency is subject to

the Law Officers, although it belongs to the Department for Transport. Similarly, the Health and Safety Executive looks to the Law Officers, as do the Environment Agency and courts martial. That is different from the CPS.

Mr. Burnett: I know under whose aegis which prosecutor lies. The CPS is inspected by Her Majesty's inspectorate of the Crown Prosecution Service. I am anxious to know who monitors and inspects the small prosecution departments.

The Solicitor-General: I know that the hon. Gentleman is asking about inspections, but before I deal with that, I want to add the Serious Fraud Office to my list of agencies that report to the Law Officers.

The cases of the smaller prosecution departments are subject to audit; they do not have an inspectorate in the way in which the Crown Prosecution Service does. Reviews of individual cases or systems will be conducted from time to time, but there is no separate inspectorate to consider prosecutions by either the Maritime and Coastguard Agency or the Health and Safety Executive, because the number of cases is small. However, the Attorney-General and I superintend such agencies and meet routinely to consider all the issues arising. Indeed, I have a meeting with Environment Agency prosecutors this afternoon after the debate.

The hon. Member for Huntingdon asked whether there should be a prosecution when a victim has suffered a crime, but the defendant has in the meantime been imprisoned for something else. Such cases will have fallen foul not of the evidential test, but of the public interest test. We must consider whether prosecuting such cases would be in the public interest. I agree that it is unsatisfactory to tell victims that bringing to justice someone who is already in prison will not make any difference, but there is a record of the offence even if they are not prosecuted for committing it.

The National Criminal Justice Board has discussed the issue. The manner in which the public interest aspect of the code for Crown prosecutors is put into effect is being reconsidered. We cannot say that we should focus on victims, but still be able to tell them, "Well, you might have suffered that crime, but we're not going to prosecute because he's already guilty of so many other offences". That is a justified grievance, but it is at least on the way to being dealt with.

The hon. Member for Huntingdon asked about the name change, which is being discussed. The Crown Prosecution Service has been transformed. It is making moves earlier in the process by giving advice on the charge and then deciding on it. The service is broadening its role in the middle of the process, with extra support and involvement of victims and witnesses, and with CPS advocates going into court. The CPS is involved further on in the process, advising the judge or magistrate about the appropriate sentence and challenging factually erroneous mitigation. All that, in addition to computerisation, more lawyers, designated case workers and the judicial appointment commission, has involved enormous changes in the service in the past few years.

Such change can be encapsulated by redescribing the Crown Prosecution Service, which, as I have said, is a bit of a mystery for most people. We can explain the system by saying, "This is the public prosecution service". That would also help people to understand what the service does. The fact that I, for instance, appear on behalf of the Crown is well known to hon. Members, but it is baffling to people outside the House. People should understand that the CPS prosecutes in the public interest and has gone through many changes, and a future change might involve the name change.

I am confident that there is sustained progress. Is there more work to be done? Of course there is. However, I conclude by thanking those dedicated, hard-working lawyers in the Crown Prosecution Service in London, many of whom do successful and important work, but who are rarely thanked and almost never in public. I want them to go from strength to strength.

3.24 pm

Sitting suspended.

Further Education (North Oxfordshire)

3.30 pm

Tony Baldry (Banbury) (Con): Usually, in debates about funding, hon. Members present the Minister with a long shopping list of items that require additional funding. I have a shopping list, but there are only two things on it. The first is that the forthcoming comprehensive spending review should close what Ministers themselves acknowledge to be an unfair funding gap between schools and colleges. The second could well save Ministers money in the long term, if a unique bid for a college in Banbury is accepted.

To ensure clarity about what I am asking for, for north Oxfordshire, I have let the Minister have an advance copy of my comments. I know from previous experience that the Minister is courteous and conscientious, and I hope that that has given him and his officials an opportunity to look into the matters that I want to raise.

Colleges are imperative to improving the education and skills of young people and adults alike. There are only two ways of teaching vocational and educational skills—either through 14 to 16-year-old schools or at colleges. For 14 to 16-year olds, schools remain the institution most likely to give such opportunities. However, for 16 to 19-year-olds, colleges are vital. More than a third of 16 to 18-year-olds explicitly chose to study at a local college rather than a local school last year.

Colleges are also crucial to the training of adults. The Government have made a lot of noise about improving adult learning and skills, which I very much welcome. In some areas of my constituency, such as Grimsbury and Neithrop, more than half of adults have not always had the opportunity to acquire qualifications and skills. That skills shortage problem is the reason why a new further education college to be based in Banbury is so important. Given that, last year, colleges helped nearly 400,000 adults improve their basic numeracy and literacy skills, it is really only a college that can help adults in north Oxfordshire, in the fullest possible sense.

None of what I am asking for can happen without basic Government funding. Colleges are clearly achieving much, but those achievements are gained in the face of comparatively little support from Government budgets. It is confusing that colleges such as Oxford and Cherwell college, which covers north Oxfordshire, derive a third of their funding from sources other than the Learning and Skills Council, the Government's chosen mechanism for distributing moneys for further education. I might quote some figures on this, to the effect that

"if we compare like with like—if we compare the funding rate for an A-level in a school with that in an FE or sixth form college—we see that for 2002–03, there was about a 10 per cent. gap—£734 for schools, and £663 for FE colleges."—[*Official Report, Westminster Hall*, 18 May 2004; Vol. 421, c. 223WH.]

Those are not my words but those of the Under-Secretary of State for Education and Skills. It is astonishing that the Minister can tell us that the Banbury campus and the Oxford and Cherwell college in my constituency receive almost £100 less to teach the same A-level course to similar students, simply on account of being a college, not a school. That means that one third of colleges, including Oxford and Cherwell college, are running with a continuing and growing deficit. It means, further, that even if Oxford and Cherwell was able to raise its share of the money to build a new and improved college at Banbury, getting funding from the Government would become doubly difficult.

Doubtless, when the Minister responds, he will allude to the increases in funding that colleges have received in the past year. Of course, I welcome such increases, as does the chief executive of the Oxford and Cherwell college. However, as she explained to me when we recently met, colleges continue to be relatively underfunded. Any funding increases are lower than the increases that are being given to schools. She relied on figures that are supported by the Association of Colleges, showing that whereas colleges in Oxfordshire are expected to receive a 19 per cent. increase in funding, schools in Oxfordshire have benefited from a 60 per cent. rise in funding. That is more than double. Yet colleges have to meet many of the same Government targets as schools and the disadvantages run far deeper for colleges than that evident funding gap.

Let us consider the cash flow at Oxford and Cherwell college. I apologise to the House for listing it in detail, as it is not particularly gripping stuff; however, it illustrates clearly how even a relatively low increase in funding to colleges, compared to schools, is soon eaten up by additional costs that schools do not face.

Last year, Oxfordshire FE colleges paid more than £1 million in VAT. Schools are not even charged VAT. Given that they are often offering the same A-levels, it is monstrously unfair that colleges should be subject to VAT. Oxford and Cherwell also had to pay more than £250,000 in consultancy fees, covering costs such as accountancy and IT equipment. Yet colleges are unfairly excluded on any major Government procurement programmes for things like IT equipment. Instead, colleges have to go it alone at extra cost.

The Association of Colleges estimates that going it alone will create another deficit of £40 million between the funding that colleges receive from the Government, and the costs that they actually incur. Consultancy is also costly for colleges because of the increasing amount of regulation and auditing to which they are exposed. Much of that auditing is also astonishingly unfair, not least in relation to the registration of students.

The bureaucracy of just registering a student is mind blowing: Oxford and Cherwell college has fallen foul of the registering scheme, which meant that, last year, it taught up to 100 students without being able to prove that it had done so under the new registering system that has only recently been introduced. It therefore lost more than £250,000 in funding for those students. It can ill afford to lose £250,000 simply because of an almost annual change in the way in which colleges have been regulated. It also pays, as part of its cash flow, £500,000 on building maintenance. That is not to improve the buildings, but to ensure that they do not fall down.

Schools will receive more than £5 billion to help to improve their buildings in the next year, but colleges throughout England will, incomprehensibly, receive less than £400 million. Oxford and Cherwell college has also had to face a 1 per cent. rise in national insurance costs. Unlike schools, however, it has not had the necessary funding to fill that gap. Colleges have also faced a 5.5 per

cent. increase in pensions contributions. Again, the Government have not helped them to cover those new costs in the same way in which they have helped schools.

It is crystal clear that there is a far from level playing field between schools and colleges. Evidently, there is very little of anything left in the pot for colleges after their basic costs and new burdens of bureaucracy have been deducted. As a result, there is considerable uncertainty for colleges. Uncertainly means instability, which leads to an inability to plan for the future. Not being able to plan for the future leaves colleges behind, while schools can continue to expand. This is starkly illustrated in north Oxfordshire.

The Under-Secretary of State for Education and Skills, the hon. Member for Enfield, Southgate (Mr. Twigg), and I recently attended the opening of a new technology centre at the excellent Warriner school in Bloxham. That is great news. Likewise, one of the best performing schools in my patch, Blessed George Napier school, unveiled plans this year for an impressive new sports centre. That is brilliant news for the school and the community alike. However, it could not contrast more starkly with the future of FE facilities in Banbury. Half the adult population in some areas of my constituency clearly need the opportunity to develop their education and skills at colleges, so we need further commitment to this important area of education. What makes matters worse still for colleges in Oxfordshire is that whenever they have provided the detailed plans that the Government have requested, those plans have been abandoned by the LSC.

One of the welcome reforms that were introduced as part of Government's "Success for All" White Paper was the introduction of three-year planning and budgeting, which promised some stability in the system. However, the imposition of cuts to the provisional allocations, even where colleges have delivered successfully against targets, will create considerable instability and call into question the viability of the new system. Moreover, several colleges have told me that they will have to reconsider their ability to make pay rises in 2004–05 if they have to face budget cuts introduced by the LSC.

Colleges that are planning or executing capital programmes to modernise their facilities will now have to deal with a new area of uncertainty, which could create a problem in securing or retaining borrowing. Oxfordshire colleges drew up their three-year plan with the help of the LSC, and agreed with the LSC that their budgets would grow by 6 per cent. They agreed specifically that the number of adults in FE in north Oxfordshire would increase by almost 2,000 to 11,500 by 2007, and submitted that plan to the LSC.

What happened next? The LSC told them that it had not received the necessary funding from the Government, and the three-year plan was abandoned after less than a year. Teachers at Oxfordshire colleges now face the prospect of redundancy unless the necessary funding comes through after the comprehensive spending review. It is now vital that that funding is delivered. Without it, and with redundancies, colleges in Oxfordshire will simply be unable to meet the Government's targets, and will only fall further behind.

There are further disparities between counties in the funding that colleges receive from the LSC, even when they do meet the Government's targets. I understand from the chief executive of Oxford and Cherwell college that the LSC told Oxfordshire colleges that they had successfully met the community's needs and should receive £15 million for adult learning. However, when Milton Keynes colleges, which are exactly the same size and cover a similar sort of area, were also told that they met the same targets, they received £22 million for doing exactly the same thing.

The disparities in funding simply keep adding up. Not only is there a funding gap of 10 per cent., which Ministers acknowledge, but an inexplicable disparity between the funding that colleges in one county receive from the LSC compared with colleges in another. This needs to be sorted out during the comprehensive spending review.

In recent years, I have had numerous meetings with staff and teachers' unions, and, like other hon. Members, have made numerous representations to Ministers. I suspect that part of the problem is that we have all been led in recent years to believe that matters were always about to improve. In 2001, the Prime Minister said:

"What we need to do . . . is to lift up the funding that is given specifically to sixth-form and further education colleges."—[*Official Report*, 28 November 2001; Vol. 375, c. 966.]

In June 2002, the Minister for Children said:

"The Government are committed to raising the level of funding for colleges towards that of school sixth forms. By 2003–04 funding for further education will have risen by 26 per cent. in real terms since 1997. Further progress can only be made as resources allow and we cannot commit ourselves beyond the resources we secure. We are looking to the current Spending Review to provide the resources needed to deliver the Government's ambitious agenda for further education."—[*Official Report*, 13 June 2002; Vol. 386, c. 1409W.]

In November 2002, at the Association of Colleges' annual conference, the Secretary of State for Education announced a new funding package for further education that indicated that there would be three-year funding plans for colleges and that for 2005–06 spending on FE would rise by 26 per cent. in cash terms and 19 per cent. in real terms. When hon. Members, like myself, were writing to Ministers or raising the issue in the House, we were being given answers that indicated those proposed new funding arrangements.

It took some time to realise that in reality the increase for most colleges was going to be nowhere near 26 per cent. or 19 per cent. For most colleges this year, the increase is only in line with inflation. Over the whole period, the increase in real resources per student is no more than 5 per cent. When that discrepancy became apparent, Ministers said that it would get sorted out in the comprehensive spending review. As recently as May this year, a junior Minister in the Department for Education and Skills said that hon. Members

"will be disappointed but not surprised that I cannot say . . . what the overall settlement will be for FE. The Department is still working through the detail but we hope to be able to make further announcements before the summer recess in July".

It was also observed that

"the overall financial position is much tighter in this spending review than it was in the previous one".—[*Official Report, Westminster Hall*, 18 May 2004; Vol. 421, c. 222WH.]

[Tony Baldry]

As an hon. Member who has listened to ministerial language for more than 20 years, such statements do not give me much cause for optimism. It is absurd that the average college gets its funding from more than 30 different sources. It is also deeply unfair that under the Government system the LSC will pay 100 per cent. of school sixth form costs, but only 35 per cent. of college building costs. College borrowing must cover the rest. I see no sense in using that discriminating funding formula for capital build programmes. Such a funding system hits the prospects of a modernised FE college in Banbury especially hard.

At present, Banbury is an area of low unemployment, but it has a serious skills shortage. The central requirement of colleges is to provide additional skills and training for adults. Level 2 is a basic qualification, and most employers look for far more than just level 2, but in some areas of Banbury that is all that many adults have been able to acquire. The LSC for Milton Keynes and Buckinghamshire, which also covers Oxfordshire, makes regular representations to Members of Parliament for Oxfordshire to outline the skills gap in the county. The LSC's latest strategy paper clearly states the need to:

"develop an entitlement for all 14–19 year olds in the area"

and that

"high employment means that the majority of our potential learners are to be found in the workplace. Our focus here will be on the achievement of Level 2, Level 3 in our key skills priority areas, management and Basic Skills."

Colleges are clearly one of the best ways to enhance the education of adults. Not only have more than 300,000 adults improved their basic numeracy and literacy at colleges during the past year, but between 1997 and 2001, more than 2 million vocational qualifications were gained, whereas only 233,000 were gained through employers during the same period.

FE colleges are clearly a must, and Banbury needs an enhanced FE facility now. Sadly, as we have seen, the Government's funding formula leaves Oxford and Cherwell with a mountain to climb. Huge discrepancies in funding have left the colleges with a massive deficit, so they are starting on the back foot. The uphill struggle becomes even harder because at best they will receive only 35 per cent. of the building costs under the capital build programme because they are colleges and not schools.

Somehow colleges are expected to conjure up the rest of the budget themselves. That is not an easy task, but Oxford and Cherwell college is trying to meet it. It has, for example, sold the Rycote college site for £9 million. However, the costs involved in the sale came to a staggering £3 million, leaving only £6 million for a new campus to be built at Bicester. That £6 million is being ring-fenced for investment in a much-needed new FE facility in Bicester, which is excellent news, but sadly means that there will be little money for a new Banbury campus. To put that £6 million into perspective, a new FE facility at Banbury would cost at least £27 million, which does not account for any land purchase. Improvements that are desperately needed for buildings at Bicester are estimated to total about £12 million. Improvements are also needed on the Oxford campus and could cost anything up to £25 million. Therefore, £6 million for a college that will cost at least £27 million offers little optimism for Oxford and Cherwell college to go it alone in Banbury.

Oxford and Cherwell college has come up with an alternative for a campus at Banbury, which I very much hope the Minister's Department will consider seriously. Drayton school in Banbury is also looking for new facilities. Drayton school and Oxford and Cherwell college have sensibly teamed up together to consider an alternative approach. They have put in a bid to the academies unit in the Minister's Department. The college for Banbury, which Drayton and the college are proposing, is unique in England and Wales. No other consortium has put together a bid of this sort before. The proposed college for Banbury would be for 14 to 19-year-olds and take up to 400 students. The college would offer courses for adults, which Banbury needs. The consortium is looking to build such a campus at Banbury relatively soon and, if its bid were successful, the college would be running by 2007. The bid for a college of that sort was submitted to the academies unit in April this year. I understand that for the bid to be successful and to go on to the next stage it will need to be supported by a sponsor, and that such a sponsor will be a private company. I am aware of which sponsor is being approached for the Banbury campus, and that company will need to provide £2 million for the Drayton school and Oxfordshire colleges' bid. It will then be left to the Government to decide whether to fund up to £20 million to build the college at Banbury.

Until that sponsor is secured, the Government will not even consider a formal written proposal from Oxfordshire county council, which is co-ordinating the bid. That raises two concerns. First, most bids for any new college building tend to be successful only in inner-city areas. The Minister's Department has approved recent proposals in Manchester, Liverpool and Birmingham, but very few bids have been approved anywhere other than in inner cities. It would be a huge mistake if Ministers were to overlook the Drayton school and Oxford and Cherwell college bid on the misunderstanding that north Oxfordshire and Banbury are all leafy lanes and comfortable middle England. The demographics that I have described in some parts of my constituency show that that is not the case. There is a real need for an enhanced FE college in Banbury.

My second concern is that because the type of college being proposed for Banbury by Drayton school together with Oxford and Cherwell college has never been suggested before, Ministers may need to consider any written proposal earlier than they might otherwise do. They would surely be better able to judge the bid if they were to consider a written proposal from Oxfordshire county council. It may be more difficult to secure the sponsorship of a private investor when the proposal is unfamiliar, and that problem can be avoided only if those involved are given the opportunity to provide a further explanation to the academies unit.

From even a cursory glance, the Banbury campus bid is worth taking forward. A college at Banbury operated by Drayton school and Oxford and Cherwell college would cut costs. When one considers the cash flow of Oxford and Cherwell college, which I outlined earlier, a joint venture would be an excellent opportunity for Ministers to help bridge the funding gap that it is experiencing.

Therefore, I ask the Minister to consider two points. First, funding for colleges across the UK, and particularly in Oxfordshire, will be enhanced by reforming the monstrously unfair funding system that disadvantages colleges. Secondly, I ask the Minister to consider seriously the Drayton school bid together with Oxford and Cherwell college for a new college campus at Banbury.

Oxford and Cherwell college has little chance of being able to build a college at Banbury on its own. Under the capital build programme, funding is granted only on the basis that the college is able to prove its ability to pay for the development and its ability to borrow. Oxford and Cherwell college is unable to do either. Funding over recent years has put paid to that. Moreover, even if it were successful on the capital build programme, it would only receive 35 per cent. of the cost of building a college at Banbury.

With this continuing deficit, even with £6 million available from the sale of Rycote college—which, as I explained, is earmarked for a new campus at Bicester—the best opportunity for a new campus is the joint bid by Drayton school and Oxford and Cherwell college. A college run by both a school and a college would in essence halve the costs and double the resources. That must be good news. It would meet the particular needs of Banbury and the surrounding area by addressing adult learning needs. The college would meet many of the Government's own objectives.

These aims can be achieved only if Ministers seriously consider any written proposal from Oxfordshire county council. If they do so, Banbury may be able to have its much-needed college by 2007. I hope that the Minister and his officials will give some help to the county council in working its way through these regulations so that we can secure the necessary sponsorship from the private sector to move this project forward.

3.49 pm

The Minister for Lifelong Learning, Further and Higher Education (Alan Johnson): I congratulate the hon. Member for Banbury (Tony Baldry) on securing the debate. I am pleased to have this opportunity to recognise the achievements of the further education sector. It is difficult to overstate the importance of FE. It is a sector that provides a diverse range of opportunities to more than 6 million learners, 4 million of them in general FE colleges, and 2 million in the workplace. Thousands of businesses are involved, as is every community in the country.

I would like to take a few minutes to set out the important role of FE and of the Government's reform agenda for the sector before moving on to some of the specific points that the hon. Gentleman raised. I welcome this opportunity to listen to views on pressures and priorities but it is important to put such comments into context. He said that people always say that things are always about to improve. The 2002 spending review was unprecedented for FE, with increases of more than £1 billion for the sector in the three years up to 2005–06. I was bemused by the quotes in his speech. Last year, every college in the country received an increase in funding of at least 6 per cent. in real terms, and every spending request made of the Learning and Skills Council was met; it was an extraordinary year. The year that we are entering is the most generous of this most generous ever three-year spending review settlement.

I fully accept the points made about the past. I will make a few crude political points to the hon. Member for Banbury. I accept that he is the worst person to make them to, as he has always had an independence of mind that makes him invulnerable to suggestions that he should consider the proposals of his Front Bench colleagues. However, I need to make the comments anyway to put the issue into context. This is an extraordinarily generous spending review settlement for FE, and it opens up a host of opportunities. The investment was essential to help us build the capability and capacity necessary for a sector able to respond to the needs of the 21st century.

People in FE are continually telling me that the sector was the Cinderella of the educational world. That is true, but there is a limit to how many times they can simply repeat that. My response to the FE sector, in view of the spending review of 2002, is that Cinderella is now going to the ball. The sector is crucial; it is key to our inextricably linked twin aims of social inclusion and economic success, and it needed the amount of investment that it received. I am not suggesting for a moment that the investment closed the historical funding gap of the early 1990s—that was when a previous Government incorporated FE colleges and, to a certain extent, locked in the funding disparity. I am saying that the spending review gives us the opportunity to do more in FE than we have ever been able to do before.

We want everyone to be able to acquire the dignity of self-improvement. We want all employers to have access to skills that they need to compete globally. To do that, we must have a properly funded FE sector. The extra investment of the spending review of 2002 helped to launch our successful strategy 18 months ago. Part of that strategy was to direct additional resources into delivering learning. For the academic year 2003–04, core funding rates per qualification increased. Our expenditure plans for the period to 2005–06 should allow that trend to continue. We are pleased with the response of the sector to "Success for All"; it is a genuine commitment and a partnership between Government, the LSC and FE providers based on trust.

The skills agenda and the 14-to-19 strategy being worked out by the Tomlinson working group present real challenges for the sector to ensure choice and opportunity for all. The issue is not just money; we need to change ways of working and make the best use of existing resources.

Oxford and Cherwell college has already taken determined action to ensure that it can meet the needs of learners and employers in the local community. I am aware that the college is not in a strong financial position; that is hardly surprising, given that it is the result of a merger of three colleges that were all in poor financial health. However, the financial forecast—prepared as part of a reorganisation proposal submitted to the Department—demonstrates that the new college expects to fall into financial health category A, the strongest level of financial status, by the end of four

[Alan Johnson]

academic years. In order to attain that, the new college needs to meet the key assumptions set out in its reorganisation proposal. Those include considerable economies of scale—for example, there will be one senior management team instead of three—and comprehensive reviews and rationalisation of the college's curriculum and its property portfolio.

The hon. Gentleman talked about capital funding. He said that the capital pot for schools was £5 billion, and that further education's was £400 million. Those figures are accurate, but I ask him to reflect on the fact that there are 21,000 schools and approximately 400 FE colleges. Furthermore, while we are talking about property portfolios, incorporation gave colleges independence, including control over their own assets, such as land and buildings and the ability to use those flexibly. That flexibility does not apply to local authorities to which schools are responsible. That must be borne in mind.

I am advised that the LSC has committed considerable financial resources up to £3 million to help the college meet the costs of the reorganisation. The college has a new, dynamic senior management team that is co-ordinating the reviews and developing a longer-term strategic plan that will deliver the financial improvements envisaged in the reorganisation proposal. The LSC has every confidence that the new management team is of a sufficient calibre to develop Oxford and Cherwell into a flourishing, flagship college for central and north Oxfordshire.

On funding for capital investment, the Government have set out plans for huge increases in the capital funding that is allocated to the Learning and Skills Council for investment in the post-16 learning and skills sector. Capital funds allocated to the LSC will increase to more than £400 million in 2005–06, which is an increase of more than 60 per cent. in real terms compared with 2002–03. The key priorities for that investment are updating and improving vocational training facilities, including centres of vocational excellence, supporting structural change arising from area reviews, examination of provision for 14 to 19-year-olds, meeting the requirement of the Disability and Discrimination Act 1995 and transforming facilities for information and communications technology-supported learning. That level of support means that for the first time there is a long-term approach to building and redeveloping the FE infrastructure.

I understand that the Oxford and Cherwell college Rycotewood site has recently been sold, as the hon. Gentleman said, and that the proceeds, which came to some £9.25 million, will be received when the college has vacated the premises at the end of the current academic year. That site has been expensive to maintain and it is clearly not in the college's financial interest to remain there. In response, the local LSC has been working closely with the college to develop a proposal, which is currently going through the LSC approval process, for relocating the Rycotewood provision to sites in Oxford and Bicester. If that were successful, it would be supported with LSC capital grant support. While I am dealing with that subject, the 25 per cent. cap has gone and the LSC now judges all capital expenditure requests on their merits.

It is difficult to comment on the college's 2004–05 allocations because those have yet to be agreed. I accept that there are some problems, but they are the problems of success, in the sense that previously the LSC always had some funds available because of underperforming colleges. "Success for All" has meant a huge improvement across the range, which has led to some problems. All colleges received an indicative settlement six months ago and now, because of their success, they are finding that there are problems. We are considering that closely. We recognise that there is a problem and we hope to find a solution in the near future.

I should also like to mention the Drayton school proposal, which was a major part of the hon. Gentleman's speech. He should not be surprised that we are waiting until a sponsor is on board. The proposal was submitted to the academies unit, which considers proposals for academies, and academies carry the need for a private sector sponsor. We want sponsors to have ownership and the opportunity to input into an extremely exciting proposal.

We accept that we need to encourage and facilitate joint proposals between schools and colleges. That is eminently sensible where it is the best solution to meet local needs, but we need to consider ways in which systems operate to help that happen. I will take away some of the procedural points that the hon. Gentleman raised, but I hope that he accepts that a sponsor needs to have a say in how the final proposals work out.

The aim of all our proposals is to achieve excellence in education standards and skills to give everyone the opportunity to develop and learn. We can only do that with a sector that is properly recognised for the excellent service that it has always provided, and if it is properly provided with the finance to do its job properly.

Minority and Regional Languages

4 pm

Mr. Brian Wilson (Cunninghame, North) (Lab): I am glad to have secured the debate. I wish that it were longer, because I am sure that hon. Members from Scotland, Wales and Northern Ireland would have liked to join in. However, it is good to have recognition of the report and the opportunity to seek a response from Government. I am particularly pleased that my hon. Friend the Minister for Europe is responding. The significance of the debate lies in the fact that it is being dealt with by my hon. Friend on behalf of the Foreign and Commonwealth Office. That is the proper context within which to discuss a report by the Council of Europe on how the United Kingdom is performing under the charter on minority and regional languages. This is not a devolved or territorial issue; the charter was signed by the Foreign Secretary of the day, my right hon. Friend the Member for Livingston (Mr. Cook), on behalf of the UK Government, in full knowledge of the obligations that would have to be met, particularly in relation to Scottish Gaelic, Irish and Welsh. I know that that followed extensive discussions with relevant Whitehall Departments and with the devolved Administrations. A great deal of care was taken before the Government took on those commitments.

The report was prepared by a Committee of Experts, which visited the UK last autumn to assess our implementation of the charter, to which we became a signatory in 2000. It was subsequently adopted by the Council of Europe. The committee noted that the UK had, of its own volition, signed up for the most demanding levels of provision in respect of Welsh, Irish and Scottish Gaelic. It set out to examine "the real situation" and, where appropriate, encouraged the signatory gradually to reach a higher level of commitment. It is important to stress that Britain did not sign up lightly; it signed after due consideration and at the highest level of commitment.

On the whole, according to the experts' report, the UK is doing well, so this is not an unremitting tale of doom and gloom. It is unfortunate that we do not have longer to discuss these matters because I am sure that others—I am pleased to see one Welsh representative present, the hon. Member for Ceredigion (Mr. Thomas)—would like to comment. The Committee of Experts made significant criticisms in relation to Scottish Gaelic and advised on how we could do better. I want the House to recognise that we require a cross-Government mechanism for responding to such criticisms and, thereby, meeting our voluntary but now binding charter commitments.

The strength of the report is that it takes responsibility back to where it belongs, which is with the signatory Government. I hope that it will supersede interdepartmental and inter-Administration disputes about who has responsibility for what. As with any international obligation, the buck has to stop somewhere. In this case, it rests firmly with the UK Government, as the member state, and the Foreign Office as signatory on behalf of the Government. I do not necessarily expect my good friend the Minister for Europe to respond on all or any of the concerns in the report about failure to meet reasonable expectations of progress. However, I do want him to acknowledge that the existence of those obligations under the charter, to which we are signatory, means that we cannot simply leave such matters to the internal wranglings of our domestic agencies of Government, whether in Whitehall, Edinburgh, Belfast or Cardiff.

The crucial point is that, whatever our domestic commitment to minority languages, we now have an international obligation to fulfil. That was the significance of signing the charter. It was well understood at the time, but our political predecessors declined to do it because of the responsibilities that it entailed. We signed, which was excellent; we now have to deliver.

The implication is that someone in Government will now have to monitor progress and ensure that the obligations are being fulfilled on all counts. The assurance that I seek is that some such mechanism will be created in response to the report. I know that my good and hon. Friend the Minister is sensitive and sympathetic to issues of language and identity. I could not have asked for a better Minister to respond to the debate—as a good European, so he should be. In the global village of the 21st century, no minority language in any part of our continent or the world could be expected to survive in the face of institutional hostility.

Mr. Simon Thomas (Ceredigion) (PC): The right hon. Gentleman rightly thanked the Government for signing the charter, but he pointed out that some things need to be improved. Does he take heart from what is happening in Spain, where Catalonia and the Basque country have asked whether their minority languages can be acknowledged by the European Union? They do not want them to be treated as official languages; rather, they believe that when ordinary members of the public are dealing with the EU, they should receive replies in their own languages—in Basque, Catalonian, or even in Gaelic or Welsh. Surely that is another way of ensuring that the European institutions are not seen to be foreign, but are part of our future. I suggest that that would be a suitable way for the Government to take forward such ideas.

Mr. Wilson: The more fragile the language, the more cautious we should be about saying that scarce resources should be spent on translating official documents that could otherwise be used on training teachers or expanding the speaker base. However, I do not essentially disagree. In fact, I strongly agree that the European Union and the Commission, as well as the Council of Europe, should take a stronger position on minority languages. Making additional funding available for minority languages in the EU would be a sensible step forward. Without disagreeing with the hon. Gentleman, I return to my theme.

No matter how resilient a minority language may be, it needs access to such essentials as the state education system and modern electronic media if it is to have a decent prospect of survival, especially in an era when the forces of mass media and culture are so overwhelming. I would be the first to recognise that institutional support delivered through those vehicles will not guarantee the healthy survival of a language. However, I am certain that exclusion from such support will condemn minority languages to decline. That is exactly the rationale for a charter on European regional and minority languages.

[Mr. Wilson]

The responsibilities that flow from that understanding are implicit in the decision of states, including our own, to sign up to it.

I am realistic enough to know that it was almost certainly an Irish imperative rather than a Scottish or Welsh one that led the Government to sign the charter. That was where the pressure came from, but I gladly acknowledge that language and culture have a big part to play in the Irish peace process, and that recognition of linguistic rights is a small price to pay. I fully endorse that approach. Whatever the reasoning, however, the fact is that the same responsibilities exist in respect of all three languages—Irish, Welsh and Scottish Gaelic. It was the decision of our Government, and specifically of the Foreign and Commonwealth Office, to sign up for those three languages on the same terms.

I shall speak specifically about Gaelic broadcasting, about which the Council of Europe report is probably most critical. The report could not be more clear-cut in its view that in order to meet its responsibility under the charter the UK Government must

"facilitate the establishment of a television channel or an equivalent television service in Scottish Gaelic."

The report acknowledges that a Gaelic media service has been given a statutory existence under the recent Communications Act 2003. However, in relation to the undertaking in the charter, it then states:

"Compliance with the undertaking chosen by the UK requires more than simply creating a legal framework within which a channel can exist. It involves positive action, including, where necessary, funding."

Therefore, it is the clear-cut view of the Council of Europe and the Committee of Experts that by so far failing to deliver a Gaelic television channel for Scotland the UK is failing in its obligations under the charter to which it is a signatory. That is the nub of the issue. The Council of Europe places responsibility where it belongs, which is with the charter signatory—the UK Government.

I will not go into details about the long saga of the failure to deliver to date on the issue. It will suffice to say that there have been four wasted years of wrangling, and that is a long time in the life of a fragile minority language. During that time, the Department for Culture, Media and Sport has refused to accept any funding responsibility for a channel. It says that it is a devolved responsibility.

Both the Scottish Executive and I believe that that is untrue. Indeed, I have a recent letter from Jack McConnell, the First Minister in Scotland, in which he states:

"I agree entirely with your contention that prime responsibility in the matter lies with the UK government."

He adds:

"The UK government has entered into a series of international obligations under the Council of Europe Charter for Regional and Minority Languages. Fulfilment of these obligations is also a matter for the UK government".

As I said, I do not expect the Minister to comment on the merits of that dispute. However, I expect his assistance in cutting through it, in order to ensure that the international obligations that we have freely entered into as a Government are met. There are other issues in the report to which the same principle applies: educational provision through Gaelic is patchy; and teacher supply requires urgent strengthening. That is identified as a common problem involving minority languages throughout Europe. There is no guidance to public bodies on the use of the language.

Again, it is self-evidently not the job of the Foreign and Commonwealth Office to remedy those deficiencies by its own hand. I would argue that it is its responsibility to monitor and, if necessary, to prod those who are directly involved, whether they are in Whitehall or in Edinburgh. In other words, the commitments that were undertaken through becoming a signatory to the charter cannot simply be left to Departments or devolved Administrations in the hope that they might or might not do something about them. There is a cross-Government responsibility and I want to have a mechanism estabiished to meet it.

On the issue of public usage of the language, in Scotland we are light years behind Wales and Ireland. Perhaps I can signal an issue that will soon arise: the Scottish Executive is about to legislate on the status of Gaelic, and that will place responsibilities on public bodies that are devolved. Clearly, the legislation cannot force public bodies and Departments that are reserved to do anything. However, I hope that the UK Government and all their agencies that are active in Scotland will act in the spirit of the legislation and give some recognition to the existence of Gaelic. Most of them currently do not do that and it is not much to ask.

Finally, I shall refer briefly to Ireland. It is very much in the spirit of the charter that language and culture should be used to build bridges rather than to create barriers. The Irish language, particularly in the north, was in danger of becoming over-identified with one political faction and with one side of the religious divide. Building stronger links with its close cousin, Scottish Gaelic, which is politically and religiously neutral, is one way of countering that danger. That was part of the thinking behind Iomairt Cholm Cille, the Columba initiative, which has given terrific value for small amounts of money in creating links between the Gaelic-speaking communities and peoples of Scotland, and all parts of Ireland. I hope that as part of its general work of promoting minority languages and cultures, the Foreign Office and the British-Irish Council will use Iomairt Cholm Cille and thereby benefit both the languages and the people it brings together.

This is a fairly esoteric subject, but it is of deep importance to many people, as you are well qualified to appreciate, Mr. Deputy Speaker. We are talking about people's language of daily usage and the cultural values and way of life that go with it. The Government's decision to sign the European charter was a terrific step forward and a recognition of the responsibilities that arise under it. All I ask is that that decision should not be seen as a gesture or something that should not be followed through on. We need a mechanism to ensure that major deficiencies are addressed—in Scotland, the glaring hole is the absence of a Gaelic television channel—and that our charter obligations are met. Delivering television channels is not the job of the Foreign Office, but delivering treaty and charter obligations is. In that spirit, I look forward to the Minister's reply.

4.16 pm

The Minister for Europe (Mr. Denis MacShane): It is a great pleasure to participate in this debate with my right hon. Friend the Member for Cunninghame, North (Mr. Wilson) and with you, Mr. Deputy Speaker, as perhaps the House's most fluent speaker of Latin and Greek—ancient and some modern.

The issue is important in today's Europe. One of the most positive aspects of the European Union that we are shaping is precisely its diversity. When I attend Council of Ministers meetings for Foreign Ministers I hear Maltese, Slovakian and Slovenian spoken. Such languages, which, like the Baltic tongues, were to some extent lost under the dominance of one or two giant European languages, are now flourishing. Britain, which is perhaps the most cosmopolitan country and open to foreigners of all the European nation states, is where so many foreign languages jostle for attention.

Not for one second would I say that Gaelic in Scotland or Welsh were foreign languages. They belong to our country and deserve the support and respect that their speakers give them. The Foreign Office is involved in signing treaties, international conventions and international declarations, and it falls to the Department to ensure every aspect of their implementation. However, my colleagues in the Scottish Executive would take it amiss if I announced that the Foreign Office was determining how Scotland should spend its money. That is not the Government's doctrine, and the same is true for other Departments. Much of the argument is, alas, about getting and spending.

My right hon. Friend made a powerful case for the importance of language. For some years I lived in Switzerland, where every carton of milk had text in French, German and Italian on it. Romansch, which is a small minority language, was made Switzerland's fourth official language when I was there.

We have spoken about terrestrial broadcasting. The new technology allows much swifter communication in so many different languages, whether one is sending a text message or e-mail, or using computers or other direct video technology. Although my right hon. Friend did not refer to digital channels, they are just around the corner and will allow much more broadcasting. Frankly, I have never fully understood why Britain has to have so much broadcasting on the basis of Government funding. In many other countries, including Commonwealth countries, such as Australia, Canada and New Zealand, it is possible under law and federal or state regulation to set up community television and radio stations at town level.

Mr. Wilson: My hon. Friend is absolutely right. I should clarify that the Gaelic television channel that I spoke of is a digital satellite channel, not a terrestrial one. We have no ambitions to match the £92 million currently paid by the Department for Culture, Media and Sport to S4C to provide a terrestrial Welsh language service.

Mr. MacShane: My right hon. Friend's important and useful contribution, which had a slight barb in its tail, came just as the hon. Member for Ceredigion (Mr. Thomas) left the Chamber. No doubt he will read it in *Hansard* and may have a conversation with my right hon. Friend about whether Welsh broadcasting gets more support than Gaelic broadcasting in Scotland.

My right hon. Friend is well known to the House, and to me, from his distinguished record as the founder and editor of the *West Highland Free Press*, which brought journalism to that region and made Scottish journalism and reporting much more lively. I fully share his ambition to do as much as we can to support the Gaelic language. He is right to say that there is a problem between the different Departments that are responsible for this matter. I do not wish to pass the buck—on my desk I have a sign that says, "Many bucks stop here"—but I am not sure whether the buck for Gaelic broadcasting should stop on the Minister for Europe's desk.

We signed the Council of Europe's charter for regional or minority languages—I do not like the term "minority languages" as the charter concerns the languages of our common European home—and my right hon. Friend paid tribute to my right hon. Friend the Member for Livingston (Mr. Cook) for that, as he was the Foreign Secretary who signed it, but the Council of Europe is not the European Union. It does vital work, and I am a strong supporter of it, but it merely declares aspirations: it does not proclaim directives or laws that tell us what we must do.

Finding the correct funding is a problem. I wonder whether there are not some sources of funding in the diaspora of Scotland—I am thinking of the great Sean Connery, who pines regularly on Scottish issues—that might be used to return to Scotland some of the culture that has helped to spread Scottishness throughout the world.

Primary responsibility for broadcasting lies with the UK Government and is generally exercised through the Secretary of State for Culture, Media and Sport. That is clearly stated in schedule 5 to the Scotland Act 1998. Scottish and relevant UK Ministers agree that responsibility for the funding of the Gaelic Media Service has been devolved to the Scottish Executive. There is no ambiguity in the 1999 statutory order that confirmed the transfer of Executive responsibility to Scottish Ministers, and the Communications Act 2003 does not affect the continuing responsibility of Scottish Ministers through the Gaelic Media Service.

The fact that broadcasting is a reserved matter means that there will be exchanges with DCMS at ministerial and official level on a range of issues. I am not sure what implementation mechanism could be set up that could involve the Foreign Office, because part of our responsibility has to stop at the water's edge, and it is not right to assume that we then become the oversight body for the transposition into UK law of aspirational charters or formal treaty obligations that we enter into.

Mr. Wilson: I shall pass over the Minister's remark about Sean Connery and give thanks that the press Benches are empty, as I think that the idea that he should pay for a Gaelic television channel would be regarded as fairly bizarre.

All my hon. Friend is doing is demonstrating the problem, which is that he has just read out the brief from DCMS stating that the matter has nothing to do with that Department, and I have just read out a letter from Jack McConnell saying that the lead responsibility rests with the UK Government. That is the impasse. I can hardly believe that in any other context the

[Mr. Wilson]

Government's view would be that there should be no mechanism for resolving the impasse. Simply to say that it exists, and that nothing can be done to deliver treaty obligations, seems a deeply unsatisfactory position. I am sure that my hon. Friend has the intellectual calibre to recognise that.

Mr. MacShane: My right hon. Friend may find that unsatisfactory, but I cannot give him the satisfaction that he genuinely and sincerely seeks. Forgive me if I have not mentioned any great Scottish name, but I would have thought that there would be funds to be found from great Scottish companies, or from great Scottish individuals or from among the Scottish diaspora; from those who believe in maintaining Gaelic as a vibrant language.

We will have to disagree; I will examine Mr. McConnell's letter, but I should say as a Foreign Office Minister—and my right hon. Friend has served in the Foreign Office—that it cannot be right that we should be responsible for the transposition into UK law and administration of whatever obligations are put on us.

Mr. Wilson: Who is responsible?

Mr. MacShane: My right hon. Friend asks who is responsible. The Department of Trade and Industry is generally responsible for World Trade Organisation obligations; the relevant Departments are responsible for other obligations under European constitutional treaties; and the Ministry of Defence is responsible for NATO and defence obligations.

In the short while remaining, I should say that the visit of the Committee of Experts of the Council of Europe to consider the Government's performance under the charter on Gaelic broadcasting took place in January 2003, before the operation of Bord na Gaidhlig. I have looked into some of the figures. Since 1999, the amount of Government spending on helping and promoting Gaelic has increased from £11.7 million to about £14.5 million. Some £8.5 million of that goes directly to Gaelic broadcasting. It is not for me to say how that £8.5 million should be carved up.

Going further back, one finds that during the first part of the Labour Administration there were even some cuts in support for Gaelic broadcasting. I cannot accept the view that we have in any way breached our obligation under the European charter. During the passage of the Communications Act 2003, we made it clear that powers invested in the Gaelic Media Service were not for immediate implementation.

Finding the money for any wish in the public sector is one of the most difficult challenges for any Government. I can only wish my right hon. Friend well. As the Minister for Europe, I am happy to make every possible statement about our need to bring to life all UK languages other than English. I also believe that we should give much more support to the speaking of the languages of the different British ethnic communities.

Anybody who can speak more than one language has a window into different ways of thinking, different cultures and outlooks that deeply enriches our entire UK economy. I understand that Scottish Ministers have introduced a range of new policy measures that are designed to take forward a strategy on Gaelic language and culture. I am informed that there will be a Gaelic language Bill before the Scottish Parliament designed to give the Gaelic language a place in the routine conduct of business where that seems appropriate.

Other European countries are moving in that direction, but the cost is not borne centrally by the European Union. I wish my right hon. Friend well in seeking from the Scottish Executive, other Government Departments and, ultimately, from the Treasury the financing that he wants for Gaelic broadcasting, which is dear to his heart. I hope to see the issue taken forward.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Four o'clock.

Westminster Hall

Wednesday 9 June 2004

[MR. FRANK COOK *in the Chair*]

Darfur (Sudan)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Charlotte Atkins.]*

9.30 am

Mr. Andrew Robathan (Blaby) (Con): I welcome this opportunity to raise the subject of the humanitarian crisis in Darfur. I also welcome the Under-Secretary of State for Foreign and Commonwealth Affairs, the hon. Member for Sunderland, South (Mr. Mullin). I think that he has been drafted in at quite short notice, so I sympathise with him. I know, however, that he has long taken an interest in human rights issues, which are among the most important in Darfur at the moment.

I regret that the Secretary of State for International Development is unable to be here, although he wanted to be, and his attendance at Westminster Hall debates is extremely good. He is likely to make a statement later today on the situation in Darfur, and I look forward to that. The importance of the crisis has been highlighted by, among other things, the coverage that it has recently received on the BBC and in other media outlets. It is rightly described as possibly the most serious humanitarian crisis in the world at the moment. I should add that I have not come to attack the UK Government—the Department for International Development is the second biggest donor in Darfur after the United States.

I have not been to Darfur, although I may be going at the end of the month. After my speech today, however, I may not be especially welcome. I went to Sudan a couple of years ago with members of the all-party group on Sudan, and I see my three companions here today, including the chairman of the all-party group, the hon. Member for Lancaster and Wyre (Mr. Dawson).

I want briefly to discuss the history of Sudan before considering the situation in Darfur, how responsibility can be apportioned and what, if anything, the UK Government and the international community can do.

Geographically, Sudan is the biggest country in Africa; it is the most enormous place, and Darfur is something like the size of France. Sudan is also grindingly poor, and I have memories of that from two years ago. There is poverty not only in the rebel south, where people have absolutely nothing, but elsewhere, and we saw people around El-Obeid who had next to nothing. So, it is not just the rebels who are poor—everybody is poor. However, the Government did not seem especially interested in furthering the good of the people in Sudan, other than in Khartoum.

Sudan was always a backward place. Parts of it, particularly the north, were colonised by the Egyptians, while in the south, Arab slave-raiding parties would seize slaves. That is pertinent because it reflects on attitudes today.

People in Britain tend to know about Gordon of Khartoum and his historic death in 1885, and about the Kitchener expedition of 1898, which was much popularised. Indeed, Winston Churchill took part in a marvellous cavalry charge, which he describes so well in his books. There then followed the Anglo-Egyptian condominium and the Sudan political service. My godfather worked in the service immediately after the war, and it was well described by Wilfred Thesiger. It was an honest and honourable profession, although it must be said that Sudan did not develop enormously as a result of its work.

Independence came in 1956. Civil war has raged on and off since then and has claimed the lives of perhaps millions of people, although I am delighted to say that a peace agreement was signed on 26 May in Naivasha. I shall say a bit more about that later. In 1989, the National Islamic Front, which now forms the Government, seized power under Brigadier al-Bashir, who is now a lieutenant-general. Nobody ever claimed that the Government had any democratic legitimacy, although, of course, they have de facto legitimacy.

One must understand a point to which I alluded earlier. To use shorthand, there is an Arab ethnic grouping in the north. It is not a distinct grouping, but it is more Arab. In the south and west, the ethnic grouping is more black African. That is extremely important because of how people see things in Sudan. Sharia—Muslim law—is also an issue, but not in Darfur, because it is Muslim. However, it was certainly an issue for Christians and animists in the south.

In Darfur, there are perhaps 1.2 million displaced people and refugees, although no one is quite sure. There are 100,000—perhaps more—refugees in Chad, across the border. Estimates vary but about 30,000 people have been killed in Darfur in the last year, and there is no doubt that it is a huge humanitarian crisis. A report from Oxfam, quoted by my local paper, the *Leicester Mercury*, on Saturday, described refugees fleeing the conflict, who had

> "abandoned their homes, their possessions and their livelihoods, clinging on to the hope of finding somewhere safe . . . Even if they get to the refugee camps, the situation is little better. Malnutrition and diarrhoea are spreading quickly and mortality rates climbing steadily . . . Eastern Chad is . . . on the brink of disaster".

Humanitarian agencies have warned of the risk of famine in the displaced population, unable to return home to plant crops before the rainy season. The rainy season is starting now; the displaced people are not returning. A United States Agency for International Development administrator stated in Geneva on 3 June:

> "We estimate right now if we get relief in we will lose a third of a million people. And if we don't, the death rates could be dramatically higher, approaching a million people."

Delay in taking action is not an option.

It is difficult to estimate the number of fatalities that can come from such a ghastly crisis, and such estimates tend to be wildly wrong. The message that comes through, however, is that there is a terrible crisis and action needs to be taken. The situation should be taken in the context of the much heralded—by the Sudanese Government—peace deal in Naivasha at the end of last month.

To digress slightly, what about upper Nile? Not included in the peace agreement—and not, of course, in Darfur—is the Shilluk kingdom. I have a briefing from

[Mr. Andrew Robathan]

World Vision, which states that in upper Nile,

"since early March 2004 . . . between 50,000 and 120,000 men, women and children were displaced by a series of militia attacks . . . Humanitarian personnel cannot access the area . . . the Sudan Civilian Protection Monitoring Team documented the wholesale destruction of . . . villages . . . The compounds of World Vision and another German NGO . . . were destroyed and looted."

We do not know what is happening there, but it gives greater context to what is happening in Darfur.

In Khartoum, there is what is best described as a political elite. It tends to be almost exclusively of Arab extraction and to look down its nose at the black Africans. The National Islamic Front of President al-Bashir is now called the National Congress party, but it has roots through the National Islamic Front back to the Muslim Brotherhood, which sprang up in Egypt. I have already mentioned that it has no democratic legitimacy, but I would like to turn to its honesty.

In April or perhaps earlier, the Sudanese Foreign Minister, Dr. Mustafa Ismail, came to a meeting, which was attended by at least two Members present in the Chamber. He talked vividly about Darfur, because we asked him about it. He said that only a few hundred had been killed and that the Government of Sudan were definitely not supporting the militia in Darfur—the Janjaweed. I recall particularly, because I took the issue up with him, that he blamed the European Union for not giving sufficient development aid. He also blamed President Clinton. I blame President Clinton for many things, but he blamed him for encouraging rebel movements in Sudan.

The Office of the UN High Commissioner for Human Rights concluded its report of 7 May with the statement:

"It is clear that there is a reign of terror in Darfur . . . The current pattern of massive and gross human rights violations . . . raises very serious concerns as to their survival, security and human dignity".

That means the survival, security and human dignity of those who have remained in Darfur. The report said that the situation was characterised by

"repeated attacks on civilians by the military forces of the Government of the Sudan and its proxy militia",

particularly the Janjaweed;

"the use of disproportionate force by government and Janjaweed forces";

total impunity for the Janjaweed, who operate

"in close coordination with the forces of the Government of the Sudan";

and a

"pattern of attacks on civilians includes killing, rape, pillage, including of livestock, and destruction of property, including water sources".

Asma Jehangir, the UN rapporteur, echoes that on the BBC website in a story on the extrajudicial, summary and arbitrary executions. She says:

"the numbers are staggering, the situation is terrible . . . there is no accountability and in some areas the government officials are also in a state of complete denial."

So what can we conclude about the Government of Sudan? I conclude that they do not tell the truth and are not to be trusted. They have form. Between 1991 and 1996, when they were still the National Islamic Front, they played host to a fellow called Osama bin Laden. According to reports, al-Qaeda forged an alliance with al-Bashir's Government. Osama bin Laden was expelled from Sudan in 1996, but in 1998, President Clinton launched cruise missiles against a couple of targets in Sudan, one of which was the al-Shifa chemical factory. We should remember that President Clinton was not a great man for sending cruise missiles, but it appears that those missiles were designed to hit al-Qaeda, which was believed to be present at the targets. I did not appreciate that at the time, because none of us knew very much about al-Qaeda.

Since 11 September 2001, the start of the war on terror and the invasion of Afghanistan, the Government of Sudan have become a great deal friendlier and more pliable, and we may draw our own conclusions as to why that may be. However, they are still the same people. Al-Bashir is still the President, his elite group is still undemocratic and autocratic, and they are still on the US list of state sponsors of terrorism.

As I said, the Government of Sudan have form. I have in my hand "The scorched earth: oil and war in Sudan", a document published by Christian Aid in 2001. I will not talk at great length about it, except to say that the tactics employed, which are described in the booklet, are almost exactly the ones that are now being employed in Darfur. Leaving aside the issue of oil in Sudan, I particularly recall, when we were in Sudan two years ago, hearing about the train that ran down to Wau, which was in the south and surrounded by rebel areas. As the train ran down, armed Arab militia on horseback, fanning out to perhaps 20 km on either side of the track, would plunder, kill, rape, pillage, and take slaves—in the 21st century, for God's sake—as they proceeded down to Wau. As soon as the train withdrew, the rebels would blow up the track. It seems to me that what has happened now is exactly the same. In its report last month, the International Crisis Group said of Darfur:

"The situation mirrors the dynamic of other conflicts throughout Sudan, pitting a periphery that views itself as the victim of discrimination against a centre in Khartoum that is seen as holding all the economic and political cards."

I do not intend to say much more, because many Members want to speak and, given the importance of the situation, they should be allowed to have as much say as they can. I will, however, say this: Darfur is a long way from us and is a little part of a country of which we know remarkably little, but it is the world's most serious humanitarian crisis and it will not go away.

So what can the international community and the UK Government do? First, we need to be less supine in what we say. The Secretary of State was extremely diplomatic on the radio on, I believe, Monday. I have been less diplomatic today. The Government of Sudan must take responsibility for what is happening in Sudan. We are contributing humanitarian aid, but Sudan needs yet more. The crisis will not go away for at least a year. We must pursue the matter at the UN, although I know that we are doing so to a certain extent. The Security Council noted the prolonged absence of an accredited resident humanitarian co-ordinator, which is a serious obstacle to international operations in Darfur. I hope that the Minister will tell us what is happening in that regard.

Will the Minister also tell us what has happened about the African Union monitoring force, which has been agreed? I know that the British Government have agreed to provide part of its funding; the rest must come from the European Union. Let us at least do that so that we can know what is happening. It is all very well to wring hands—people might say that I stand here wringing mine—but people are dying now, so this humanitarian crisis must be dealt with now. The crisis will go on for perhaps a year or more, but the long-term solution is political: to make the Government of Sudan accountable and to make them take responsibility for their actions and their people. I urge the UK Government to be bold and outspoken in what they say to the Government of Sudan, and to mobilise international concern so that pressure can be put on them for real change. I shall not elaborate on the sanctions or other actions that we might take, but this crisis needs reaction from the international community. I hope that the Minister can reassure me.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I remind the Chamber that it is customary to begin the first of the Front-Bench winding-up speeches 30 minutes before the end of the debate, namely at 10.30 am, so we have about 44 minutes in which to accommodate the five right hon. and hon. Members who seek my eye. I hope that they will take account of the time limitations when making their contributions and when accepting and responding to interventions.

9.46 am

Mr. Tom Clarke (Coatbridge and Chryston) (Lab): I sincerely congratulate the hon. Member for Blaby (Mr. Robathan) on his wisdom, on securing this important debate and on his excellent introduction to it. I agreed with virtually everything that he said, except, perhaps, his final reference to the Secretary of State. That aside, his comments were timely and appropriate.

Mr. Robathan: I should not, perhaps, have used the word supine. I did not mean to criticise the Secretary of State except to say that he has been over-diplomatic.

Mr. Clarke: I am pleased to have allowed the hon. Gentleman to put that on the record, because he made a first-class speech, and I have no desire to take away from that. It helped us all to remember what happened in Rwanda when, although there were signals of what would happen, even if they were not as profound or clear as those in Sudan, the international community was, to say the least, far too slow to respond. We cannot be excused from making a similar mistake in Sudan, given what we now know is happening there.

The hon. Gentleman referred to the recent peace agreement. In respect of the problems with the north and south, which have been occurring for about 50 years—certainly for the past 20—there was a great sigh of relief when the agreement was reached, and it is profoundly unacceptable that it should be terribly overshadowed by the appalling events in Darfur, in the west of Sudan, which have had an impact on Chad, when we all hoped that the carnage that had gone on for so long would end.

What does the agreement mean? Does Khartoum expect the international community to accept that huge areas of the country should not be part of the spirit of the agreement, as is happening in Darfur and next door in Chad? Is access to oil and power to be a matter only for those who were party to the agreement? Will a great mass of people, particularly those in the west, be totally ignored, or worse?

It would be a huge mistake for modern Khartoum to send out the message that inclusiveness in Sudan means that people have to have an army and guns before their human rights will be recognised. That cannot be acceptable. That is why we are right to be extremely angry. It would be wrong of Parliament and the international community, including the European Union, to wring our hands and wash our hands of the problem when we know that so much wrong is happening.

The media have a role as well. Reference has been made to the BBC, and ITN broadcast an interesting and compelling news bulletin on Monday evening that at least focused on the issue. Although I do not particularly want to congratulate the media—they could have done far more—there have been honourable exceptions. In an excellent piece in *The Guardian*, Ewen MacAskill, the diplomatic editor, who incidentally reported on the Secretary of State's activities in Darfur, which he was observing, wrote:

> "In what the United Nations describes as the world's worst humanitarian disaster, the arrival of the rains means that life for the refugees will become even more grim and the death toll will almost certainly rise.
>
> About 30,000 are estimated to have been killed in the last year, victims of a government-armed militia that has terrorised and destroyed villages throughout Darfur, where 1.2 million have been displaced, with a further 100,000 taking refuge in neighbouring Chad."

Chillingly, he added:

> "A UN official who has travelled extensively throughout the region said yesterday: 'If you go 1,000km from here to Chad you will not see a single village intact.'"

We know what is going on. There can now be no excuse for the record of the Janjaweed—the raiding for cattle, the raping and the other wholly unacceptable behaviour—which has been supported by the army high command, as is well known. The raids are perhaps now more sophisticated, if just as beastly and unacceptable. There are helicopters and gunships, villages razed to the ground, inhabitants murdered, irrigation systems destroyed and granaries burnt to the ground. We can call that ethnic cleansing or genocide; but, in the modern world, given our support for international organisations that are perhaps still capable of exercising more influence—I shall come to the role of the United Nations and its agencies—it is right to say what we are saying in this debate in the tone of disgust that the situation invites.

The hon. Member for Blaby referred to the role of aid agencies and non-governmental organisations. We agree that their contribution has been sterling, as is so often the case. We all want to take on board the advice that the Catholic Fund for Overseas Development, Human Rights Watch, the International Crisis Group and Save the Children have given. Save the Children, for example, has said that the international community should see protection of civilians as a priority, and that

[Mr. Clarke]

although there has been a reduction in hostilities between the parties to the agreement—people who, in my view, have an interest—there is no corresponding improvement in the security of civilians. Save the Children concludes that militia groups are carrying out a pattern of human rights abuses against a backdrop of impunity, and that it is time for us all to act. I know that my views are shared by hon. Members on both sides of the House, and I want the Government to exert the maximum possible pressure on the Government of Sudan because we know—there is no point in their denying it—about their influence on the militia and its distasteful activities.

There is strong support for the approach of the hon. Member for Blaby. Given the carnage, we are entitled to demand that non-governmental organisations seeking access should have the opportunity that he described. There should be a response to those who cry for food, water, medicine and trucks. It is outrageous that the Government of Sudan are even restricting the number of trucks that could be made available so that those people's needs can be met. The UN believes that only half the displaced population of 1 million has access to humanitarian assistance.

Let us continue the pressure on President al-Bashir. Let us continue the pressure on the United States, although I do not want to denigrate its influence and the time and thought that it has given to the issue. Our colleagues in the United Kingdom—I welcome the role of the Secretary of State for International Development—and the European Community Humanitarian Office have made substantial pledges of assistance to Chad and Darfur. Nevertheless, they are doing so when the UN is telling us that only 19 per cent. of the needs of Darfur have been met and only 45 per cent. of Chad's.

There are opportunities within the international bodies that I have mentioned, particularly this week of all weeks, in the European Union, for us to express not just our distaste for what is happening, not just our demand for an end to the carnage, and not just our hopes that the international aid agencies can get the access that they want, but our determination that all that will change and that such activities will never again take place. As the hon. Gentleman said, following their dreadful experiences, people have very little to look forward to—more rains, more starvation and more attacks from above. It may be difficult to reflect on the possibilities of long-term development, but even those people, in their dreadful situation, are entitled to dream. They are entitled to count on our support and I believe that that will be the view expressed in our debate today and by the Secretary of State later when he speaks on this crucial matter.

9.58 pm

Dr. Jenny Tonge (Richmond Park) (LD): As a colleague of the hon. Member for Blaby (Mr. Robathan) on the Select Committee, I congratulate him on this debate. However, I have a terrible sense of déjà vu. The right hon. Member for Coatbridge and Chryston (Mr. Clarke) said "Never again," but how often have we said that? Only six years ago, in 1998, the Select Committee on International Development produced a report on the origins of the famine in Bahr el Ghazal and Sudan and how we dealt with it. Reading that report today, one thinks, "Here we go again. We could write precisely the same words and precisely the same criticisms now." I draw the House's attention to that report, which makes sad reading when one thinks that it was written six years ago. Yes, there were Moraleen, yes they came down to Wau on their trains and, yes, we called them Arab raiders—they fanned out, raided and pillaged and they took the women and the cattle. Exactly the same methods are being used in Darfur.

It is interesting to consider the problems that were highlighted then. One of the things that most concerned me was the early warning system. We felt that there had not been sufficient early warnings in the case of Bahr el Ghazal in 1997–98. There were even accusations levelled at the aid agencies that they had left it until they saw the pictures of starving little children on the television screens before launching their appeals. That has not happened this time—the warnings have been being sounded for a considerable time. The NGOs cannot be considered guilty in that respect.

We considered the problems of access for flights and the Government of Sudan banning flights by aid and humanitarian agencies over the area. Just the same has happened this time. I understand that some of the bans have now been lifted, but it is something of which we were aware and that we knew would happen; it had been recorded before, yet somehow we did not manage to get round the problem.

We considered the problem of where the aid would come from. We must have stockpiles and aeroplanes. Operation Lifeline Sudan has been in operation for 20 or 25 years—perhaps the hon. Member for Blaby can remind me exactly how long. It had been going for at least 10 years before the famine in Bahr el Ghazal. It operates from Lokichokio in northern Kenya, which, I suspect, is much too far away to get to Darfur, but there must be bases in Chad. Perhaps the Minister can tell us from where we will distribute the desperately needed humanitarian aid to Darfur.

I remind Members that one of the conclusions of the 1998 report—the eighth summary point—was:

> "Clare Short was quite right to be frustrated at a process which involved political indifference, ineffective and declining levels of humanitarian assistance, little prospect of longer term development, continuing conflict, and the prospect of millions starving to death."

The same is true now.

We can all bemoan what is happening and say that something must be done and that it must never happen again, but we should consider the origins of the new disaster. If the Minister has time, I would like him to say something about the political background. The history of the peace process in southern Sudan has been that various factions have formed in the south, which for a long time made it difficult to know with whom to negotiate. Do the Minister or the Government think that there is any connection between any of those groups and the Sudan Liberation Army and the Justice and Equality Movement, which are now operating in Darfur and which formed less than two years ago when the all-party group was visiting? We met them and the SLA told us very proudly that they had just formed. It would be interesting to know where they came from, who organised them and who gave them the push.

I also wonder how many hours the Department for International Development has spent and how many tonnes of paper it has produced over the years on prevention of conflict. Considering the situation, we should have been aware of what might happen. Everyone knows Sudan—Britain is an expert on it. We all know about the peace process and how difficult it has been. Who has been considering prevention of conflict in Darfur? From where have the arms dealers been getting their arms? Who has been considering that? Who has been trying to break the chain of dealers in death throughout the world who make sure that small and medium-sized arms get to rebel groups whenever they want them? When I was first in southern Sudan in 1998, I asked members of the Sudan People's Liberation Army where the dickens they got their arms. They fell about laughing and said, "We can get them from anywhere. It is no problem. Arms are the least of our problems." Who has been considering that while the peace process has been going on?

The human rights record of the Government of Sudan is appalling. They react to many things with state terrorism. That is a rather difficult subject sometimes because we have good friends among the great and famous democracies of the world who also employ state terrorism at times. We must not always criticise: we must not look at the mote in our brother's eye when we cannot see the beam in our own. State terrorism is practised all over the world, not just by the Government of Sudan.

We should also look to the future. As the hon. Member for Blaby pointed out, Sudan is a very big country that is almost ungovernable because its communications are so appalling, and many areas outside Khartoum are at a very early stage of development. Are we looking at those other regions? Who will organise rebels in the upper Nile region in the east of the country? What groups are forming and who is making sure that they have arms? Is anyone looking at that? Is the United Nations or anyone trying to help with those issues?

Perhaps we should look to the journalists, who are very fond of telling us about humanitarian disasters, scorched earth, and desolate villages. I saw such villages in southern Sudan in 1998. Point 11 of the 1998 Select Committee report states:

"We urge journalists not only to report the starvation of Sudan but also to investigate, question and pursue the reasons for war and the possibilities for peace, as has been done, for example, in Bosnia. This has not as yet been properly done and reporting of the crisis in Sudan is to that extent sadly inadequate."

The same is needed today. Journalists, please listen—go and talk to those other groups, do not concentrate solely on Darfur, look to the future.

Since 1998, I have been bleating about the only long-term solution for countries such as Sudan—development aid. In one sense, the Foreign Minister, whom we met a couple of weeks ago, was correct. We try to give humanitarian aid when it is needed, but such countries need development aid. Most of the time most of Sudan is not at war, so at the very least we could try to educate children. That will, in the long term, have a preventive effect if we can get gradually get in some development aid. Humanitarian aid is all very well, but I remember the previous Secretary of State saying that a lot of it went to the rebel groups. It was captured and used by them, and could even have prolonged the war. Development aid is needed. We must also consider debt relief for Sudan. If we can give Iraq debt relief when it has billions of dollars worth of oil in the ground, surely we can give it to Sudan, which has a lot less oil and is much further away from extracting it from the ground. We must examine the long-term development of that country.

I am reminded that I am still wearing a rather rough bracelet made out of cartridge cases. A woman in Bahr el Ghazal in southern Sudan gave it to me in 1998, and I was pledged to wear it until there was peace between the north and the south. A few weeks ago I was very optimistic about the prospect of being able to take it off—it makes a black mark on my arm and is not all that comfortable. However, I will have to leave it on for the people of Darfur: perhaps it will act as a lucky charm for them and eventually they will see peace. They need peace. The only way to obtain peace is for us to think ahead, to understand the causes of conflict in those areas and, most of all, to use development aid.

10.9 am

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): I am pleased to have the chance to take part in the debate. I congratulate the hon. Member for Blaby (Mr. Robathan), who joined us on the last all-party visit to Sudan. I am sorry that he will not be with us in three weeks' time when we return. This is a timely debate, and I suspect that it will carry on in a few hours' time in the main Chamber.

It is essential to reflect on the enormous progress that has taken place in Sudan in recent years. Peace talks have proceeded slowly, but productively. Peace has come to a very large part of the country, and there have been effective monitoring mechanisms in problematic areas, such as the Nuba mountains. There have been fundamental, important agreements on a referendum, which will take place six or so years down the road, on power sharing, wealth sharing and smaller contentious issues relating to the application of sharia and the status of various parts of the country.

The current tragedy in Darfur can be seen as a symptom of the frustration of a number of groups that have been telling our Government and everyone in Sudan for a long time of their frustration at being excluded from the peace process. It is vital that that process draws to a conclusion so that what is called the pre-interim period can begin, wherein a range of groups from throughout the country can engage fully in discussion about the way forward and the way in which they will be involved in the country's future development.

That is the overall context, and in our despair about the current situation we should lose sight neither of that nor of the enormously constructive diplomatic role that this country played in the peace process. The other day I heard on the radio a programme featuring the Secretary of State, which implied that the Government had become aware of the situation in Sudan about two weeks ago. Hon. Members know that that is absolutely wrong. It is important to pay tribute to the work that has been done.

Many people have a responsibility in relation to this issue. The Government of Sudan have an enormous responsibility, as do the Sudan People's Liberation

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Movement and the Sudan People's Liberation Army, to draw peace talks quickly to a conclusion. The immediate problem is the desperate situation of thousands—possibly hundreds of thousands—who face death during the next few months as the rainy season takes hold. We are talking about people who are in internally displaced persons camps, who have run away from their homes, who have no shelter, security, food or health care, and who have nothing to sustain them in what will become increasingly appalling circumstances. There can be no excuse for the Sudanese Government's denying humanitarian access to those people.

On the other hand, there can be no excuse for all the nations of the world that have finally woken up to the desperate circumstances of the people of Darfur for not bringing to bear on the situation in Darfur all their resources, ingenuity, skill and international co-operation. Huge efforts have been made in Iraq; let us have a fraction of those efforts to save hundreds of thousands of lives in Sudan. There should be a UN Security Council resolution, and I believe that the United Nations should rise to the occasion and take a lead. It is good that our country and the United States have contributed so much already, but an international or a multinational effort is needed.

We must ensure that ceasefire monitors and police from the African Union are allowed to do their work. That work needs to be benchmarked, so that we are clear that the ceasefire is being monitored, but above all we need to ensure good access. This may be a question for the Secretary of State rather than the Minister, but has an estimate been made of how many people will be beyond access when the rains come? To how many can we gain access now in order to provide them with sustenance for the next few months? If we know that we will not be able to gain access over the next few months because of the rains, surely an international effort is needed now to get those people out of a situation that will lead to their deaths.

I do not see why, with all the resources that the world has at its disposal, we cannot locate everyone who needs our help and get them everything that they need to sustain themselves. If we cannot get to them before or during the rains, an international effort will clearly be needed to get them out, to give them support, and to try to stop people dying in the numbers envisaged.

There can be nothing more important than that the entire world deals with the situation now. We should not stand by, nor should we allow others to stand by and allow people to die on the scale envisaged. Once we have dealt with that situation, there may be a positive and effective impetus to move forward and ensure that the peace process in Sudan is completed. Once we are through the interim period, all concerned groups in the country will have to come together so that we can start to build towards elections in Sudan, and the crucial referendum in six months' time that will decide the future of the country.

10.18 am

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): I am glad to be able to take part in such an important debate. I congratulate the hon. Member for Blaby (Mr. Robathan) on initiating it.

There was a time, certainly within the lifetime of most of us in the Chamber, when many people of good will thought that the most serious problems facing Africa were caused by the activities of the west, with its western colonialism and western neo-imperialism. It is a tragedy that cannot be overstated that, long after the winds of political change swept across Africa, region after region became convulsed by intercommunal strife. One reason why the conscience of the world seems so hard to rouse on such occasions may be the spectacle of Africans killing Africans.

Today's debate is important not only because of the scale of the humanitarian tragedy that may yet engulf the region, which could be as big a tragedy as Rwanda, if not bigger, nor because not enough attention has been paid to the tragedy. It is important because the situation in Sudan raises many general issues about Africa and international affairs. For instance, it raises the question whether we need a more robust system of international law to encompass humanitarian intervention and a different mindset in the Security Council on international relations. I did not support the war in Iraq. Only with reluctance would I support western intervention in other parts of the world. But it is clear when we study Sudan and other issues that we need a more robust system of international law that would legitimise such interventions.

A further issue raised by the situation in Sudan is the rubble of the post-cold war world. Various factions in obscure parts of Africa were funded by different sides in the cold war. Once the cold war ended, we all congratulated ourselves on the collapse of the Berlin wall, but those armed and militarised factions continued to fight in Sudan and Somalia and across the region.

Another issue underlying the problems in Sudan is scarce resources. When examining the roots of intercommunal strife in Africa, one often finds that the situation is partly the result of the post-cold war situation but also partly the result of fighting for scarce resources.

Finally, having made so much in the international community of the need to intervene in Iraq for humanitarian reasons, will we stand by and allow another Rwanda in Sudan?

As has been said, from 1916 to 1956, Darfur was a backwater ruled by a handful of British officials, including the relatives of the hon. Member for Blaby. One root cause of the present crisis goes back to the 1980s, when prolonged droughts accelerated the desertification of northern and central Darfur and led to pressure on water and grazing resources as the camel nomads were forced to move southwards. Conflicts over wells and water that would in earlier times have been settled with spears or mediation are settled in the 21st century with guns. The situation was made much worse by the decision of Sadiq al-Mahdi, the Prime Minister in the mid-1980s, to give arms to the Arabic-speaking cattle nomads, leading to today's ethnic cleansing.

The ethnicisation of the conflict has grown rapidly since the military coup in 1989. Of course, one reason why the Khartoum Government are determined to retain control over the area is the possibility of an oil pipeline through Darfur. Once again, we come to one of the issues underlying intercommunal conflict all over the world.

Kofi Annan has said that the international community is prepared to take action on the situation in Sudan, meaning the continuum of steps that might include military action. Obviously, any such action would have to take place under the aegis of the Security Council, but the Security Council has discussed the crisis twice and declined to condemn the Khartoum Government. More focus on the issue is needed at the very highest levels.

I congratulate Her Majesty's Government, who are one of the biggest donors to Sudan and who, as has been pointed out, are not looking at the question only now but have been addressing it for some time. However, underlying issues are involved. Even if we avert the yet greater humanitarian crisis that may engulf the area, we as a Parliament must address those issues. What is the proper framework for humanitarian intervention? To what extent should the west take responsibility for the shambles left behind after the end of the cold war? As colleagues have said, the only way to stave off recurrent flare-ups of violence over scarce resources is by injecting development aid and considering the whole economic infrastructure of countries.

No one who cares about Africa and what it means to people of African descent all over the world can fail to be moved by the situation in Sudan. Sadly, that situation is replicated across the continent. I hope that Security Council and the Government can take action that may yet avert the impending tragedy, but I also hope that the Government will continue to play a part in addressing the underlying causes of the economic and political underdevelopment of the African continent.

10.24 am

Mr. David Drew (Stroud) (Lab/Co-op): I congratulate the hon. Member for Blaby (Mr. Robathan) on introducing the debate. We will miss him. If nothing else, we will miss his taking the opportunity to start sparring again with Vice-President Taha, which is something that will long stay in my memory, if not his.

I shall not cover ground that has already been covered. I believe that there is unanimity on the matter and that we all feel passionately about it. In a previous debate initiated by my hon. Friend the hon. Member for Lancaster and Wyre (Mr. Dawson), who chairs the all-party group on Sudan, I made two points. The first was that it is a scandal that the world failed to see what was inevitable and predictable months ago. That has much to do with the fact that the eyes of the world have been fixed obsessively on Iraq. I did not support the intervention there, and I feel guilty for my fellow human beings who could not stretch their minds away from it into other parts of the world: Sudan was desperate for intervention, although I do not mean military intervention.

My second point was well made by the hon. Members for Blaby and for Richmond Park (Dr. Tonge): the Government of Sudan have form. Not much research is needed to find out what has been going on. Members of the all-party group are always indebted to the Sudan Organisation Against Torture for its excellent work, which has not been mentioned so far. The organisation clearly presents some of what goes on behind the scenes. One has only partly to believe that the Government are responsible for torture, let alone the many other ills in that society.

As for the United Nations, we must not forget that the history in this context is not one that attracts glowing endorsement. I think in particular of the role of Libya when it was on the UN commission on human rights; it chaired the commission for part of that time, and it was then that the special rapporteur, Herbert Baum, was removed, much against his will. He was doing some excellent work in highlighting some of the problems that were occurring.

The usual argument was made at the UN: "It is none of your business." Libya made it clear that the matter was an internal, tribal dispute. If that was so, I hate to think how any other conflict would be defined. That attitude is unacceptable. If Libya is now part of the greater world, and we are engaged in a love-in with it, it must act responsibly. That means criticising nations with which it may have a strategic partnership. We want to hear that that is so and that Libya is prepared to go beyond the sometimes flaccid comments of diplomatic language. It must be willing and able to lean on the Government of Sudan. There is no evidence that it has done so.

We all very much welcome the peace at Naivasha. One worry is that, while, with the eyes of the world on Sudan, there has been encouragement to the Sudan People's Liberation Movement to sign a deal with the Government, there are many other places to be concerned about. As the hon. Member for Richmond Park said, most of Sudan is at peace. However, the possibility of the balkanisation of the country is a worry. We have seen what has happened in the south and what is now happening in Darfur. There are many other places in Sudan where ethnic conflicts could break out. The world must continue to attend to what is happening in that country. We cannot step back from that.

There is a worry—it is not a conspiracy theory—at the back of my mind; I was talking to an oil analyst the other day about the situation in Western Sahara. I said that we were going to Sudan. He dropped into the conversation the comment, "Of course, since we found oil in Chad, it would not be surprising if there were similar resources in Darfur, and someone somewhere had been thinking in advance about land grabs." That is the history of the south. The matter is not simply one of Arabs versus Africans and Islam versus Christianity. It is one of resources, as is the situation in Iraq. Let us not fool ourselves; there are things going on behind the scenes.

I pay tribute to the British Government. It is wrong for them to be criticised for disengagement from the issue. They have been highly engaged. The work of Alan Goulty, which has not been mentioned, deserves credit. He has been shuffling regularly between meetings with people in this country, the Government of Sudan, the SPLM and all the other parties. It is a very difficult situation, and we must be engaged and never again forget Sudan.

10.30 am

Tom Brake (Carshalton and Wallington) (LD): I join other Members in congratulating the hon. Member for Blaby (Mr. Robathan) on securing this timely debate. There have been heartfelt contributions from all Members present, all expressing a desire to help the

[Tom Brake]

people of Darfur. The situation there is desperate, and I will not repeat the statistics about displaced people. It is the worst humanitarian crisis that the world faces. As well as the hunger and murder, the Ebola crisis developing in the south may spread throughout the country. If things were not already bad enough, there is that element to add to the picture as well.

I am grateful to Alan Goulty, DFID's official, for briefing me on the subject on Monday. From what he was saying and from press reports, it appears that the Government and DFID have done much to alleviate the situation in Darfur and facilitate the peace process in the south, and I congratulate them wholeheartedly on that. However, it appears—I put it no stronger than that—that the UK and other countries could do more to apply the necessary pressure to the Sudanese Government to fulfil their obligations to the people of Darfur.

I hope that the Minister will set out how the UK Government can exert pressure on the Sudanese Government to ensure that the security and protection of civilians in Darfur is maximised. I welcome the statement yesterday from the Secretary of State in which he said:

"Action must also now be taken to bring irregular forces and militias under control. The Government of Sudan needs to take steps immediately to provide security to Darfurians, who told me yesterday that they will not return home until is it safe to do so."

I hope that that statement is the first notch and that pressure will be ratcheted up if the Sudanese Government do not respond.

Perhaps there have been developments in the last couple of days, but one thing that surprised me during the meeting on Monday was that by then the Sudanese Government had made no public statement condemning what is happening in Darfur. They had not distanced themselves from the Janjaweed nor ordered the militias to cease human rights abuses. I hope that more forthright statements have come from the Sudanese Government in the last couple of days.

It is interesting that in the notes from the all-party group on Sudan, which does an excellent job and produces very good briefings, Dr. Ismail is quoted as saying that

"the people in Darfur need security urgently and the Government of Sudan needs to move quickly to ensure their security . . . there is a humanitarian urgency . . . the Government of Sudan should collect weapons from those not in regular forces."

That is a positive statement but it is weak in its condemnation. With the contact that the Secretary of State has had, perhaps the Minister will be able to reassure us that condemnation has been more forceful in the last couple of days. I understand the niceties of Sudanese politics, and the concern may be that forthright condemnation from the Government would lead to the breakdown of the peace process. Therefore it must be done tactfully. It must be done, however, because the killing continues.

I welcome the fact that our Government are putting more resources into assisting the African Union. A timetable is needed to ensure the improved protection of civilians and humanitarian access and the speeding up of the customs clearing process. I understand that it currently takes weeks and that the target is to reduce it to seven days.

The most urgent task is to get the Government of Sudan to do all that they can to halt the killings and destruction in Darfur. I hope that the Minister can tell us what means our Government have at their disposal to encourage the Sudanese Government to send the necessary public signals, to issue the relevant military orders and to do their best to deploy more impartial police and security personnel in Darfur. On the latter point, it would be a source of enormous concern if the Sudanese Government simply encouraged the Janjaweed to swap their uniforms for police uniforms. That would not create a climate in which displaced people would want to return to their lands.

The Sudanese Minister of Foreign Affairs claims that ethnic cleansing is not taking place in Darfur as ethnic cleansing means depopulating areas and bringing in a different group to replace those who have fled. Does the Minister agree, however, that what is happening amounts, in effect, to ethnic cleansing if the original inhabitants cannot return in the short term because of the rain, in the medium term because they have been unable plant their crops for next year, and in the long term because they cannot trust the security forces? At the very least, one ethnicity has been cleared out, and the land has been left empty. What assistance could the UK Government give to encourage the creation of a police force that people in the region can trust? Could they perhaps do something about training?

Clearly, the situation in Darfur is desperate, but there are positive developments, and the peace process is one. I hope that the Minister will be able to say something about the applicability of the model that has been developed for the south. Could it be transposed on to Darfur to provide Darfurians with some of the devolution that they seek?

I turn briefly to the role that the UK can play in getting the international community more involved. Would the Minister support a firm statement by the UN Security Council condemning atrocities in Darfur, or does he agree with the Secretary of State, who is quoted today as saying that talk of military intervention is unhelpful? What role does the Minister see other countries on the Security Council playing? I understand that China, Pakistan and Algeria have not been terribly helpful in developing clear statements or firm action on the issue. Does he believe that the European Union has a greater role to play in bringing an end to the violence? Can the Government do more to encourage our key European partners, such as France and Germany, to contribute greater assistance?

One hopes that the situation in Darfur will be resolved at some point, but as several hon. Members have said, there will be still be a significant humanitarian and environmental problem once the situation has been resolved. The region is badly affected by climate change and desertification, so the land will probably not be able to support people. What role can we play in the longer term in providing developmental aid to the region? Clearly, such aid will be needed once the humanitarian crisis and military conflict have been resolved.

Darfur is isolated from the rest of world; it is 800 miles from Khartoum, with no roads. It is our responsibility to put it centre stage and to keep it there. The international community must use all the means at its disposal to stop the killing and to provide the humanitarian assistance that is needed to prevent the

tens or hundreds of thousands of deaths that could occur. We still have time to prevent this disaster from turning into a calamity of biblical proportions, but time is slipping away, and we must redouble our efforts before it is too late.

10.39 am

Mr. John Bercow (Buckingham) (Con): The debate was opened in admirable fashion by my hon. Friend the Member for Blaby (Mr. Robathan). His speech was followed by several powerful and impassioned contributions from right hon. and hon. Members.

The former United Nations humanitarian co-ordinator for Sudan, Mukesh Kapila, famously described what is happening in Darfur as

"the worst humanitarian and human-rights catastrophe in the world."

However blame is apportioned, the United Nations High Commissioner for Human Rights is clear that the Janjaweed militia is responsible for massive violence, that a climate of impunity in Darfur continues to prevail and that the Government of Sudan permit the Janjaweed to exercise a reign of terror over Darfurians. His report and those of Amnesty International, Human Rights Watch and the International Crisis Group paint a consistent and unmistakeable picture. UNICEF has access to only half the displacement camps and, as hon. Members know, the safety of its aid workers is often far from guaranteed. The recent capture and subsequent release of 16 UN aid workers is but one example of the poor security that humanitarian agencies face. Oxfam says:

"Food stocks are depleting fast, access to drinking water is limited",

and Médecins sans Frontières has emphasised that the lives of tens of thousands of people in Darfur are at risk.

Last month I wrote to the Secretary of State for International Development to detail my concerns about the situation in Darfur. I was grateful for his prompt reply. I should now like to put some specific questions to the Under-Secretary of State for Foreign and Commonwealth Affairs.

Shortly before the Whitsun recess, the Secretary of State wrote to me to say that the Government expected the Government in Khartoum to "rein in" the Janjaweed militia. Does the Minister accept that the Janjaweed militia in Darfur is manifestly sponsored and armed by the Sudanese Government? How does he think that the Sudanese Government intend to disarm or limit the capabilities of the Janjaweed? Would he accept that reports, to which the hon. Member for Carshalton and Wallington (Tom Brake) referred, of the Sudanese Government's proposals simply to incorporate the Janjaweed forces into the country's formal police and security structures offer scant reassurance to those only too well aware of their wanton savagery?

What measures do the Government propose to take with others to ensure that forcible repatriation of refugees does not take place in Chad and Darfur? Does the Minister agree that it is vital that the impotence and passivity of the United Nations in the face of genocide in Rwanda is not repeated in Sudan? On the assumption that he of course does, will he say whether the Government intend to press for a robust United Nations Security Council resolution explicitly condemning the Government of Sudan for the ethnic cleansing of Darfur?

Does the Minister agree that, in urging the Government in Khartoum to provide aid operations immediate and full access to war-affected populations in Darfur, pressure needs to be applied for the opening of the rail lines, so that the United Nations can make massive deliveries of food and medicine from Port Sudan? Will the Government seek to join forces with the United States, the European Union and other donor Governments to approach Libya, Chad, other neighbouring countries and the Sudan People's Liberation Army, in order to establish alternative channels, which are not subject to Khartoum's veto, for the delivery of humanitarian aid to Darfur by land and air? Will the Minister stress that the Sudan Liberation Army and the Justice and Equality Movement should admit all humanitarian aid facilities into territory that they control, including from Government-controlled areas, subject to the proviso only that those deliveries are not accompanied by Government military forces?

Earlier this week, the UN emergency relief co-ordinator noted the imposition of new obstacles to aid, including an insistence that all medical supplies should be tested in Sudanese laboratories and that all supplies, including food, must be carried in Sudanese trucks and distributed by Sudanese charities or Government agencies. What representations has the Secretary of State for International Development made to the Sudanese Government on that point?

What recent discussions have Ministers had with the African Union, the United States and EU member states, to ensure that, in implementing the role of the ceasefire commission, there are adequate numbers of ceasefire monitors, equipped with helicopters and Land Rovers, in the major towns of west, north and south Darfur? If Government bombing occurs in Darfur, should not the Security Council authorise a no-fly zone to protect civilian populations and consult with those states with the capacity to enforce such a restriction to urge them to do so?

I hope that the Minister will agree that the Security Council should appoint a high-level panel to investigate war crimes in Darfur, establish legal accountability and deter the commission of further atrocities. Those guilty of heinous crimes must be held to account. I hope that the Minister accepts that and that he also accepts that we need to see detailed proposals for compensation and reparation for all victims who have lost grain, livestock and other assets.

The crisis in Darfur is harrowing. That point has been eloquently made by many others and I do not seek to compete with them or to improve on their descriptions. The crisis comes 10 years after the genocide in Rwanda, and none of us can be in any doubt about how much is at stake or where our own responsibility lies. Once again another African people who are innocent have been violated on a scale so grotesque as to defy all but the most vivid and, dare I say it, lurid imaginations. This time, the world has the chance to ensure that Darfur does not descend into genocide. There is not a moment to lose. As each day passes more lives are lost. We have a responsibility to act now. Our duty, in terms of humanitarian aid, diplomatic contact and moral pressure, is abundantly clear.

[Mr. John Bercow]

I have the highest respect for the Secretary of State for International Development as a humanitarian. I am in no doubt about how horrified and appalled he is by what has taken place. The Government have made an important commitment and are providing financial resources, and the Secretary of State has displayed considerable energy in attending to the situation. Insofar as the Government do what is necessary on all the fronts that I have described, they can be assured of enthusiastic support from Conservative Members.

10.47 am

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Chris Mullin): As the hon. Member for Blaby (Mr. Robathan) mentioned, the Secretary of State for International Development had hoped to be here in time to respond to this debate, but his plane has unfortunately been delayed and he asked me to respond in his place. He hopes to make a statement to the House in the very near future. I am grateful to the hon. Member for Blaby for raising this important issue and to hon. Members who are present, many of whom have taken a long-term interest in events in Sudan, for the generally constructive tone of today's debate.

Darfur is the most serious humanitarian emergency facing the world today. Several thousand people have already lost their lives, and if there is not swift and effective intervention, many more may do so. This is a man-made catastrophe. Its origins lie in a local rebellion, apparently fuelled by outside interference, which has resulted in a massive over-reaction by the Sudanese Government and their agents, in particular the Janjaweed militia.

As hon. Members have described, there have been systematic attacks on civilians: rape, pillage, looting and destruction of livelihoods. As a result, more than 130,000 people have fled to neighbouring Chad and there are perhaps a million internally displaced people inside Sudan. Their situation is desperate and will grow more so with the onset of the rains, which are beginning now.

The ability of the international community to respond has been limited—initially at least—by lack of access. Darfur is, at the best of times, an extremely remote area and the difficulties have been compounded by obstruction on the part of local authorities and by the Government in Khartoum. Lately, as a result of repeated representations by ourselves and others, there has been some improvement, at least in the situation in Khartoum. On the ground in Darfur, however, there is still some way to go before aid agencies can obtain access to all of the worst affected people.

As I said, we have made repeated representations to the Sudanese Government about the need for unhindered access. Our ambassador, William Patey, has been in almost daily contact with them. My right hon. Friends the Foreign Secretary and the Secretary of State for International Development and I pressed the Sudanese Foreign Minister on the matter when he visited London recently, and the International Development Secretary has pursued the issue in Darfur and in Khartoum in the past few days.

We have been repeatedly assured by the Sudanese Government that all obstacles to access will be removed. I am glad to report that, at least so far as the central Government are concerned, there are signs that that may be happening. There are indications from the United Nations and other agencies that new fast-track procedures for clearing humanitarian relief through customs, registering non-governmental organisations and granting travel permits are beginning to work. However, there is no cause for complacency. Much time has been lost, and the ability of agencies to deliver relief to those in desperate need will decrease with the onset of the rains.

The first priority is the continued lack of security in much of Darfur. A ceasefire was agreed in Chad on 8 April, but, although the worst of the atrocities have ceased, attacks and intimidation by local militia continue. African Union monitors are starting to be deployed and, as they do so, we expect access to improve, and we are pressing the UN to get a move on with the deployment of its monitors.

Perhaps I could say a few words about the UK response. I am grateful to those hon. Members who acknowledged that the UK has been engaged with Sudan for some years. We have not suddenly become aware of it in the past couple of weeks, as the hon. Member for Richmond Park (Dr. Tonge) implied. Hon. Members of all parties will acknowledge that we have played a leading part in raising the matter with the Sudanese Government, the UN and its agencies and the European Union, and I expect it to be discussed at the G8 meeting.

I wish to add my tribute to Alan Goulty and his colleagues in the Sudan unit for the part that they played in helping to achieve the peace agreement between the north and the south, which was recently signed at Naivasha. It is an extremely important agreement, and, as some hon. Members said today, it is also extremely important to ensure that the catastrophe in Darfur does not destabilise all the good work that has been done in the past couple of years to achieve a settlement between the north and the south.

Mr. Robathan: I said in my speech that the UK Government have generally behaved extremely well over Sudan. I am not here to criticise them. Could the Minister say something more about the G8? Condoleezza Rice said that Sudan would be discussed. What does he think might come out of the meeting, or does he have no idea?

Mr. Mullin: I think that I had better leave the answer to that question to the G8 participants on Sea island, of whom I am not one. I am sure that word will filter out soon.

The UK has been in the forefront of the humanitarian relief effort. Since last September, it has committed humanitarian relief worth £19.5 million for nutrition, health, water and sanitation, and yesterday in Khartoum my right hon. Friend the Secretary of State for International Development announced a further allocation of £15 million for humanitarian assistance plus £2 million to support African Union monitoring. Overall, that is the second largest contribution after the United States. The US, the EU and the UK have

contributed 75 per cent. of the response to the crisis so far, and we are anxious to encourage other donors to do more.

Strengthening the response of the UN agencies has been critical. We have already seconded four staff to the United Nations Office for the Co-ordination of Humanitarian Affairs and three to the UN joint logistics centre. We are considering further support in the form of personnel and equipment to UN agencies including UNICEF and the World Health Organisation, as well as logistical support to the World Food Programme. Our in-kind contribution to the UN appeal for non-food aid accounts for about 25 per cent. of the requirement for blankets and a large part of the contribution made for temporary shelters. We are now airlifting those supplies to Darfur.

In the short time left to me I shall try to deal with some of the points raised by hon. Members. They are likely to have an opportunity to question the Secretary of State for International Development, who will be coming hot-foot from Sudan, but I shall write to hon. Members about points that I do not have time to get round to now or that are not dealt with by him.

The hon. Member for Blaby asked about the absence of a UN humanitarian co-ordinator. An acting UN co-ordinator, Kevin Kennedy, is now in post. As for the humanitarian monitoring force, we hope, as I said, that that will be dealt with in the near future, but the African Union monitors are already beginning to be deployed.

Several hon. Members, including my right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke), asked for maximum pressure on the Government of Sudan. I hope that we have demonstrated that considerable pressure is being exerted by us and others, and that there is evidence that it is having an effect, albeit belatedly. There is still, of course, scope for considerable improvement.

The hon. Member for Richmond Park asked how the aid will be distributed. Generally speaking, it will be distributed in-country and directly. That is already beginning to happen. Of course, aid will also have to be supplied to the 130,000 refugees in Chad. She also asked who is arming the rebels. The area is unfortunately awash with weapons, and it is not difficult for people to acquire them. However, there are signs, as I mentioned in my opening remarks, of outside interference. I am not in a position to go into the details today, but the hon. Lady is right to raise that wider issue.

The hon. Lady also asked about development aid. We are committed to that, especially in support of the agreement reached at Naivasha. However, as I am sure she will appreciate, we do not want to prop up any Government who are behaving as badly as some Governments in the region have done. Therefore, we are concentrating in the short term on humanitarian aid. However, she is right that development aid is the long-term solution.

My hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) said that we should not overlook the progress that has already been made. I am grateful to him for the tribute that he paid to Alan Goulty and the Sudan unit. My hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) was right to raise the underlying issues. There is a big picture to be taken into consideration; she is right that we need a more robust system of international intervention and a different mindset on the Security Council. However, in the dying moments of the debate I do not think that I can elaborate on that point.

The next four to six weeks will be critical. Leadership, co-ordination and the deployment of experienced personnel are the key to avoiding a catastrophe and that must be our focus for the time being.

Freedom of Information

11 am

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I am grateful both to have secured this debate and that the Minister is here to respond.

The Freedom of Information Act 2000 was a flagship piece of legislation for the Labour Government, which fulfilled heroic, long-term pledges to institute such legislation. It will come fully into force in January 2005. That long-awaited reform gives the public the essential right to know what Government and public bodies are doing in their name. It aims to strengthen the rights of the individual, to make Government more accountable and responsive, to improve decision making by exposing data to public scrutiny, and to permit public debate on the basis of facts rather than supposition and ignorance. It also invites authorities to demonstrate that they are addressing problems, not covering them up, that they are competent and committed, and that they deserve the public's trust.

For those benefits to come about, the information itself must be accessible and affordable. During the passage of the Act, Members repeatedly highlighted the issue of fees, warning that high charges for information would undermine the right of access. In response, Ministers promised a relatively modest charging regime, under which those requesting information would pay no more than 10 per cent. of the cost of finding the information for which they had asked, plus the full cost of expenses such as copying and postage. Ministers set out those details in draft fees regulations, which were published while the Bill was still before Parliament.

We now read press reports that the Government are said to be considering dropping that approach and substituting an alternative regime that involves substantially higher fees, which, reportedly, might lead to charges that are six or even 10 times greater than those promised. Apparently, the intention is to limit the number of requests made to public authorities, but such charges would do more than that: they would destroy the Act as an effective, affordable means of obtaining information. Businesses and companies might benefit from the Act, but the ordinary citizen would not. Perhaps the Minister will tell us that the press reports are not wholly accurate, but what concerns me—and, I am sure, Members on both sides of the House—is the possibility that the explicit commitment repeatedly made to both Houses of Parliament may be broken. I hope that the Minister will assure us that there is no such possibility.

Let me remind the Chamber of the promises. The Freedom of Information Bill was published in draft form in May 1999 and was subject to pre-legislative scrutiny by the Select Committee on Public Administration, of which I was a member. I see the current Chairman of that Committee, the hon. Member for Cannock Chase (Tony Wright), present in the Chamber. The Home Office, which had responsibility for the Bill, said in written evidence to the Committee:

"we propose to allow authorities discretion to charge up to 10 per cent. of the marginal costs of providing information and in addition the full cost of disbursements . . . The costs would relate to locating the information and preparing it for disclosure".

When the Bill was debated in Standing Committee, the then Under-Secretary of State for the Home Department, the hon. Member for North Warwickshire (Mr. O'Brien), said:

"We have decided to apply a charge equivalent to 10 per cent. of marginal costs . . . Unlike other jurisdictions, we are limiting the application to the marginal cost of locating and finding the information."

Later the same morning, he said:

"The basic regulations will lay down a method for calculating fees; 10 per cent of marginal costs."

That afternoon, he said:

"we have further made it clear that the charge to applicants will not exceed 10 per cent. of those marginal costs." —[*Official Report, Standing Committee B*, 18 January 2000; c. 87–113.]

Mr. John Greenway (Ryedale) (Con): I was the Opposition spokesman in that Standing Committee—it is hard to believe that it was only four years ago. It is fair to say that the costs issue went to the heart of our ability to be confident that the Bill would deliver anything to the ordinary citizen. Does my hon. Friend agree that unless access to information comes at a cost that people can afford, the Act will prove to have been a waste of time?

Mr. Shepherd: I am grateful to my hon. Friend. I pay tribute to his commitment to the Bill and to the noteworthy work that he did in Standing Committee. The substance of today's debate is to hold the Government to a pledge that seems to have been given. I hope that they will hold to it.

On Report the then Home Secretary said:

"The cost of complying with a request is the cost of locating information, plus disbursements, but authorities may charge only up to 10 per cent. of those marginal costs."—[*Official Report*, 4 April 2000; Vol. 347, c. 933.]

There is no question but that there was a great deal of reiteration. When the Bill reached the other place, the Government spokesman told peers:

"The Government have published their draft fees regulations. The policy is that the maximum fee should be 10 per cent of the marginal costs of seeking and finding the information."—[*Official Report, House of Lords*, 14 November 2000; Vol. 619, c. 186–7.]

The draft fees regulations, which had indeed been published and are still available on the Department for Constitutional Affairs website, state that, apart from disbursements, the maximum fee that may be charged is

"10 per cent. of the prescribed costs".

The prescribed costs are defined as the costs reasonably incurred in locating and retrieving the requested information, and in providing it in the form requested by the applicant.

If anyone imagines that those charges might leave public authorities exposed to an unmanageable volume of requests, let me highlight the safeguards that the Act provides. First, under section 14(1), if the request is vexatious, the authority is not obliged to respond. Secondly, under section 14(2), if the applicant previously made an identical or substantially similar request to the authority, the authority is excused from replying

"unless a reasonable interval has elapsed."

Thirdly, if the cost to the authority exceeds the limit laid down under section 12, the authority does not have to respond at all. The Government have said that the limit will be set at the level at which a parliamentary question can be refused, which I believe is currently £600. Fourthly, if the applicant divides a request into a series of smaller requests in order to avoid the limit, the cost of the different requests can be aggregated. Regulations to provide for that can be made under section 12. Finally, where different requests are made by different people who appear to be acting together, as part of a campaign, the regulations may permit their requests also to be aggregated and refused if the total cost exceeds £600.

Those are formidable—some would say excessive—safeguards. The House accepted them only because Ministers repeatedly promised that the charge for an individual request could not exceed the 10 per cent. figure. That is why some of us are disturbed that reports that that principle could be abandoned have appeared in the press.

Brian White (Milton Keynes, North-East) (Lab): Is the hon. Gentleman aware that in Ireland the number of freedom of information requests halved when the fees were increased? Is not that the concern that he is articulating?

Mr. Shepherd: That is the basis of the whole debate, and I am grateful to the hon. Gentleman for pointing that out.

I know that Constitutional Affairs Ministers recognise the importance of the Freedom of Information Act and are genuinely committed to its success. If there is pressure to raise the fees, I am sure that it is coming from elsewhere. I hope that the Minister will recognise, even if those elsewhere do not, how damaging it would be to abandon these commitments, and how damaging it would be to the Act, to the benefits that should flow from it—a point that the hon. Gentleman just made—and to the Government's credibility. I hope that the Minister will be able to assure us that there is no question of that occurring.

11.9 am

Tony Wright (Cannock Chase) (Lab): It is a great pleasure to follow my friend and parliamentary neighbour, the hon. Member for Aldridge-Brownhills (Mr. Shepherd), as I have often done on occasions such as this.

Over the years, I have found it sensible not always to believe the things that I read in *The Guardian*. Leaks are very naughty things, but they sometimes help us to make necessary interventions in public policy debates. Clearly, this intervention is necessary. We know from the draft document that is circulating that a battle is going on inside the Government. The Minister is one of the good guys. He and his Department want to preserve the spirit—indeed, the letter—of what the House was promised. However, there are bad guys. The hon. Gentleman was too kind to mention the bad guys who live in the Treasury—normally a great institution—who do not want the measure to cost much at all.

Clear, unambiguous, categorical, unequivocal guarantees were given to the House when the Freedom of Information Bill went through. Amendments were withdrawn because of those guarantees. We in Parliament take many things on trust—not least Ministers saying, "There's guidance to follow." We assume that the guidance will reflect what Ministers have told the House. When it does not, we are entitled to get very cross.

Will the Minister repeat today the assurances about the cost regime that were given to the House during the passage of the Freedom of Information Bill? I ask that in the spirit of helpfulness, because the answer given today will help him in the discussions that are going on.

11.11 am

Mr. David Heath (Somerton and Frome) (LD): It is a great pleasure to follow the previous two speakers and to make this an all-party plea to the Minister. This debate sees a reunion of principal players in proceedings of the Freedom of Information Act. The hon. Member for Ryedale (Mr. Greenway) and I were part of the Standing Committee, and the hon. Members for Aldridge-Brownhills (Mr. Shepherd), for Cannock Chase (Tony Wright) and for Milton Keynes, North-East (Brian White) made significant contributions on Report and in the other parliamentary stages.

I shall not repeat what has already been said. Nothing would please me more than to hear the Minister say that there is no substance whatever to the reports that have been published and that there is no possibility of fees being set that will act as a deterrent to the dissemination of information that was the whole purpose of the Act.

The hon. Member for Cannock Chase was absolutely right to say that during the Committee stages of the Freedom of Information Bill, the hon. Member for Ryedale and I, and my then right hon. Friend the Member for Caithness, Sutherland and Easter Ross, now Lord Maclennan, tabled a series of amendments. It was not by accident that the Minister who took the Bill through Committee, the hon. Member for North Warwickshire (Mr. O'Brien), had to repeat his assurances throughout Tuesday 18 January 2000. We had repeatedly questioned him on the point and tabled many amendments. We tabled amendments to provide that where no information was supplied, no payment should be made—"no say, no pay", as I put it at the time. We tabled amendments to provide that where no charges currently apply, the Bill should not have the perverse effect of introducing charges. We tabled amendments to exempt information provided in the public interest and to assert that applicable charges should be reasonable in the circumstances of the inquiry. To all of those, we received the most positive reassurances from the Minister that the Government did not have a fee regime in mind that would deter access to information.

The present debate has two aspects. First, we need to have good public policy. We have a Freedom of Information Act—let us make it do the job for which it was intended, and not act as a deterrent. I hope that the Minister is not only fully apprised of the significance of what is needed, but is entirely in tune with that aspiration. Secondly, we need to have good faith. I believe that we were given assurances in good faith and we as a House are entitled to accept in good faith Ministers' assurances. The Minister can ensure today that in future debates we can believe what we are told

[Mr. David Heath]

from the Dispatch Box and that we can govern in a proper way our debates on matters of vital importance to many of our constituents.

11.14 am

Mr. John Greenway (Ryedale) (Con): I am most grateful to you, Mr. Deputy Speaker, and to the Minister. I did not clear the possibility of my speaking with my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) because I was not 100 per cent. sure that I could be in the Chamber by 11 o'clock, as I had some other parliamentary business to attend to.

I have two things to say. First, I congratulate my hon. Friend on securing the debate and proving that we can have debates of national importance in Westminster Hall, rather than just raising issues of concern to our own constituents. My hon. Friend has campaigned tirelessly on freedom of information throughout his career in the House and I congratulate him on securing the opportunity to put questions firmly to the Minister.

My second and key point is that all of the proceedings relating to the Freedom of Information Bill, in Standing Committee and on the Floor of the House, were dominated by one concern. Although the Government had made great play of their decision to open up information to the general public, there was a deep-seated suspicion that that would turn out to be not quite so true. I recall a Bird and Fortune interview on "Bremner, Bird and Fortune" in which the "Minister" was persuaded to admit that no extra information would be made available at all.

That is the background to the issue, which is why the cost of obtaining information for members of the public is key to persuading everyone that the Government mean what they say. If the fees are excessive, people will not apply. As my hon. Friend said, there is a panoply of devices available to bodies to avoid vexatious and high-cost inquiries that are made simply for the sake of it. I hope that the Minister will be able to respond positively to the debate, and that we can get on with the job of ensuring that the legislation, on which we all spent a great deal of time, bears fruit and brings the availability of information that we all want.

11.17 am

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): I congratulate the hon. Member for Aldridge-Brownhills (Mr. Shepherd) on securing the debate and on managing succinctly to describe his healthy scepticism, as other hon. Members have done, in respect of making sure that we are doing what we said we intended to do.

The Government took many people by surprise in passing the Freedom of Information Act early in our first Parliament. Despite the cynicism about it, we have made good progress in implementing the Act. It is a complex Act, but it is landmark legislation that will significantly change the environment and the character of the relationship between Government and the public. I pay tribute not only to my predecessors in government who were instrumental in forging such significant legislation, but to the champions of freedom of information, many of whom are present in the Chamber today.

I would like to give a little background to the situation. The Freedom of Information Act is being implemented in stages, with full implementation by 1 January 2005. We set out the timetable in 2001 and we have adhered to it. The Act will cover about 100,000 public authorities, such as central and local government bodies, police authorities, health authorities, education services, and so on. The size of authorities covered varies significantly.

We are always ready to consider options that will help to make the Freedom of Information Act as effective and efficient as possible. Potential policy improvements need to be kept constantly under review. A good deal of work is now being done on many different aspects of the legislation as part of the preparation for its full implementation. For example, since the Act gained Royal Assent in November 2000, we have introduced seven orders giving effect to its various provisions, keeping the list of bodies covered up to date, and adding new bodies to the list. Three annual reports have been published detailing the steps taken towards implementation across the public sector. A model action plan for use by all public authorities that are subject to the Act has been designed to give general guidance on the sort of action that authorities should undertake to prepare for implementation of the Act; it also provides a coherent, structured path to effective readiness for implementation.

Detailed guidance on the Act is being produced. We will publish the first edition in July. We are also supportive of other initiatives, for example the creation of a professional freedom of information qualification, which could be of considerable value to the practitioner community that will develop as a result of the legislation. A separate network is being created to consider and develop the course content for a professional academic qualification. Much good work is being done as the policy environment for the new freedom of information framework comes on stream.

I come to the point that the hon. Member for Aldridge-Brownhills and others asked about—fees and the report in *The Guardian* of 18 May, which claimed that the Government are seeking to revise the charging scheme under the Act set out in the draft fees regulations that we published in 2000. As is so often the case, that newspaper report is inaccurate—very inaccurate. Let me set out the facts regarding the proposed charging regime. Sections 9, 12 and 13 of the Act provide for fees to be determined in accordance with regulations made by the Secretary of State. In some cases, it may well be that no fees apply, but in others, there will be a fee to pay. The nature of the fee and how it is calculated will be set out in regulations. A public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying will exceed an appropriate limit. The regulations may also provide that, in some circumstances, the estimated costs of complying with two or more requests could be combined.

The draft fees regulations that were published during the passage of the Bill, proposed allowing a charge of up to 10 per cent. of the prescribed marginal costs of dealing with the request, plus the full costs of any disbursements—copying, postage and so on. Prescribed costs are defined as any costs reasonably incurred by a

public authority in determining whether it holds information of the description specified in the request, in locating and retrieving any such information and in giving effect to any preference expressed by an applicant as to the means of communication of such information. It does not include the cost of staff time incurred in determining whether the public authority is obliged to comply with the request for information. As I mentioned, the regulations also provide an appropriate upper limit—a cost ceiling—beyond which authorities are not obliged to provide the information requested. The draft regulations link that with the disproportionate cost limit for answering parliamentary questions and set the amount at £550, although that would now be £600.

So that the fees regime will be operational by the time that the Act is fully implemented in January 2005, the Government will bring final regulations to Parliament in about October. Those regulations will be subject to the negative procedure.

The story that appeared in *The Guardian* emerged from a clear process. An advisory group has been preparing guidance for public authorities on the charging regime. The group comprised representatives from Departments, the police, local government, the Office of the Information Commissioner and independent members of the advisory group on implementation of the Act. They include, for example, Maurice Frankel, the director of the Campaign for Freedom of Information. It is hardly, as portrayed in the article, a secret Government committee. The advisory group's informal remit was to consider how the charging regime will work, to assist in making proposals for amendments to the draft regulations where necessary, and to advise on the drafting of guidance for public authorities on charging. That the group did.

I understand that the group also briefly considered alternative charging arrangements to those outlined in the draft regulations. A range of options were considered and discussed, including charging full marginal cost, charging a fixed fee and charging variable amounts based on an hourly rate. To an extent, that mirrored consideration given to the issue by the Government when preparing the Freedom of Information Bill and considering relevant documents; many of those have been published on my Department's website. The discussion is therefore not new. I understand that the group recognised that there were pros and cons to each of the options and that it did not reach unanimous agreement in favour of any one option. A majority of the group supported the option of a variable charging regime based upon an hourly rate.

A paper by the advisory group is being considered by officials who sit on the Whitehall freedom of information practitioners group. The members of that group will take into account the views of the wider public sector for which their Departments have responsibility, and will consult as necessary. The group will advise the Government should it consider changes to the published charging regime to be necessary or desirable.

Mr. Shepherd: Will the Minister give way?

Mr. Leslie: I shall give way before I come to the denouement of my argument.

Mr. Shepherd: I hope that my intervention will help the Minister to reach the denouement. We want to hear an absolute and clear assertion that the Government will stick by the undertakings that they gave on the Floor of the House and in Committee, and that all the discussions elsewhere of other methods will be set aside. The Government should stick by their undertaking.

Mr. Leslie: I understand the direction of travel being taken by the hon. Gentleman and others. I shall come to that point, but I thought it important to set out the context from which the report emerged and to calm some of the concerns raised.

Obviously, the Government are aware of the commitments made during the Bill's passage through the House. We published the draft fees regulations during that time as further evidence of our commitment to the proposed charging regime. We are also aware that any action that we take to introduce different regulations will incur criticism from either those who opposed the legislation, or those who are its guardians. We will therefore need to be convinced that changes to the proposed charging regime offer a better, and not merely a different, option. A fee structure that acted as a significant deterrent to people making use of their rights under the Act would go against the spirit and purpose of the Act.

We intend that the cost of handling information requests is borne substantially by the public sector; that is right and proper, as we are accountable to the public. I cannot give an undertaking that every aspect of the draft fees regulations is set in stone and will not change; it would imprudent to do so. However, the gist of the point is that the costs of freedom of information requests should be borne substantially by the public sector. That is the Government's commitment.

Mr. Shepherd: The commitment given was explicit. The Minister spoke of the commitment given by the Government, but now seems to be trying to wriggle out of it—or at least exploring the possibility of doing so. The purpose of the debate was to establish whether the Government stood by a commitment that was given on more than one occasion. The Minister must answer that point. He is suggesting that there could be an alternative system, but what happened to the commitment to which he referred?

Mr. Leslie: I reiterate what I have said. Yes, it is true that the draft fees regulations referred to 10 per cent. of the prescribed marginal costs; as my noble Friends said in another place, any changes to that approach would have to provide a better state of affairs, not just a different one, to that set out in the regulations. I hope that that gives the hon. Gentleman the degree of assurance that he seeks. We remain firmly committed to ensuring that the public sector bears the substantial burden of the costs on freedom of information requests. It would be wrong of us to not take into account the needs of the public sector and of the public in applying for freedom of information requests and in ensuring that they are easy to obtain. That commitment remains. That is the Government's position.

11.30 am

Sitting suspended until Two o'clock.

Sex Abuse Cases

2 pm

Mrs. Claire Curtis-Thomas (Crosby) (Lab): First, I need to make hon. Members aware of the fact that I chair the all-party group on abuse investigations, which was established three years ago and has 60 or 70 members drawn from both Houses. In addition, I have been a member of Rape Crisis for four years.

I intend to talk about the interviewing techniques used with victims of physical or sexual abuse. The categories of victim I wish to discuss include: children who make allegations of sexual or physical abuse against teachers; individuals in prison who are victims of sexual abuse; women who are the subject of domestic physical or sexual abuse; and children who make allegations of abuse against individuals, irrespective of where it occurs.

The interviewing of teachers following an allegation of abuse is of immense interest to thousands of teachers in schools throughout the country. Let me give hon. Members some idea of what we are dealing with. According to the National Association of Schoolmasters Union of Women Teachers, since 1991 nearly 2,000 of its members have been the subject of a complaint by a young person at school. Of those complaints, nearly 1,800 were proved to be false, but even though the allegations were malicious or vexatious, the lives of many of the 1,800 people who were falsely accused have been ruined for ever.

Following work in which I was involved last year, and with the support of the Home Office, the Press Complaints Commission and the other broadcasting authorities have come under concerted pressure to deal with the way in which allegations of sexual abuse are reported. That was in recognition of the fact that, even though very few of the many people accused of that horrendous crime go on to be convicted, the accusation and the publicity associated with it mean that lives are trashed for ever. Three teachers who were members of NASUWT committed suicide as a consequence of the allegations that were raised against them. That is sad for many reasons, not least because, if they were innocent, they have lost their opportunity to prove their innocence. Such cases reflect the stress, horror and revulsion experienced by those who face such charges.

Absolutely nobody is saying that it is wrong of a child to make an allegation of sexual or physical abuse, but we must be mindful of the procedures that are employed in taking evidence from children. If 1,800 children make allegations that eventually falter, 1,800 too many allegations go forward into the system. It has long been a concern of mine—not only in this regard, but in others, which I shall discuss later—that those involved in taking statements from children are not adequately trained. We do not have facilities that enable children to make declarations that are untarnished by the contribution of any of the agencies that are involved in the process. A child who makes an allegation in school may see half a dozen people before a formal statement is eventually taken from them, and throughout the country, there is a paucity of appropriate venues for taking statements. Despite good efforts—I want more effort to be made in this respect—the people who take evidence from the children may not be trained to do so. Despite being very nice and well intentioned, they might not be able adequately to assess whether the child is speaking the truth or lying.

In this country at this time there is a general belief that children who make accusations of being sexually or physically abused are telling the truth. That is a natural reaction to the decades—probably centuries—in which children who alleged that they were being sexually or physically abused were routinely ignored. It was thought that they could not be telling the truth because no adult would perpetrate that sort of crime on a child. We now know that not to be the case. However, there is now a real concern within the teaching and caring professions that once a child makes an allegation, there is a presumption that the child is speaking the truth. The nature of the evidence provided by the child means that it frequently cannot be corroborated by a third party—the case may consist of their recollection of an event against a teacher's. Given the climate that has been engendered over the past few years in relation to any individual who is accused of sex offences, who could blame a teacher for doubting whether they will ever be free of the allegation made against them, even if they manage to prove their own innocence?

The NASUWT and the other teachers unions have expressed concerns to Education Ministers, and I have made known to the Home Office my concerns about the way in which individuals are interviewed. If we poured more specialist resources in at the beginning of the process, probably far fewer cases would be taken forward. That could save teachers' lives, given that, in the present circumstances, teachers so accused are not afforded anonymity.

Without anonymity, as I said earlier, there is the risk that many lives will be lost. We are talking not just about the lives of teachers and their future welfare, but about the families of which they are members and the communities of which they are part. Such allegations touch everyone. I have dealt with men who have been able to prove that they are not guilty of the crime of which they were accused, but even so it is almost impossible to look at them and not think, "Are you really innocent?" There is no other crime of which someone can be accused that leaves such a stigma and such everlasting doubt. In these cases, more than in any other, people believe that there is no smoke without fire, and that belief damns thousands of people every year.

I back the NASUWT campaign for anonymity for teachers until they are convicted of the charges brought against them. Such anonymity is only fair. When I put that proposal to the Home Office, I was told that if it was implemented it would preclude others coming forward to make further allegations against the individuals concerned. I understand that claim, but it presupposes that the police have not already trawled extensively for further complaints. We must not think for one moment that when a teacher sexually abuses a child, only that child is subsequently interviewed. It will not be only that child. It could be every child at the school, and perhaps every child who has attended the school over the previous decade. There will be extensive trawling for further evidence to substantiate allegations against teachers, so they should be protected from publicity

until the point at which they are convicted. In that way, if such individuals are found to be innocent, they can walk away and try to rebuild their lives.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I am following the hon. Lady's speech with great interest. Would her proposal exclude, for example, the identification of a children's home or a particular school without a teacher or care worker specifically being identified at an early investigative stage?

Mrs. Curtis-Thomas: I did not quite understand the hon. Gentleman's question. Will he be kind enough to rephrase it for me?

Mr. Carmichael: I am suggesting that, rather than identify an individual teacher as being under investigation, thus engendering publicity that allows other people to come forward, it might be possible to identify a particular school, children's home or other institution as being the place in relation to which allegations have been made. Putting such information into the public domain could allow other victims to come forward.

Mrs. Curtis-Thomas: That happens in some cases. For example, when no win, no fee solicitors want to bring a class action for compensation, they frequently advertise in different venues the fact that they are looking for young people who may have resided in a particular home, or attended a particular school. Furthermore, in some cases—especially in the large, historical sex abuse cases that are being conducted in this country—the police might identify every member of staff in a particular establishment as suspects whom they might wish to interview about sex abuse allegations. There is much talk within communities about such matters. People understand what is happening. I draw attention to the broad-brush declaration made in the press. Some of the reporting is horrific and people never, ever recover from it.

Before the hon. Gentleman intervened, I said that I was backing the NASUWT campaign for anonymity, particularly in relation to the caring and teaching professions.

Mr. Jonathan Djanogly (Huntingdon) (Con): The question is not solely about identifying the school or the individuals concerned, but what stage the criminal proceedings have reached. In other words, are we talking about the investigation stage or the point at which a charge is made? If she is referring to police making haphazard investigations or fishing expeditions, I have much more sympathy with the hon. Lady's argument regarding anonymity than if she is saying that it should continue past the point at which the charge is made.

Mrs. Curtis-Thomas: In fact, individuals who have not even been interviewed by the police or charged have had their names flashed across the papers. It does not matter what stage the process is at. The first time that a teacher may know about such matters is when he opens the evening newspaper and learns that he has been suspended following allegations of abuse. When people read about abuse, they think automatically not of physical abuse, but of sexual abuse. Even at that early stage, those against whom allegations have been made might learn for the first time what is happening from reading details in the newspaper. That cannot be right.

I should be interested if my hon. Friend the Minister, who has been immensely helpful so far, will be kind enough to let me know what improvements have been made to interviewing techniques and the facilities and services that are available to minimise the number of false allegations that are taken forward.

I have serious concerns about the interviewing in prison of people who have been sexually abused. Members may be aware that in recent years, and continuing today, police authorities throughout the country have been engaged in major investigations that centre on historical and complex sex abuse allegations. They have been considering cases of sexual abuse that occurred five, 10, 20, 30 and in some cases 40 years ago. The investigations centre on care homes and the teachers or care workers in those homes. Unfortunately, many of the children from those homes have gone on to a life of crime. It is a sad indictment of our society that many of those people have ended up in prison. The historical sex abuse cases conducted have involved more than 20,000 suspects and more than 10,000 individuals in care homes who say that they have been either sexually or physically abused. The scale is fantastic. Over a long period, the police have established contact with those individuals and obtained statements to substantiate their allegations. The way in which the police access those individuals and the way they are treated in prison are of deep concern to me.

First, the police may conduct a trawling exercise, writing repeatedly, until they get a reply, to everyone who has been in a certain care home or school in the past 20 years. In one case, 800 letters were sent on three occasions to individuals who had been at a school, seeking information about a named care worker. In the event that they get no response, occasionally the police visit people. Many of the people they visit are in prison. The police arrive at prison to interview an individual who may have been convicted of the most appalling crimes. I think that I could write a best prison guide, having been to so many, and I have met many witnesses in such cases. Even though some have been convicted of terrible crimes, it is tragic to hear about their lives, which have been utterly ruined. I ask them to explain the nature of the contact that they had with the police before, during and after their statement was given. Let us assume that the person whom the police interview is 35 years old and that they are in prison for 18 years for committing an awful murder. Such an example would not be untypical.

The criminal tells me, "The police came to see me one day and the first thing I knew about it was when I was told that they were here to see me." Most criminals' response to that is that it must be about clear-ups. Their automatic assumption is that the police are coming to see them because they can help the police with their inquiries. The police say, "We would like you to help us with our inquiries. Would you like to tell us about your time in this home? We are in receipt of allegations of sexual abuse committed by this person against your friend in that home, and we would like to know whether you can corroborate the allegations so that we can get the case to court." The term for that is corroboration by volume.

[Mrs. Curtis-Thomas]

Ideally, one could assume that the conversation took place once and once only, and that the individual concerned was immediately able to disclose some awful sexual activity to which they were subjected many years before. That does not happen. Having worked in Rape Crisis, I know that it is not possible to get people who have been subjected to terrible abuse to tell everything at one sitting. They may not have the capacity, the words, or the voice to do that. The police therefore argue that they need to return to interview the individuals concerned regularly.

It should be borne in mind that the police assume that the individuals whom they interview have been subjected to the worst conceivable forms of sex abuse. We have heard of the case of men convicted of abusing 53 boys in the most atrocious way 30 years ago. The police go to the prison in the knowledge that they may interview someone who was subjected to abuse of that kind. If one believes that someone has undergone the most horrendous abuse, it is not remotely acceptable to interview that person about it in prison.

I do not know how many hon. Members have been inside our prisons, but I can tell them that the interviewing suites are nothing more than glorified dog kennels. There is no notion of a comfort suite, no echo of a supportive environment. There is nothing. Many of the individuals concerned have made declarations or statements about being horrendously abused; when they have done so, the police leave—to return at an undetermined time—and the person who made the declaration is left. It is not right to leave an individual who has disclosed such abuse to their own devices—particularly in prison. I do not care if the person sitting before the police in the interview is a mass murderer. He is disclosing sex abuse of a degree experienced by very few people, and he should be afforded the support that every other rape victim could expect in this country.

Many years ago I asked how many times Victim Support had been into a prison and I was greeted with a complete blank. Victim Support is about victims of crime, and the people in prison are the perpetrators of crime. However, we should recognise that they can be victims as well. I want those victims to be brought out of prison and interviewed in appropriate suites. I want them to have the psychological support that they deserve as a consequence of the statements and declarations that they make. Undoubtedly, in many instances when individuals are in court having been accused of committing crimes, their defence will argue that they committed them because of the way in which they were brought up—because of their childhood experiences. If we recognise that there is a relationship between being abused as a child and one's subsequent behaviour, we should recognise that the individuals concerned need support.

I am concerned also because the conversation between the police and the witnesses is not independently witnessed. It is not possible to know what goes on between the police and the prisoner. I know that many of the allegations result in convictions and that, moreover, the people concerned receive significant compensation. That is fine, but I deal with constituents whose relations have been convicted of the crimes who are convinced that, in the prison cell, there is a conversation between the police and the prisoner about the soft benefits associated with presenting a statement. The police tell me that that does not happen, but I cannot prove it does not. If we took those people to a video suite outside the prison we would have independent, uncorrupted evidence that I could show to the families and say, "You can hear it for yourself."

Mr. Djanogly: Will the hon. Lady say why the videoing could not take place in the prison?

Mrs. Curtis-Thomas: My hon. Friend the Minister might say something about that. I know that trials with roving mobile units have been conducted, and some witnesses are giving statements on video, but that is only a halfway house; the individuals are still interviewed in a prison environment and are not afforded the benefit of an environment that is more conducive to talking in a relaxed way. When I go on legal visits, prison warders are right outside the room and are capable of hearing what is going on. Such matters are deeply private and personal, and the police say that it is sometimes necessary to interview a person 15 times before they get a statement because the men in question find it difficult to talk about what has happened. Why not remove them to another place that has been demonstrated to enable people speak more willingly about such problems?

Mr. Carmichael: The hon. Lady mentioned victims being eligible for criminal injuries compensation. My knowledge of the operation of that scheme is that those who have a significant criminal record are generally excluded from receiving criminal injuries compensation. Does the hon. Lady have any figures to show that that is the case?

Mrs. Curtis-Thomas: The hon. Gentleman is correct. The Criminal Injuries Compensation Authority does pay out compensation to criminals, but normally on the basis that they have not received a custodial sentence. In exceptional circumstances someone who has received a custodial sentence may be paid, but other than that the compensation that individuals access comes through civil litigation. They are informed of the compensation either directly by solicitors writing to them in prison, or by adverts that appear in the prison advising them of class actions that are being taken and asking anyone who has been physically abused or suffered trauma in certain schools or homes to come forward. Class actions are the preferred method for insurance companies because they are more cost effective. The downside is that the state does not know how much it is paying for such litigation. At least one authority that I know of spent 10 per cent. of its social services budget on compensation, which is a huge amount of money.

There is an easy way around the problems for all the classes of individuals that I shall talk about today. Some of them are already classified as vulnerable witnesses. Vulnerable witnesses are people under the age of 18, people with a learning difficulty, and there is a third category that I am desperately struggling to remember—perhaps the Minister will remind me of it later. Whatever that category is, prisoners do not fall into the category of vulnerable witness. In cases of sex abuse, such individuals should be classified as vulnerable witnesses, and if they were, they would have

the opportunity that is afforded to other individuals who have been raped and receive the support that younger people already receive in such cases.

There has been some good news in relation to domestic abuse cases—and, I was going to say, some bad news, but I prefer to think of it as work in progress. We cannot underestimate the scale of the problems associated with domestic abuse cases. I have talked to the Metropolitan Police Authority about the issue. I will talk about the type of cases that it is handling, because I think that that is indicative of what is happening throughout the country. I was surprised to hear that between 2002 and 2003, there were 104,000 cases of domestic abuse in London. The next thing that I was surprised to learn is that there is only one community safety unit in each of the 32 London boroughs. The community safety unit is where interviews with people who have been the subject of domestic abuse normally occur. By dividing the number of domestic abuse cases by the number of community safety units, we can calculate that there is approximately one community safety unit per 4,000 cases. That is clearly not enough to meet demand, and it may be why so many domestic abuse cases fail to get off the starting blocks.

In order to make a substantial allegation of domestic abuse, a woman needs a significant amount of reassurance and protection. Such women, too, are not classified as a vulnerable witness. I appeal to my hon. Friend to consider the classification of vulnerable witnesses to see whether they can be extended to include victims of domestic violence. To make a statement, a woman must attend a community safety unit or a conventional police station. She may be greeted by somebody who has little experience of domestic abuse cases and who may not have appropriate facilities to look after her and, importantly, her children.

Mr. Djanogly: I had not intended to speak about non-sex offences today. The hon. Lady makes an interesting point, but should she not extend her remarks to cases involving female-on-male violence, which is much in the press?

Mrs. Curtis-Thomas: Yes. When I use the term domestic violence, I include both women and men who have been the subject of abuse in the home. Of course, sexual, physical and mental abuse are frequently mixed together.

An environment that is conducive to making statements must be created. It is, in small part, present. An announcement was made last year about an additional £1.3 million being spent on units and facilities. That would buy a very decent detached house in London but not much more. That means that, in UK terms, facilities still fall far short of demand. I believe that we must refocus our energies, because many women who are involved in domestic abuse are not protected. They have no avenue by which to pursue an allegation against their partner, simply because the environment is not there for them to do so safely.

I want the facilities to be open at any hour so that they serve the people who have been abused at a time when they can best be served, which is when the abuser is not at home, so that the abuser does not know that the victim has gone to a police station. It is important that sound facilities for managing children are available, because women often need to take their children with them. They cannot make statements about the abuse that they have endured with their children bouncing and running around. Children are often witnesses to abuse, but all too frequently the measures that we have asked to be put in place to allow children to give their evidence on video or from behind screens are not available. The picture is therefore mixed: in some areas there is good practice; in others much more needs to be done.

I am conscious of the fact that I have spoken for a long time. I reiterate my seminal concerns that teachers' anonymity should be protected until they have been convicted of the charges brought against them. That would greatly reassure the hundreds of thousands of teachers who work in the UK every day, not one of whom has not considered the possibility of an accusation being made against them against which they cannot defend themselves. I want the Government to consider the definition of a vulnerable witness to see whether it can be extended to include others who are obviously vulnerable. Finally, I want the Government to examine the adequacy of the services and the competencies of the staff who take statements to see what they can do to reduce the number of false allegations made against various people in this country.

2.36 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I congratulate the hon. Member for Crosby (Mrs. Curtis-Thomas) on securing the debate and on the reasoned and measured way in which she presented her arguments. She has dealt with several issues that are sensitive in the extreme and are open to being sensationalised, and which the wider public and indeed Members in this place are often happier not to discuss. She introduced several issues that were new to me—not least allegations made by people in prison—and she has done the House a service in bringing these matters to our attention.

It might be helpful to start my speech by reminding the House of my background. Before I entered the House, I was a solicitor in private practice. Before that, I trained and worked with the Procurator Fiscal Service in Scotland. In the course of my professional life, I have dealt with several sex abuse cases involving adults as well as children, which has informed my thinking on the subjects that the hon. Lady brings before the House today. I should also remind the House that I served as director of Aberdeenshire Women's Aid and was involved in the provision of refuge services in the north-east of Scotland. Again, I have seen at first hand some of the practical difficulties that allegations of rape and domestic violence can cause when they are made within the family unit.

The subject is particularly pertinent to me as the Member for Orkney and Shetland, because it was in my constituency several years ago that several children were removed from their homes in South Ronaldsay on the basis of some very interesting interviewing and disclosures made at the time. That led to a substantial investigation under the chairmanship of Lord Clyde and ultimately to the passing of the Children (Scotland) Act 1995. I have always maintained a very keen interest in these issues.

[Mr. Alistair Carmichael]

The first overriding principle in these matters must be that the witnesses are always treated as individuals, whether or not they are vulnerable. Those interviewing them must always bring to bear whatever experience they have so that they treat the witness as an individual. The second overriding principle is that the objective of the person responsible for the interviewing is to get at the truth. That comes down to training. There are few more dangerous things than a professional with an agenda or a person on a mission doing the interviewing in a sex abuse case. That is why the resourcing and training of people involved in this area, especially those in the criminal justice system, is of supreme importance.

My experience is that the preparation and prosecution of the defence of such cases is very harrowing for the individuals concerned. Frankly, there are days when all one wants to do on coming home from the office is take off all one's clothes and have a shower. The manner in which cases are dealt with and the inadequacies of the court system in dealing with them are horrific. One of the most distressing things that I have ever endured in my professional life was sitting through a child abuse trial at the High Court, sitting in Aberdeen, in which a seven or eight-year-old girl gave evidence about the taste of semen. No one should have to endure that sort of indignity.

The legal profession and the criminal justice system are not well equipped to deal with such cases. I once heard about a training session given to advocate deputes—High Court prosecutors in Scotland—who were gathered in a nice, oak-panelled room with a roaring fire in a country house hotel. They were sitting there in their twill trousers and tweed jackets when the child psychologist training them, who was quite a go-ahead, in-your-face, assertive woman, said, "Right. I want you to think about your last sexual experience. I want you to think about the sounds, smells and tastes involved and about the other person who was involved, if indeed there was another person. Then, we will go around the room and, one by one, I want you to tell us about that." When she said that to those middle-aged men, the atmosphere in the room could have been cut with a knife. Then she said that they were not really going to do that, but that maybe that thought had given them some understanding of what is required of children who give evidence in child sex abuse cases. I have held that incident with me throughout my time in professional practice. It is a very real way of illustrating the point, and it comes back to my earlier point about the need to treat such people as individuals.

The Minister may wish to look carefully at the situation north of the border. We now have, as a matter of routine, joint investigations by specially trained police officers and social workers in appropriate surroundings. As the hon. Member for Crosby suggested, such investigations will often happen in a specially adapted house in which the situation is more relaxed, so that disclosure can be more open, free, and, it is to be hoped, more honest.

The Procurator Fiscal Service has been given resources to provide specialists in each region of that service who are qualified in interviewing child abuse and sex abuse witnesses, and trained in countering the difficulties associated with prosecuting such offences. The Scottish Executive propose that child witnesses and other vulnerable witnesses should automatically give evidence via video link in cases such as those in which an application to do so can now be made. That is the sort of direction that the Home Office may wish to consider taking.

There have been useful developments in the law on rape, which are to be examined thoroughly north of the border. The extension of the crime to include rape within marriage is an obvious example that was long overdue and which we now take for granted. However, the figures for successful prosecutions in rape cases remain disturbingly low. That issue is linked to the hon. Lady's point about support for people who make allegations, which is hopelessly inadequate in all parts of the country.

That is the case not only because of training, but because of a lack of resources that is not immediately obvious. Resources can be put into a nice, cosy interview suite in a house away from a police station, but what happens to the woman when she leaves? Where does she go? What resources are available to support her and her family? She may be allowed to stay in the family home, but excluded from the rest of the family, who might take the side of the abuser. Such a witness, whether male or female, would require substantial and resource-intensive support in order to remain in the community. There is simply no option but to address the question of resources.

If we are to increase the number of successful prosecutions, the Crown Prosecution Service has to address how cases are prioritised. Cases involving allegations of sex abuse should be given priority for resources with regard to investigation and obtaining court time. Cases of sex abuse are the classic case of where justice delayed would be justice denied.

The hon. Lady spoke of the number of complaints of domestic violence that are withdrawn. I know from my experience that the pattern is depressing: the complaint is made, the victim is left without support in the community and, as a result, the only option available is to withdraw the complaint or not to see through the prosecution. Ultimately, the person involved has to go back to the environment from which they sought to escape in the first place.

The hon. Lady dealt at length with the issue of people who make complaints while serving as prisoners. I know from my experience of time spent in prisons that the interview facilities are basic, at best. That is an interesting issue, which I had not considered before today. I was not aware that it was an issue, but if she tells us that it is, we have to treat it as such and take it seriously.

My practice allowed me to experience the fact that the attitude of people in prisons as a community is often skewed by the compensation that may be available. Among sex offenders, there is almost a myth that such complaints are made so that the complainer can obtain criminal injuries compensation. Trying to break that down is next to impossible. If there is a case for saying that compensation skews the picture, I do not know how we will deal with it. We certainly have to bear the issue in mind. That goes back to my initial point: one always has to treat witnesses as individuals and look at all the circumstances, rather than approach them as a class.

The hon. Lady made the good point that it is often those who have been through the care system in the first place who end up serving custodial sentences in the criminal justice system. That struck me at an early stage of my practice, when I was required to consider a case in which allegations of fairly mild inappropriate conduct had been made in a children's home. The names of all the witnesses became familiar to me in the following 12 months, as their number crossed the threshold of 16 and they began to make regular appearances in the district and sheriff courts. Just about every individual who had been through that children's home in Aberdeen went on to have a career before the criminal courts in the north-east of Scotland, which was quite depressing.

We are dealing with individuals who are often among the most dysfunctional and difficult people in society, and they need particular support. If the hon. Lady has brought anything to our attention today, it is the need to look at all the aspects of sexual abuse as a whole, rather than pick at individual aspects.

That brings me to the final point raised by the hon. Lady, who was right to speak of the problem of teachers being subjected to the allegation that they have abused those in their care. The issue needs to be addressed if 2,000 complaints are made, but 1,800 are not ultimately brought to an successful conclusion. The Government will not find that statistic reflected in the broader range of sex abuse cases. The complaint in question is a particular species of complaint, and we will have to examine the need for anonymity for those of any breed who face such charges.

We live in a climate that makes the accusation of any sort of sexual abuse especially potent. Mud always sticks, and it leaves a stain that can never be removed. Such allegations can ruin reputations and careers. The presumption that children will tell the truth is rebuttable if it can be shown that they are not telling the truth. If that is so—it clearly is for a number of teachers—some redress should be available. We must ensure that no damage, or as little as possible, is done to them, and if publicity is to be given to such cases, surely it should be done post-conviction.

2.51 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): After that expert contribution from the hon. Member for Orkney and Shetland (Mr. Carmichael), I thank the hon. Member for Crosby (Mrs. Curtis-Thomas) for opening this important and serious debate. I acknowledge the tremendous work that she has done over a considerable time; she also chairs the all-party group on abuse investigations.

I agree that we need to consider sex and abuse cases in the round. If it seems that I am not doing so, it may be due to the title of the debate; it is not that they should not be so considered. Victims of sexual abuse, like victims of all crime, should be able to bring the perpetrators to justice, and, in an ideal world, they should not be afraid of doing so. However, the opposite is the case. Research shows that sexual abuse goes greatly unreported, whether it is abuse of adults or children.

The inherent problem with the arrest and conviction of sex abusers is that there are often no witnesses and the victims are often reluctant to give evidence. The problem is particularly evident with child sex abuse, because many abused children are physically and emotionally dependent on their abusers. The law should protect the innocent and give confidence to the abused when giving evidence against their abusers.

The report "Speaking up for Justice", published in June 1998, made 78 proposals to encourage and support vulnerable or intimidated witnesses and to help them give their best evidence in criminal cases. Those provisions that required legislative action were included in the Youth Justice and Criminal Evidence Act 1999. Victims of sexual offences are automatically considered eligible for special provisions unless they tell the court that they do not want to be eligible.

Those special provisions include being asked questions through an intermediary, giving evidence from a separate room via a television link, giving evidence through an interview recorded on video before the trial, and having cross-examination recorded on video before the trial. Those provisions can give much-valued security and support to victims of sexual abuse. It would be helpful if the Minister could give us an update on how effective those provisions have been. I am not sure whether she is allowed to do so, but, as previously requested, I hope that she can give us some idea of how Scotland is placed in relation to those proposals.

The Home Affairs Committee report "The Conduct of Investigations into Past Cases of Abuse in Children's Homes" recommended the video recording of police interviews of witnesses. I certainly agree that there is a good argument for making such video recordings, but I am concerned that various reports say that the police may find it hard to carry out the proposal, due to the often complicated procedures for taking witness statements. The issue has been subject to ongoing review, and it would be helpful if the Minister would share her current thinking on it.

The subject of expert evidence is also relevant. As I said, there are no independent witnesses or medical evidence in most sexual abuse cases. With that in mind, advocates often expect experts to shed light on the facts of the case. In the interests of justice, it is essential that expert witnesses are cross-examined in a way that does not do more harm than good to a case.

I recently read an interesting article written in 2001 by Mr. Charles Fortt on expert witnesses and the problems with using them in cases involving children. An excerpt from it states:

> "Historically, the professionals who deal with victimised children—paediatricians, child psychiatrists, psychologists, social workers etc—have been separated by training and employing agency from those professionals who deal with offenders, mostly adults. This has tended to mean on the whole that those who deal with the aftermath of sexual crimes against children do not have much experience of dealing with the perpetrators of it. Again, historically, the bizarre and repugnant nature of child sexual abuse has usually prompted the courts and the legal profession to look to psychiatry for explanations and clarification. However, since most perpetrators of sexual crime are not mentally ill and since most sexual abuse follows a rational pattern of attitudes, thinking, fantasy and behaviour, psychiatry is not necessarily best equipped to assist Courts to pick their way through a minefield of ignorance and prejudice."

[Mr. Jonathan Djanogly]

Mr. Fortt goes on to state:

"However, lawyers frequently engage experts to assist in presenting their clients' cases, and to make the best of the evidence available it is important for advocates to have a rational way of evaluating their witnesses' expertise—the skilled cross-examination of a poorly chosen expert can do more to damage a case than not calling one at all."

Mr. Fortt made a series of proposals that I shall not go into, but I wonder whether the Government have been reviewing that area and, again, whether the Minister would give us her thoughts on it.

We should be aware of the fact that miscarriages of justice occur and of the consequences that investigations into sexual abuse have on the accuser, but we should not let that detract from the principle that it is essential to protect victims and to encourage them to bring their abusers to justice.

The effects of a miscarriage of justice may be severe, and we must work to ensure that innocent people are not convicted of a crime that they have been accused of due to false memory syndrome or an accuser's desire for compensation. I appreciate the concern of the hon. Member for Crosby for teachers, although I would not wish to make a special law just for them. They are no more or less deserving than anyone else, such as those who work with children in care homes. As a social services chairman in days gone by, I have personal experience of that situation.

However, at the same time, we must have faith in our justice system. We must ensure that abusers are punished and that the abused are not exposed to further abuse, but faith in our justice system must cut both ways. If an investigation is closed, it is unlikely that people will get anything more than a letter saying that the allegations were unsubstantiated. That procedure has two problems: first, it may protect public servants from scrutiny; secondly, it could leave the person who has been investigated with a lifelong stigma. In so far as it is possible that an individual who is guilty of a sex crime could be found not guilty in court by reason of lack of evidence, so it is also possible that a guilty person will get off at the investigation stage through lack of evidence. However, if due process has been carried out and adequate evidence has not been found, the human rights of the person being investigated must be respected and, after a reasonable period, they should be clearly exonerated so that they can get on with their lives.

Of course, if new evidence comes up at a later date, there could be a fresh investigation. The problem may be that the investigators, such as local authorities, might be more concerned about improving their chances in future litigation and claims against them than admitting that they were wrong. Surely, however, the initial concern should be about the reputation of the person being investigated, once the case has not been made.

I have referred to the impact of one aspect of the compensation culture, which works against people's reputations. Unfortunately, however, the problem goes further, as has been said. Some individuals may falsify claims of sexual violence against them, perhaps even from decades ago, to qualify for compensation. I am sure that all hon. Members would agree that, to whatever extent such violence occurred, it would of course be of great concern. It is also a fact that a relatively high proportion of criminals suffered abuse as children. Importantly, many were also brought up in broken homes or care homes, which the hon. Member for Crosby mentioned, where sexual abuse could have been more likely.

It is also likely that an existing criminal may not be as concerned about lying for compensation as a non-criminal. If that is added to police trawling operations for collaborative evidence, the potential for abusing the system could become magnified. Have the Government investigated that and, if so, to what extent does the Minister think that it is a problem? Why have more individuals not been prosecuted for conspiring to pervert the course of justice or for perjury? When people lie to the authorities, particularly for monetary gain, examples should be set. That does not seem to happen.

3.1 pm

The Minister for Crime Reduction, Policing and Community Safety (Ms Hazel Blears): We have had an extremely interesting and, dare I say, wide-ranging debate this afternoon, with some valuable contributions. I, too, would like to congratulate my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) not only on securing this debate, but on taking forward some of the submissions that she made in the debate that we had about 12 months ago in response to the Home Affairs Committee's report on historic sex abuse cases. Some of the issues that have been raised today are similar to those that we discussed last time, but my hon. Friend has added new concerns. She is not only an expert, but extremely committed to ensuring that such issues are properly ventilated, at least in the House. As I think I said last time, such issues are not universally popular and it takes courage to pursue them. She has exhibited such courage and commitment again this afternoon.

I should like to make some general points about where we are in protecting vulnerable and intimidated witnesses and give hon. Members a flavour of how the "Achieving Best Evidence" guidance is being implemented. I shall then consider the positions of teachers, people in prison, whom my hon. Friend mentioned, and some of the issues that other hon. Members raised.

In 1997 the Government made a general commitment to providing greater protection for victims in rape and serious sexual offence trials and for those subject to intimidation, including witnesses. It was recognised then that the criminal justice system did not adequately protect vulnerable and intimated witnesses or the victims of sexual offences. That was a broad promise. Almost the first thing that we did in government was commission a working group to consider how to improve the treatment of vulnerable or intimidated witnesses in the criminal justice system. That was a huge undertaking. As the hon. Member for Huntingdon (Mr. Djanogly) said, the "Speaking up for Justice" report contained 78 recommendations. Those recommendations included defining vulnerable or intimidated witnesses and identifying the special measures needed to ensure that they could give their best evidence, thereby increasing the likelihood of conviction where offences had been committed.

My hon. Friend the Member for Crosby asked for the definition of vulnerable or intimidated witnesses, and whether it could be extended to cover some of the matters about which she expressed concerns. Vulnerable witnesses are defined as those who are subject to a mental disorder, a learning disability or—this, I think, was the category that she was searching for—a physical disorder. Intimidated witnesses are defined as those whose evidence is likely to be affected by intimidation, and my hon. Friend asked whether that definition could encompass victims of domestic violence. I think that the evidence of such people—men or women—could be affected by the possibility of intimidation arising from the circumstances of an alleged offence. There is therefore no reason why they cannot be encompassed in the definition of vulnerable or intimidated witnesses, who are entitled to the special measures in the scheme. Clearly, that is a matter of interpretation, but the definition is certainly wide enough for us to contemplate including the kind of witnesses whom my hon. Friend mentioned.

It is important to emphasise that all victims of sexual offences are automatically entitled to special measures under the provisions. If domestic violence gives rise to allegations of a sexual offence, therefore, the victim is entitled to special measures, unless they indicate that they do not want them put in place. The only instance of where that might occur that has been highlighted to me is when a child has been subject to abuse involving video recording. In those circumstances, it is difficult to think of anything more horrendous than offering the child the possibility of giving evidence by video. Most hon. Members would accept that that would be entirely inappropriate, and video evidence would not be one of the special measures implemented. In the normal run of things, however, a victim of sexual offences is entitled to such special measures. Again, the definition is fairly wide. All children come within the definition of vulnerable witnesses and are entitled to be considered as such. That is clearly set out. As far as adults are concerned, cases are considered individually.

The implementation of the recommendations of the "Speaking up for Justice" report in the "Achieving Best Evidence" guidance has taken us significantly further forward. However, it is not just a matter of defining who is covered and then giving them access to special measures. There is a third issue, which is vital, but which has not been raised this afternoon: improved communication between the police and the Crown Prosecution Service as regards witness needs. The hon. Member for Orkney and Shetland (Mr. Carmichael) talked about bringing the agencies together so that they share such information. It is important that these matters are not left to the police, because the CPS has a key role to play in how the case is conducted in court. It is essential that there are early meetings to ensure the right circumstances so that people can give their evidence.

There should also be guidance on appropriate interviewing methods for vulnerable or intimidated witnesses, and that is at the heart of the concerns that have been raised this afternoon. I have had a look in a little detail—although probably not as much detail as my hon. Friend—at the "Achieving Best Evidence" document, which I commend to hon. Members. It is extremely detailed. It first sets out the general principles involved in interviewing vulnerable and intimidated witnesses. It then has two sections specifically about interviewing children. There is a big section about how to plan the interview—how to get involved early on, how to shape the interview, how it should take place, how to take account of the circumstances and the background, and how to guarantee the best evidence.

There is then a section on how the interview should be conducted, and I found it especially interesting that it is all about establishing ground rules. The document discusses how to deal with very young children and older children in different circumstances. There is also an important section about truth and lies, and I think that it was the hon. Member for Orkney and Shetland who raised the issue of how to interview children and of whether they know the difference between truth and lies, right and wrong. That is difficult to ascertain, but the document contains the very best information about how to pursue such matters. It gives examples of the kind of questions to ask and the inferences to be drawn. There is a big emphasis on the witness freely giving a narrative account—on the police not leading them or placing words or ideas in their minds, but obtaining the account that the witness wants to give.

Mrs. Curtis-Thomas: I agree with the Minister that the document is excellent. The Home Office has produced a number of documents containing guidelines on interviewing techniques, and that is absolutely fine, but how many of them are really implemented? Has the Minister considered auditing for compliance and if not, would she do so, or permit Her Majesty's inspectorate of constabulary to consider it?

Ms Blears: My hon. Friend raises an important point. Issuing guidance and strategies does not of itself indicate that the service and the culture are changing, or that we are implementing the action in the guidance. I would however ask her to accept that there is an ongoing process of changing the culture and practice not just in the police but in a range of agencies that are involved in the area. She makes an important point about audit and measuring implementation, and she will know that HMIC recently conducted a baseline survey of all police forces in the country, measuring them against a number of criteria. Those baseline assessments are due to be published shortly. They are the first ones ever to be conducted in that way. Clearly, professional practice is an important part of that measurement. I am not aware whether there is a specific requirement in that baseline assessment to consider implementation of the guidance, but I undertake to look into that area to assess whether we can do more to audit it.

Every police officer receives training in investigation techniques, and at the national centre for police excellence we are developing a code for investigators. That includes investigation skills at level 1, level 2, level 3 and level 4, ranging from the day-to-day grass-roots investigation of a minor incident through to very serious investigations. We are trying to professionalise the investigation capacity in our forces. It is a relatively new development to ensure that every officer has some rudimentary basic training, and that those who are involved in the more serious, technical investigations have the necessary skills. We are trying to increase our capacity.

[Ms Blears]

My hon. Friend is aware of the senior investigating officers manual on investigation technique, which we have talked about on previous occasions. It sets out clear guidance for investigators on how to go about their business. I gave her an undertaking that the SIO manual would be reviewed in light of some concerns that she and the Home Affairs Committee expressed about past sex abuse cases. I can tell her today that that review is ongoing and that the manual is being reviewed by people who have been involved in recent cases, to try to ensure that its guidance incorporates recent learning.

Mr. Carmichael: While the Minister is on the subject of technique and guidance, can she tell the Chamber whether any formal guidance is given centrally to police officers who conduct what the hon. Member for Crosby (Mrs. Curtis-Thomas) referred to as "trawls"? That procedure seems to be fraught with difficulty, so some guidance must be given to forces engaged in it.

Ms Blears: There is guidance; it is clearly an important area. Even though the Home Affairs Committee expressed some reservations about the procedure, it was satisfied that the use of the technique was legitimate. The senior investigating officers manual covers that area. We have disputed whether it is trawling, fishing or—the term that the police prefer to use—dip-sampling, but it is a proper, credible investigatory technique, concerned not simply with trawling for evidence but with dip-sampling people to see whether they are making appropriate investigations, and there is guidance for it. Part of the undertaking that I gave to my hon. Friend was that we would update and review the guidance on the basis of learning from cases. In those terms, over the past few years there has been a major impetus to try to ensure that the way in which we conduct investigations is more professional and designed to elicit the best possible evidence.

In the "Achieving Best Evidence" guidance, there is a presumption that there will be video interviews for child witnesses in cases involving sexual offences, violence, abduction or neglect. Several hon. Members have raised the issue of resources for video facilities. Last year, the premises improvement programme—a general police programme—was opened up for bids for video suites. That, together with a specific £2 million fund for video interviewing facilities, means that we have invested £7 million in trying to increase capacity. Hon. Members will say that we never have enough, and there will always be pressure to do more, but I hope that they accept that we are trying to ensure that as many facilities for video evidence as possible are available.

In addition to the early meetings between the Crown Prosecution Service and the police, therapy is available for particularly vulnerable witnesses before a trial. That is something I was not aware of, but it is a significant step towards ensuring that people are in a position to give their best evidence. We are also trialling the introduction of intermediaries, which could be controversial. Providing an intermediary in court for someone with communication difficulties could again ensure that a witness can give their best evidence, without interfering with the substance and integrity of the evidence. That is a difficult balance to achieve. The pilot started in Merseyside in February, and I will be interested to see the outcome.

Mrs. Curtis-Thomas: I am aware that intermediaries and support are available for children who have been involved in sexual abuse—in about one case in 10. However, there is concern about the independence of the intermediary or the person providing assistance. Usually, they are from social services, the Crown Prosecution Service or another authority. There is concern about whether they are tainted by association with the prosecution authorities and therefore hold a position relative to the outcome of the inquiry. Would the Minister advocate an independent advisory and support unit rather than something stemming from the current bureaucracies?

Ms Blears: Those matters will always be the subject of challenge and concern. We must get the balance right as to where intermediaries come from. How do we ensure that they have appropriate and sufficient skills without being tainted by being seen to be part of an existing organisation? I am sure that when guardians ad litem were introduced into care proceedings many years ago, similar concerns were raised about whether they would have sufficient independence to act on behalf of the child and not another party. I will inform my hon. Friend of the details of the pilot, and if she wants to make representations about it I will consider them. However, if the legal representatives of defendants have concerns, they are at liberty to raise them during proceedings. I have no doubt that those concerns would be raised and adjudicated on.

I shall now deal with specific matters raised by hon. Members. The issue of teachers being accused of sexual offences is very important. We are aware of the devastating effect on individuals falsely accused of sex offences or child abuse. We recognise that being accused of such offences carries a social stigma and brings adverse publicity. Such an allegation could have serious implications for someone's reputation, employment and sense of self-worth. We have carefully considered whether defendants in such cases should be entitled to anonymity, but we do not think that there is a case for it.

We appreciate that teachers feel vulnerable to being identified because they have a public profile, but we are not convinced that legislating to provide anonymity is the answer to those concerns. Regrettably, some allegations of abuse are true, and being abused by a person in a position of trust and authority, such as a teacher, can have a devastating effect on a child. I ask hon. Members again to try to ensure that we strike a balance: allegations can devastate the individual accused, as the hon. Member for Huntingdon said, but it is important to listen to those who have been abused.

We genuinely sympathise with defendants who are accused but subsequently acquitted, or against whom no further action is taken, but the principles of open justice are necessary to the maintenance of public confidence in the criminal justice system. It has long been established that criminal trials take place in the open in this country; the media are allowed to report them freely and that is an important principle in the criminal justice system, which must be open and transparent. The media must be able to say what went on in court if people are to believe

that the legal system is functioning properly. In that way, the confidence that victims and witnesses have in the system is reinforced.

However, anyone who has been investigated by the police but who has not been charged should not be identified in the press in the period between investigation and charge. The Association of Chief Police Officers has issued revised guidance to all police forces, which applies to all offences, making it absolutely clear that anyone under investigation but not charged should not be named, and no details should be provided to the press that might lead to their identification before they are charged. It would be a serious disciplinary matter if members of the force were to transgress that guidance.

It is for the police to make sure that that guidance is very strong; equally, the Press Complaints Commission, which has safeguards against the publication of inaccurate or misleading information, oversees the system of self-regulation of the press. Sometimes, good investigative journalism has revealed cases of crime that might otherwise not have been revealed, but it is important that the PCC has proper guidance in place to ensure that people's reputations are not damaged by their being splashed all over the tabloid press when they have not been charged with an offence.

I understand that the PCC is drawing up stronger guidance on the issue and it is important to give it a chance to achieve the desired effect, because we do not want to take the legislation path at this stage. The enhanced ACPO guidance and work by the PCC needs to be given an opportunity to have an impact. Legislation to prevent a teacher's identity being published would not necessarily achieve the desired result: the people who are most concerned by the allegation—parents and the local community, as my hon. Friend the Member for Crosby said—will know what is going on in the area. Even if it is couched in the most general terms, mentioning a subject teacher in a particular school, for example, means that identification would be possible. The hon. Member for Huntingdon said that teachers are no more vulnerable to false allegations of abuse than other groups who work closely with children, and many people in those groups feel at risk, too. Any concessions to teachers in that respect would inevitably lead to wider calls for anonymity for others who work with children.

I note that my hon. Friend is supporting the campaign for anonymity up to the point of conviction, which is a long way along the spectrum of anonymity in these cases. It would be very helpful if we could ensure that the cases were dealt with as speedily as possible, so that false allegations could be weeded out at the beginning and matters did not proceed, and people did not have the threat of possible charges hanging over them for months, with the consequent effects on them and their families. The Department for Education and Skills spends £1.5 million a year employing about 26 co-ordinators, who each have a cluster of schools. Their job is to ensure that allegations are dealt with quickly and weeded out, so that only the serious allegations go forward.

There may be more that we can do to ensure that the system does not militate against teachers in these circumstances, but we do not at present feel that anonymity is the way to go. I give an undertaking that we will monitor the revised guidance issued by the PCC and ACPO to see if it is working. The Secretary of State for Education and Skills and the Home Secretary have discussed this, and they are due to discuss it further. They are aware of the campaigns by the NASUWT and the National Association of Head Teachers. These are important and significant areas of concern and we will keep them under review.

I have dealt with the trawling issues, but I also want to say something about prisoners who report crimes. My hon. Friend talked about the circumstances in which they are interviewed. That is a difficult issue in relation to prisoners: because of the very nature of custodial sentences, people are in fairly coercive regimes that do not necessarily provide the kinds of supportive and therapeutic environment in which disclosures about long-term sexual abuse can be managed in the most effective way. However, with the decision to move the prison health service into the national health service, we are beginning to take great strides towards providing a health service environment that is far more appropriate. In addition to allegations of sexual abuse, many prisoners have mental health problems, and there is a great need to improve the mental health provision for prisoners in these circumstances.

However, I can say to my hon. Friend that where a prisoner needs to be interviewed, there is advice in the guidance about choosing a location to achieve best evidence. It is perfectly possible for a prisoner to be taken to an external location for an interview, or to be taken to one of the specially equipped suites. It will be for the governor and the prison authorities to weigh up the balance between security, which is clearly their concern, and the appropriateness of the environment, but such interviews can be carried out either in the health centre within the prison setting or externally.

I understand that we will be investing up to £20 million a year by next year in trying to ensure that there are good mental health services in prisons. We have to go a long way to catch up to make sure that our health services are right in those terms. However, there is the possibility of providing a more appropriate setting for these kinds of interviews to take place. My hon. Friend has raised an important issue.

Finally, I turn to the matter of support for victims of domestic violence, both men and women. The Government can be proud of the progress that they have made, but I would not suggest for one moment that everything is now perfect—we still have much more to do. However, sexual assault referral centres have now been established up and down the country. I visited one in Preston just a few weeks ago, where victims of sexual offences and domestic violence are able to go to disclose in very supportive environments. GPs are on the premises, there is a range of referral workers, and there is outreach counselling to provide support. That is a world away from where we were just a few years ago, when very little support and help were provided to victims in those circumstances.

We have managed to obtain £27 million from the Treasury for our "no witness, no justice" pilots which ensure that there is a witness adviser taking victims through the entire legal system step by step so that they can give the best possible evidence.

[Ms Blears]

I take on board my hon. Friend's concern about the sparsity of specialised domestic violence support in the community. We need to build capacity in that area, but if she were to visit the excellent scheme in Cardiff where the CPS, the police, the local authority and the housing authority are all working together to support victims of domestic violence, she would see something that represents a step change from where we were.

I know that we have much more to do to ensure that we put victims and witnesses at the heart of our criminal justice system and that the issues raised this afternoon are extremely important. I have no doubt that my hon. Friend and other hon. Members will continue to press me on them. It is right that we are called to account and that there is proper and adequate scrutiny.

Poppy Eradication (Afghanistan)

3.29 pm

David Cairns (Greenock and Inverclyde) (Lab): I am pleased to have the opportunity to return once again to an issue that I have been raising in the House for more than two years, which is the need to eradicate the deadly international trade in opium that originates from the poppy fields of Afghanistan.

The trade is a chain of misery and degradation. It begins with the exploitation of desperately poor farmers in some of the most inhospitable corners of the planet and progresses via grotesque profiteering by international drug traffickers and their vile associates, resulting in the abject misery and suffering of wretched addicts and blighting the quality of life for those innocents who must live beside the seedy reality of petty drug dealing on estates and streets in my constituency and elsewhere. The evil business does not end there, but returns whence it came in the form of narco-terrorist funding. No one who heard the powerful speech by President Karzai at last year's Labour party conference can be in any doubt that international terrorists are directly and financially funding their murderous activity with drugs money. I cannot conceive of a more vicious vicious circle.

Before I address what must be done to tackle the trade at source, let me say that I am well aware that the basic laws of human commerce apply in this area as they do elsewhere. I know that where there is a demand there will be a supply, and that cutting off the supply of heroin that comes from Afghanistan will not end the problems of addiction, but I make no apologies for focusing today on the supply-side regime. I believe in the market, but all markets must operate within social, human and international frameworks. The trade in heroin is as immoral, corrupt, violent and destructive as it gets. Furthermore, the demand side of the problem in my constituency, in terms of demand reduction and policing, has devolved to the Scottish Parliament. It is my duty as a Westminster MP to concentrate on those aspects of the trade that are reserved to this place, and that is the reason for this debate.

I would like to say one thing about domestic policy: there is little point in my campaigning to stop the flow of drugs into Scotland if Argyll and Clyde health board pulls the rug from under my feet. In its most recent consultation document, it mentions the problem of drugs only once, and drug treatment is not mentioned at all in the part about closing Ravenscraig hospital in Greenock. That is simply staggering. I know the blight that drug addiction casts on individuals, families and communities, and the criminal activity that goes with it. I would lock up the dealers and throw away the key, but when an addict admits that they have a problem and tries to get off drugs, it is vital that they get the help that they need. Services provided at Ravenscraig are an essential part of that help, and it is unbelievable that the health board's strategy is silent in that respect. Thankfully, the days of Inverclyde being—wrongly—called the heroin capital of Scotland are behind us, but only a fool would claim that we do not still have a problem. That is just one of the major flaws in the health board's strategy and is another reason to oppose the reduction in services that it is planning.

Supply feeds demand. The more heroin there is, the cheaper it becomes and the cheaper it gets, the more people use; the more people use, the more addicts are created; and more addicts mean more crime, more sickness, more heartbreak for families and more tragic early deaths. Ninety per cent. of the heroin on Britain's streets begins life as poppies in Afghanistan. That did not occur overnight: the trade was built up over many years, accelerating during the second half of the 1990s. It is a lucrative trade: in 2003, the combined income of Afghan opium farmers and traffickers was about $2.3 billion, roughly equivalent to half the legitimate gross domestic product of that country.

We are entitled to ask how that came to pass. Was not one of the reasons for toppling the Taliban that they had, in part, been funded by the opium trade? That was certainly the view expressed by my right hon. Friend the Prime Minister in his statement of 7 October 2001. As the conflict in Afghanistan precipitated by the attacks of the previous month in New York began, he said:

"We act also because the Al-Qaeda network and the Taliban regime are funded in large part on the drugs trade . . . stopping that trade is, again, directly in our interests."

The following day, speaking in the House of Commons, he said:

"We in Britain have the most direct interest in defeating such terror . . . We know that the Taliban regime are largely funded by the drugs trade and that 90 per cent. of the heroin on British streets originates in Afghanistan."—[*Official Report*, 8 October 2001; Vol. 372, c. 814.]

After the conflict was over, the Prime Minister returned to that topic in an interview with the BBC World Service in which he praised President Karzai's recent initiative

"to issue instructions to destroy the poppy crop in Afghanistan for this year"—

that is, in 2001. He continued:

"We are giving every support to this. This is very, very important indeed."

I agree wholeheartedly, which is one of the reasons why I strongly supported the removal of the Taliban regime. The problem is that, since the Prime Minister made those comments, the situation has gotten worse. In 2002—the year in which the Prime Minister was speaking—about 74,000 hectares were given over to poppy cultivation. Last year, that had grown to 80,000 hectares—an 8 per cent. increase, which in turn has led to a 6 per cent. increase in the amount of opium produced. The practice is spreading: 28 out of 32 Afghan provinces now report poppy cultivation. The number of people involved is also increasing: it is reckoned that there are some 264,000 opium-growing families and roughly 1.7 million people whose livelihoods depend on that crop. Although the average opium income per capita for the farmers is the modest, to our eyes, sum of $594, that is three times larger than it was just the previous year. The growth continues, and just two weeks ago, the United Nations Office on Drugs and Crime issued a press release stating that there was:

"growing concern that the 2004 opium crop in Afghanistan may reach a record level."

How is that two and a half years after military action to end the trade, and more than two years after the Prime Minister spoke of destroying the harvest, things are moving in the wrong direction?

I lay no blame whatever at the feet of Ministers, who have worked tirelessly on this issue. I particularly commend the UK Government's initiative to convene the first international counter-narcotics conference in Afghanistan, which was held in February this year. I will deal with some of its conclusions in a moment. However, we must begin from a point of honesty—we must not kid ourselves. The situation on the ground is deteriorating. President Karzai has warned of the risk that Afghanistan

"will again turn into a failed state—this time, in the hands of the drug cartels and the narco-terrorists."

As recently as February he warned that poppy cultivation

"not only affects the economy of Afghanistan, but the money which is earned from the trafficking, production and business of heroin fuels terrorism. Terrorism and narcotic drugs are involved and cooperate in the destruction of Afghanistan, the region and the world."

What can be done? All too often, the debate polarises and falls into two camps. The first camp—in which I admit I occasionally pitch my tent—contains those who say that we should actively seek and destroy the poppies, and deal with the consequences afterwards. The second camp contains those who wish to persuade opium growers that they should develop an alternative crop, and to provide them with the wherewithal to do so. The way forward is likely to be somewhere in between. Enforcement must be accompanied by assistance: the stick of military with the carrot of greater resources. Antonio Maria Costa, the executive director of the United Nations Office on Drugs and Crime, has noted in relation to enforcement that

"in the drug business of Afghanistan the risk/reward balance is skewed: enormous sums of money are being made with impunity. This must be redressed, by increasing the risk of illegality. Energetic measures are needed to repress the traffickers, dismantle the heroin labs, and destroy the terrorists' and warlords' stake in the opium economy".

However, he went on to comment:

"law enforcement alone cannot suffice. The United Nations Office on Drugs and Crime calls on the international community for adequate resources to help rebuild the economy of Afghanistan where far too many people still have no food security, no electricity, no running water, no roads, no schools and no health services."

It was, I assume, in an attempt to get right the balance between those who adopt a literally scorched-earth approach and those who favour gradualism that the UK convened the international conference earlier in the year. I look forward to my hon. Friend's comments on that event, although I believe that he could not reach it to attend, because of unseasonably heavy snow in Kabul. On top of all its other problems, Afghanistan seems to have the wrong kind of snow as well. The conference produced several action plans, and I would like the Minister to take the opportunity now to recommit the Government to implementing them in full. There are action plans on, first, law enforcement, including calls for action against corrupt Government officials who are hampering the counter-narcotics effort in return for a lucrative share of the profits; secondly, alternative livelihoods—there is praise in this context for the appointment of a UK-funded alternative livelihoods consultant; thirdly, drug demand reduction, to deal with the growing problem of domestic drug addiction; and, fourthly, public awareness, with the acknowledgement that opium production has become the cultural norm in many parts of Afghanistan, despite

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being clearly against the tenets of mainstream Islamic teaching. Those are excellent initiatives and of course I wish them well.

However, there is a flaw—one piece of the strategy is missing. There is a terrible missing element that, if not inserted, will doom the rest to failure. There is no commitment to a process of poppy destruction—no plan systematically and to an agreed timetable to seek out and destroy the deadly opium crop. I know that destruction is not enough in itself—I know that we need the carrot. But where is the stick? There must be a clear, unequivocal statement that unless the farmers engage with the authorities in the process of law enforcement and switching to alternative livelihoods, their farms will be destroyed. I welcome Antonio Costa's comment last autumn that the preconditions for change are slowly being put into place, but the process cannot be allowed to drift for years. We have already gone backwards in the two and a half years since the conflict, and we are continuing to move in the wrong direction.

Antonio Costa also said:

"The experience of several countries in Asia and Latin America demonstrates that the dismantling of a drug economy can be a long and complex process, lasting a generation . . . A generation is a long time. This prompts the question—can Afghanistan, with its democratisation threatened by old terrorists and new drug barons; neighbouring countries affected by drug addiction, an HIV/AIDS pandemic, corruption and violence; and the international community, with its 10 million people addicted to Afghan opiates—afford to wait that long?"

He does not answer that question. I will. The answer is no. I am not prepared to wait a generation for a decrease in the flow of cheap heroin on to the streets of Inverclyde. I am not prepared to tell the decent people of Greenock that they will have to put up for another 30 years with the scumbag heroin dealers who blight their communities. I am not prepared to wag a finger at corrupt Afghan officials and to coax reluctant farmers into seeing the error of their ways without the threat of terrible reprisals if they do not. I am not prepared to return to this issue in another 12 months to report further setbacks. I want real progress.

I close with the words of President Karzai, who said:

"We hadn't seen addicts in Afghanistan before, and we didn't even know what addiction was. But now we see the young addicted to heroin in our community. Addiction by heroin and death are the same. Death inflicted by pistol, rocket and bomb is fast—but death through addiction to heroin causes the slow death of people and the destruction of families."

Too many people have died and too many families have been destroyed. The time to end this evil trade has come. The task has fallen to us.

3.45 pm

Mr. Tam Dalyell (Linlithgow) (Lab): I thank my hon. Friend the Member for Greenock and Inverclyde (David Cairns) for his thoughtful and constructive speech. I would like to put two questions to him. To what extent was poppy production reduced at the height of the Taliban regime, or was it not reduced? Secondly, as one who has been in Kosovo, I would like to know whether there is an Albanian route through Kosovo by which Albanians bring drugs to this country from Afghanistan.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Bill Rammell): I start by congratulating my hon. Friend the Member for Greenock and Inverclyde (David Cairns) not only on his speech this afternoon, but on being the Member of this House who has most assiduously pressed us on the issue of the trafficking of opium and heroin from Afghanistan.

I am pleased to be able to respond to my hon. Friend's remarks today in the context of the visit that I made to Afghanistan a few weeks ago, when I met President Karzai, Afghan Ministers and senior advisers, as well as key representatives of the international community. I saw the work that was under way to give effect to the Afghan transitional authority's counter-narcotics strategy, which aims to eliminate opium poppy cultivation by 2013. I listened carefully to what my hon. Friend said at the end of his speech about not wanting to wait for a generation; I certainly do not want to wait for a generation to see the problem tackled.

We should have a sense of realism, however, about the time scales that will be necessary if the problem is successfully to be tackled. Elsewhere in the world, experience of successfully tackling the problem suggests that it will take up to a decade to achieve that in Afghanistan. That does not mean that the Government are complacent or that we are not trying to make progress, but it does mean that we are in this for the long haul.

The UK Government remain committed to supporting implementation of the Afghan counter-narcotics strategy and to the lead role that we have been given in the international community. We have taken on that role not only because we have a sense of responsibility and concern for ordinary Afghan people, but because we have a significant vested interest in relation to the interests of people in this country. My hon. Friend referred to the fact that 95 per cent. of the heroin in UK streets originates in Afghanistan, so the problem for Afghans is every bit as much our problem. That is why we have committed at least £70 million over the coming three years and why we have a significant number of our civilian personnel on the ground. That is part of the UK's ongoing commitment to the Afghan people, and part of the increase in our overall assistance to at least £500 million over five years, which was announced at the Berlin conference on Afghanistan in April this year.

Elimination of opium production is a key challenge for the Afghan Government and the international community. It is a key challenge because it threatens the stability, reconstruction and legitimate economy of Afghanistan. The recent Berlin conference recognised the significance of tackling the drugs problem if we are to ensure a more secure and sustainable future for Afghanistan. It remains an enormous challenge, which we do not underestimate, but as I said, we are in this for the long haul and we are determined to succeed.

My hon. Friend referred to the current cultivation trends, and he is correct to say that the latest United Nations Office on Drugs and Crime survey reported cultivation figures of 80,000 hectares and production figures of 3,600 tonnes. That demonstrated a small increase in cultivation and production. The survey results for 2004 are still being collated and assessed by

the UN office, and they are not due until the autumn. However, it seems clear that cultivation will have increased again this year.

That is obviously unwelcome, and it is legitimate in such circumstances to ask, as my hon. Friend did, why we are in that situation. One has to look at what has previously happened elsewhere in the world. Experience tells us that elimination strategies relating to opium poppy cultivation and production take time in other countries where the problem has been successfully tackled, albeit from lower original levels of cultivation, such as Pakistan and Thailand. Not only do they take time, but in the early years of the strategy, there is an increase in cultivation. Why does that happen? It can happen, for example, because infrastructure and access to water improves, and, as we are seeing in Afghanistan, because when one makes a squeeze on the traditional poppy growing areas, the activity begins to move into non-traditional areas. That does not mean that we are unaware of that problem. Indeed, we are trying to tackle it, but it is one of the reasons for initially seeing an increase in cultivation and production.

My hon. Friend the Member for Linlithgow (Mr. Dalyell) also asked about experience under the Taliban—a point is often quoted. For one year, 2001, the Taliban enforced a complete ban on cultivation. If one uses the methods that the Taliban had at their disposal—torture, bribery, corruption and killing—it is possible to bring about a ban in one year, but the Taliban did not stop benefiting from the trading, cultivation and trafficking of heroin. Indeed, they continued to stockpile, traffic and make money from that process. If one goes back further, one sees that levels are not yet what they were during the early years of the Taliban. Our discussions must take place in context.

We need and we are trying to achieve—my hon. Friend the Member for Greenock and Inverclyde referred to this—a significant change in the risk-reward balance affecting those who make decisions on whether they will engage in the drugs trade in Afghanistan. Historically, the risks have not been as great as they should be and the rewards have been significant. That is what we are seeking to change, which is why, in concert with the Afghan authorities and other international partners, a comprehensive, long-term and sustainable approach is being built. We certainly have such an approach in the Afghan Government's counter-narcotics strategy, whose implementation is fundamental. The strategy is co-ordinated by the counter-narcotics steering group in Kabul, chaired by the Afghan national security adviser. We are part of that steering group, as are other international partners.

The basic structures are now in place: drugs control legislation, a counter-narcotics directorate, the Ministry of the Interior's Afghan special narcotics force, counter-narcotics police and, crucially, the central eradication capability. That is one of the key points that my hon. Friend made towards the end of his contribution. We need an holistic approach, and that certainly includes an eradication capability. That capability also needs to be co-ordinated and targeted, which is why we have supported, financially and materially, the central eradication planning cell, because eradication must happen in the right places where it is most likely to succeed.

We are working with the Afghan Government in all key areas of the strategy with immediate action to interdict the trade in drugs and eradicate opium poppy cultivation in areas where there is access to alternative livelihoods; assistance with the development of a counter-narcotics strand to the criminal justice system; assistance with the reduction of domestic demand for opiates; and support for development initiatives that, crucially, will provide alternative livelihoods for poppy farmers. A number of those pieces of the strategy have recently been put in place, and the next 15 months, particularly towards the end of that period and the next cultivation season, will be the critical test of whether what we are doing is working. I believe that it is, but it is right to make the judgment at that stage.

It may be helpful to give some specific examples of where measurable progress has been made according to that action plan. There has been progress with interdiction, which is a key element. The Afghan special narcotics force is an Afghan initiative to create a special drugs interdiction force under the control of the Ministry of the Interior. Since the force became operational, it has seized more than 32 tonnes of opiates and destroyed 32 laboratories, storage sites and significant quantities of precursor chemicals. The local impact, in particular, has been disproportionately high.

We have also seen the development of the counter-narcotics police, which was created as a specialist unit last year with a UK-mentored anti-smuggling team that has seized 125 kg of heroin, 30 kg of opium and a significant amount of precursor chemicals. That work is developing further. Furthermore, when I was in Kabul recently, I had the opportunity to witness the Kabul city gates project, which we have supported and funded through Customs and Excise, and which seeks to intervene and to catch and stop the trafficking of drugs as they leave and enter Kabul.

My hon. Friend referred to eradication. The Afghan Government has established a central eradication planning cell in the Ministry of Interior, which is critical to analysing and targeting efforts on eradication in a way that is consistent with our policy of eradicating the poppy crop only where farmers have access to alternative livelihoods. An alternative livelihood is a key factor. Anyone who considers the issue will conclude that if we are to persuade poppy farmers to stop undertaking that activity, they must be given an alternative income. That is why DFID is so engaged, why it has trebled its budget and why this is a particularly important strand of its activities.

The security situation is critical. If we are to make genuine progress on tackling poppy cultivation, it must be done in a context where security is improved and, beyond Kabul, is better than it has historically been. That is why the deployment of additional provincial reconstruction teams throughout Afghanistan is critical to expanding the international security assistance force beyond Kabul. ISAF has a key role to play alongside Afghan law and order forces and the US-led coalition in providing the necessary security for the elections. The international community must also ensure that ISAF can be expanded quickly. We are seeking to do that. The tasking of ISAF and the coalition forces to ensure that

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they can participate in counter-narcotics work is an important element of the strategy that we have been addressing. The coalition mandate has been changed to enable that to happen.

I shall say a few words about the conference in Kabul, to which my hon. Friend referred. I valiantly tried to get to it, but owing to the worst snows in Kabul for 15 years, I was unable to get a plane to land there. It was the first time that all the key international partners and key elements in the Afghan administration from President Karzai down were all together and signing up to the strategy to tackle those problems. Significant action plans were agreed to. The increased interdiction activity will increase the numbers and effectiveness of the counter-narcotics police of Afghanistan and the mobile detection teams. We are contributing by increasing the number of mobile detection teams from one to four this year and by looking for international partners to take on additional teams.

We are also tackling corruption and the involvement of officials and commanders in the drugs trade. Anyone who considers the issue or visits Afghanistan knows that there are key officials who have a vested financial interest in the drugs industry. The problem has to be tackled in the long term, and in part that will be achieved through symbolic high-level arrests, sending out a clear message that to involve oneself in the industry is not an easy and risk-free way to make money.

Another key element of the conference was the need to increase resources for programmes with maximum alternative livelihoods impact and support the design and implementation programmes to fill existing gaps in pro-poor agricultural livelihoods, rural finances, off-farm activities and micro and small enterprise development. We are working with the United Nations office and other international partners to make real progress with that programme. All the key building blocks of the strategy are in place. What we are doing can and will work, but the next 15 months will be absolutely critical and a real test.

If one considers the overall economic prospects and levels of growth that are providing real opportunities beyond poppy cultivation in Afghanistan, one sees that there are real, demonstrable opportunities. This issue is a problem for the Afghan people and for us, where, given the removal of the Taliban, we have a moral and historic responsibility to act and work on their behalf. Some 95 per cent. of the heroin that enters this country and causes such mayhem and damage to so many of our communities comes from Afghanistan. It is every bit as much our responsibility and in our interest to tackle the problem as it is for the Afghan Government and people. We are absolutely determined to work with them to take the issue forward.

Royal Hall (Harrogate)

4 pm

Mr. Phil Willis (Harrogate and Knaresborough) (LD): I am grateful for the opportunity to lead this short debate on the future of the royal hall in Harrogate. I welcome the Minister to the Chamber. It may be rather empty, owing to the specific nature of the debate, but I assure her that today's proceedings will be widely reported. This is not simply a debate about another civic building in disrepair; it is about the architectural jewel in the crown of Harrogate. The royal hall, more than any other building, is emblematic of Harrogate's spa heritage and its links to the present. It is a building of local, national and international importance and is at the very heart of Harrogate's vibrant society.

The overwhelming support for the restoration of the royal hall to its former glory has been staggering. More than 15,000 people have pledged support, including 6,500 who signed a petition begging the council to work with the Heritage Lottery Fund to find a solution to the problem. Support has poured in from local and national organisations including the civic societies of Harrogate, Knaresborough and Ripon, the Victorian Society, the Frank Matcham Society, the Spas Research Fellowship, Harrogate symphony and philharmonic orchestras, the local Gilbert and Sullivan society, the St. Andrews players, the White Rose and the Tewitt youth bands and the Tom Roberts jazz band—to mention just a few. There is also support from Harrogate international festival, Ripon festival, numerous dance and drama societies and more than 20 local schools that regularly use the royal hall as their town hall for concerts and speech days.

However, the affection for the royal hall goes much further. Messages of support have poured in from a host of artists from the world of music, comedy, theatre and show business, who have entertained audiences over many decades. Sir Cliff Richard, who appeared at the royal hall as a youngster in July 1959, summed up the feelings of many:

> "I wish every success to all who are associated with this project, and look forward to hearing that the Royal Hall is once again available for both established artists and those who, like me nearly 45 years ago, are just starting their careers".

The patron of the Royal Hall Restoration Trust, which was set up by the hall's inspirational local champion, Lilian Mina, is none other than His Royal Highness the Prince of Wales, who sent the following message for the launch of the trust:

> "As Patron of the Royal Hall Restoration Trust, I am delighted to lend my support to the Trust's effort to raise funds towards the restoration of this unique part of our national heritage".

In that sentence, His Royal Highness sums up why I have brought the issue to the House of Commons: the royal hall is quite simply a unique part of our national heritage.

The royal hall is the only surviving kursaal, as it was originally named—it was renamed in 1918 following anti-German sentiment; little changes—built by the nation's most famous and prolific theatre designer, Frank Matcham. Although Matcham built or helped to build more than 120 theatres between 1873 and 1913, including the Palladium and the Hackney Empire in London, and Blackpool's Grand theatre, Harrogate's

royal hall is the only example of a cure hall or kursaal conceived and designed in the great continental spa tradition.

Matcham's brilliant building was no ordinary theatre. It was designed to help late 19th century Harrogate retain its position as queen of inland watering places. It was built to incorporate the essential elements of the cure—mineral waters obtained from Europe's famous chloride of iron well, exercise indoors in all weathers using the 360° encircling ambulatories, and dancing or entertainment provided by an astonishing array of performers.

This building of immense elegance was opened in 1903, and Matcham's genius was manifest in many ways. He designed a mechanical system for clearing auditorium seats to allow for dancing that is commonplace in many theatres today. A plenum cooling chamber provided a natural and efficient air-conditioning system for the auditorium. It was similar to the system that we have in Portcullis House today. However, the key innovation, which transformed future theatre design, was the use of cantilever construction principles, rather than view-obstructing pillars, to support upper floors.

Although designed for wealthy visitors to the spa town, the royal hall proved fabulously versatile and has served visitors and locals alike for more than 100 years. Great artists appeared on its stage: Dame Nellie Melba, Sir Edward Elgar and music hall stars such as Harry Lauder. The 1930s saw the arrival of the great dance bands and, in one single season in 1938, Jack Payne, Jack Hilton, Henry Hall and Joe Loss all played to packed crowds. The hall has been associated with political meetings. Horatio Bottomley's jingoistic speeches during the first world war, Mrs. Pankhurst's call for votes for women and Sir Oswald Mosley's blackshirt rallies in the 1930s all featured there. The entertainment and political tradition has continued into recent times. For the past 15 years, the royal hall has been home to Harrogate's growing international and conference exhibition centre.

That combination of tradition and progression was fatally halted in September 2000 when massive structural faults were found in the building. The 100-year-old concrete that makes up most of the internal structure was found to be in an advanced state of decay. In addition, the steel support beams taking the weight of the floors and the balcony were severely corroded. Large sections of the building had to be closed to the public.

To its credit, the borough council immediately put together a rescue bid and made an impressive proposal to the Heritage Lottery Fund and to English Heritage for financial support. The Heritage Lottery Fund supported the detailed appraisal stage and agreed to put £6 million into the final restoration scheme as matched funding for the £2.6 million that the council was prepared to invest. The initial shortfall of £1 million was to be provided by the newly formed restoration trust through private subscription.

Sadly, the initial enthusiasm and collaboration has turned sour. Estimates of costs have risen by £4 million and the new Conservative-led council has reduced its contribution by £600,000, accusing the Heritage Lottery Fund of behaving abominably. In retaliation, the Heritage Lottery Fund has made it clear that it will not give additional funds to the project, hinting that unless a reduced scheme can be agreed, it will withdraw its funding. Astonishingly, the council appears to want to send back the offer of £6 million, mothball the royal hall at an annual cost of more than £100,000 and allow that national treasure literally to decay into a ruin.

Mr. David Curry (Skipton and Ripon) (Con): I represent a large part of the Harrogate district, so my council tax payers have a major interest in the issue.

Can we be clear about the facts? The cost of restoration is estimated at £13.7 million. The council initially said that it had £2.6 million available—a sum supported by Conservative and Liberal Democrat councillors. Of that, a significant amount has gone on additional facilities to the conference centre itself, for so-called break-out facilities. The Heritage Lottery Fund is offering £6 million. The council has said that it is looking for a reduced scheme and is offering £2 million, because it needs a cash-limited scheme. It cannot have an open-ended commitment that exposes its own reserves and its constituents. When the hon. Gentleman blames the council, I think that he should understand that it does not wish to have an open-ended commitment on a scheme with major structural failure. The Liberal Democrat members of the council have never dissented from that evaluation of the position.

Mr. Willis: Mr. Deputy Speaker, you can see immediately why the project has become bogged down. The right hon. Gentleman is clearly defending the indefensible. A council that agreed a £2.6 million contribution, matched by the Heritage Lottery Fund's statement that it would make a £8.6 million contribution, should adhere to its agreement. Sadly, that will not be the case.

Of course, sending back £6 million is unacceptable. I hope that the Minister will make it clear that Harrogate borough council has a duty in law to maintain the building and that a partial restoration using the £8 million or £8.6 million that is available is essential. I hope, too, that through her Department she will offer support to bridge the funding gap. The plight of the royal hall illustrates the impossible situation that many small local authorities find themselves in when attempting to maintain listed buildings in their ownership. Had it been a building in private ownership, the council could have served an order, undertaken works and billed the owner, but how does a council serve a heritage order on itself? I hope that she will take that action if necessary.

Despite the borough council's actions, I have sympathy for its position. The resources available to local authorities to maintain, never mind restore, historic buildings are unacceptable. England has 442,000 listed buildings, of which 6,000 are grade I and 18,000 grade II*, including the royal hall. If the total combined budget for last year—£124 million from English Heritage and £113 million from the Heritage Lottery Fund—were allocated simply to grade I and grade II* listed buildings, the average grant per building would be less than £10,000. However, excluding heritage lottery funding, the total grant from the Department for Culture, Media and Sport for the maintenance of historic buildings last year was a mere £28 million.

[Mr. Willis]

It is therefore hardly surprising that local authorities have problems with these major building projects. Either the number of listings has to decline or significantly greater resources must be made available to the listed buildings project. Can the Minister explain what additional funding will be made available to English Heritage in the forthcoming comprehensive spending review in order to support that programme? Will she accept that, given a limited budget and the estimated £50 billion that is required to sort out all listed building repairs, a clearer strategy is required for the application of funding?

First, buildings of national importance should be separated from those of local importance and should attract differential funding. It would help significantly if that principle could be established. There should be a national priority according to a building's rarity. If the country had 10 kursaals of similar design, I would accept a prioritisation with regard to restoration, but the royal hall is unique in the United Kingdom and to lose it would be a loss to our national heritage.

Secondly, when a building is selected as one of unique national importance, its restoration should be seen as a priority for Government, but only if it has a sustainable future. Sadly, many buildings do not have a sustainable future, but the royal hall has a full order book of engagements and is urgently needed to supplement the town's conference facilities, and the people of Harrogate want it back as their town hall. I appreciate that there is a list of key buildings at risk that receive special support, but why must we wait until a building deteriorates almost to the point of collapse before intervening?

Thirdly, we should have regard to the size of local authorities and the number of listed buildings that they have to look after. Harrogate is a medium-sized shire district with 110 grade II* and 50 grade I buildings. Were it a unitary authority, it would have a larger budget to manoeuvre within. At least as a halfway-house measure, will the Minister seek to apportion part of the responsibility for the upkeep of listed buildings to county councils?

To date, Harrogate borough council has refused to take up the offer of a £6 million grant from the Heritage Lottery Fund in order to restore the royal hall. Two motions to the council, on 3 March and 29 April, to do so were defeated by the ruling Conservative group with a Whip. The offer from the fund remains on the table until 24 June, when it will be recommended to the lottery board whether to withdraw the offer.

I plead with the Minister to intervene and to seek increased flexibility from the Heritage Lottery Fund on funding partial restoration. It is essential that it increases its offer or at least encourages the council to return with another bid after the first phase is complete. I plead with her to seek a change of heart by the borough council so that it commits itself to a partial restoration and restores its agreed funding of £2.6 million. If the Minister can achieve a breakthrough with her own style of diplomacy or, better still, if she can secure some additional funding, her name will go up in lights at the royal hall, but it is currently dark and threatens to be so for ever.

4.14 pm

The Minister for the Arts (Estelle Morris): I think that that is an offer that I can refuse. I welcome the debate, however. Indeed, if I am not wrong, I have had the pleasure of seeing the hall and attending meetings there on previous visits to the constituency of the hon. Member for Harrogate and Knaresborough (Mr. Willis). Therefore, although I do not claim to know the building as well as he or the right hon. Member for Skipton and Ripon (Mr. Curry) do, I acknowledge its importance to the local community. The hon. Gentleman makes a powerful case for its importance.

I often find myself in a difficult position in these Adjournment debates. I fully recognise that they offer hon. Members a welcome opportunity to raise what are essentially local issues, albeit ones that have national implications for the Government. I want to address my remarks to those two areas. It is of course the Government's responsibility to provide a framework within which decisions about the protection of our national heritage and our built environment can be taken, and I accept that responsibility. I hope that the hon. Gentleman will allow me to say a few words about the Government's approach to discharging that responsibility, even if they do not relate directly to the future of the royal hall.

Before I do so, however, I remind the hon. Gentleman that the Department for Culture, Media and Sport is undertaking a comprehensive review of heritage protection in partnership with English Heritage. Although I cannot say what will come out of that, I shall ensure that his comments about the wider policy issues are drawn to the attention of the group that is conducting that review. I do not have a feel for whether it will be appropriate to act on his suggestions, because those issues are not my primary ministerial responsibility. However, I shall ensure that the review group responds to him in detail, if appropriate.

We are lucky in this country to live among some beautiful buildings, most of which are exceptionally old and need a lot of care and attention. However, it is not possible for any nation to respond with the cash that any local community would need. We are left with the difficult dilemma of prioritising. I was grateful that the hon. Gentleman acknowledged that in his concluding comments. There is an absolutist argument, which says, "They're important, so Governments should provide the money." At first I feared that the hon. Gentleman was making that argument, but he did not do so and instead talked about prioritising.

The current provision is for the listing of buildings, which is a good way of doing things. First and foremost, listed buildings that are at risk should receive resources. The hall is a grade II* listed building, so it would normally receive priority. As the hon. Gentleman will know, a lot of the available money comes from the Heritage Lottery Fund, which is by necessity at arm's length from the Government. We put some money into English Heritage as well.

On the framework, three years ago the Government published "A Force for our Future", which was the first statement for a generation of Government policy on the historic environment. To some extent, the Government are still working on that, introducing a new framework

and structure, which I hope will lead us through the coming decades. The Department has already looked at the structure of the Sports Council and of the Arts Council, introducing significant savings, which have been ploughed back into those activities. The Secretary of State has said that, in the same way, we hope in the coming months to look at the bodies that represent our heritage, to see whether savings can be made that can be ploughed back into the sector. I do not know what will come of that, but we are discussing the issue in the Department and announcements will be made in due course.

I say that to give an inkling that it is perhaps time that the Government looked at the many non-departmental public bodies, the funding streams and the structures that govern the nation's and the community's decisions about spending and about English Heritage. I do not stand up to defend the current structure as perfect, but it is time that we looked at it and that is what we are doing.

As I said, in 2001 we published "A Force for our Future". To reiterate what the hon. Gentleman talked about, we cannot underestimate the role that built heritage plays in our communities' hearts, and in regeneration, tourism, social inclusion, education and civic and local pride. Indeed, the definition of a failed community is one where, often, heritage has been forgotten and opportunities to build something that the community can in future be proud of have not been taken. Built heritage scores on all those counts.

I want to talk about the Yorkshire region, particularly the hon. Gentleman's constituency. I take his point that some of these decisions are local, and that there should be a regional perspective and input. However, I am not sure that he is right about the play that he made between issues of regional and national priority. We are all citizens. I am not from Yorkshire, but I have been to his constituency—more often than not for work. That has not stopped me gaining pleasure as someone who represents a midlands constituency.

We do acknowledge the importance of the regional level. Each region now has an historic environment forum that brings together the key players at regional level. In 2003, those groups each published "Regional Heritage Counts" alongside the national document. That is an effort to reflect the difference between the nature of the regional provision and the national one. The state of Yorkshire's historic environment demonstrates well the contribution that the historic environment is making to the region.

More grade I and grade II* listed buildings and scheduled monuments in Yorkshire have been removed from English Heritage's register of buildings at risk than in any other region. That is an important point to make. One cannot argue that less has been done in Yorkshire to remove buildings from the at-risk register. More has been done in Yorkshire, possibly because more buildings were on that register. Indeed, almost half those still on the Yorkshire register are now under repair or have agreed solutions.

The Heritage Lottery Fund offered 25 per cent. more grant in Yorkshire in 2003–04 than in the previous year. The amount of grant offered by English Heritage in Yorkshire has increased by 11 per cent. since 2002. Indeed, since 1997, English Heritage has offered £371,000 in grants to the hon. Gentleman's constituency, which I suspect is £371,000 more than has been offered to my constituency in Birmingham. That is the nature of the different constituencies. It has also offered a further £1.3 million in grants to Harrogate district. My point is essentially twofold: it is time to examine the structure through which the Government operate when protecting the environment, and to ensure that buildings are listed and the at-risk register is run in a way that is most beneficial. There is no way that anybody from Harrogate district or Yorkshire can argue that they have been treated worse than any other city or region.

I acknowledge the difficulty faced by local authorities. I do not want to enter the evident dispute between the hon. Gentleman and the right hon. Member for Skipton and Ripon, who both have constituents who pay council tax to the Harrogate council. Both speak with passion from different sides of the argument. There is an issue about the capacity of local authorities always to respond to such matters. I suspect that local people will blame the local authority before they blame the Government, because of the local nature of such buildings. That is why it is essential that the Office of the Deputy Prime Minister, the Department for Education and Skills and DCMS do what they can to work together. Whether local authorities have the necessary money to support all the local buildings that they need to support is a matter for ODPM, not for us, because of the grant system—although I am not trying to get out of replying to the debate.

In 2003, Ministers from the three key Departments signed a new and innovative funding agreement for English Heritage that recognises for the first time the contribution that English Heritage makes to the delivery of all three Departments' targets. I say that merely to make the point that the preservation of our built environment is the responsibility not only of the DCMS. Part of the trick is to get Departments to work more closely together and to ensure that the Government's different funding streams work with lottery funding streams to provide more leverage, whether through donations or money from the private sector or charitable organisations.

On the specific point about the royal hall, I am left with saying that I hope that the parties concerned solve the problem. Nothing that the hon. Gentleman has to say negates that. The Heritage Lottery Fund, which works at arm's length from Government, has provided £6 million, and always made it clear that it would not be in a position to increase the grant if the costs of the project escalated. In terms of the grants that are given out by HLF, £6 million is not unreasonably low. I do not believe that HLF is open to criticism about its action. We cannot constantly consider a project and return to HLF if costs escalate—which they do for legitimate and not so legitimate reasons—expecting that its grant can be similarly escalated. Sometimes it can be, sometimes it cannot be, but that decision must be for HLF to make.

Furthermore, the money from Yorkshire Forward that was on the table is not there now. A sum of £2.6 million came from the local council but, for whatever reason, that has been reduced to £2 million. I have no comment to make about that. I shall not criticise the council for reducing that sum by £600,000. The decision was made by the council and approved in the normal

[Estelle Morris]

way. That is what local authority freedom is about. I must leave it to the borough council to make such decisions.

It seems that there are two options: first, to leave the cost of regenerating the hall at £13 million, and to use the £6 million that is on the table from HLF and the £2 million from the council and to raise other funding from elsewhere. The second option is to reduce the cost of the exercise to one that is manageable with an £8 million budget. It is not for me to decide which option to take; that is not my job. Rightly, that is for local people to decide.

It is important to bear it in mind that HLF has left the £6 million on the table longer that it would usually do, given the local argument that has been advanced and the change of mind that has taken place. I assure the right hon. Member for Skipton and Ripon that I am not using the term "change of mind" in a pejorative way. The council has a right to change its decision about how it spends its money. That has meant that time has elapsed. HLF could have taken the money away and spent it elsewhere. It has not. Reading between the lines, that is a sign that HLF wants the project to work. There is a meeting on 24 June, and I hope that all parties will sit round the table. I hope that the position is not reached whereby the £6 million is not spent on the hall.

I have had a private conversation with the right hon. Gentleman and the hon. Member for Harrogate and Knaresborough has made public comments about the matter. The problem should be solvable. The town clearly cares passionately about the importance of the hall and its long history, and I hope that we can find a solution that £8 million can fund.

Mr. Curry: Can we be clear about the £2.6 million? Yorkshire Forward seemed as though it would offer about £2.5 million towards the royal hall and additional money for so-called break-out facilities—meeting rooms—to improve the conference facilities. When that failed to materialise, the council invested some of the £2.6 million in providing what was deemed necessary to make sure that the conference facilities were up to date. The council has not arbitrarily cut the amount; it has spent the money on something that is important for Harrogate, so that it can maintain its position in the conference world.

Estelle Morris: That is entirely a decision for the council. Such local matters fall the way of councils. I have been told that the area has problems with concrete sickness. Those problems are not predicted when outlaying funding. Problems have to be coped with as they come along. There is not a pot of money that can just be given to Harrogate or anywhere else because the costs of projects have escalated.

I join the hon. Gentleman and the right hon. Gentleman in acknowledging the importance of the hall to the community. I very much hope that, in years to come, Members of Parliament can talk about the stars of politics and stage who have appeared at the hall from 2004 onwards. I urge all parties to attend the meeting on the 24th and to go with a wish and a will to solve the problem. There is £6 million from HLF; there is £2 million from the local council. Please let that money point a way forward so that the hall will be saved.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Four o'clock.

Westminster Hall

Tuesday 15 June 2004

[MR. EDWARD O'HARA *in the Chair*]

Manufacturing Industry (Devon)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Kemp.]*

9.30 am

Richard Younger-Ross (Teignbridge) (LD): I do not intend my speech to be one of doom and gloom. My purpose in asking for this slightly longer debate is to give hon. Members from Devon an opportunity to explain why Devon needs extra resources and why manufacturing is as important to Devon as it is to other parts of the country. It is slightly disappointing that the Conservative Benches are somewhat empty, given that Conservative Members have an interest in matters pertaining to manufacturing. They are certainly quite good at making comments to that effect in the local press, and it is a shame that their comments are not reflected by their presence in the Chamber.

Manufacturing in the United Kingdom has suffered over recent years, and we all know that it declined during the 18 years of the Conservative Administration. We are also well aware of the fact that it has declined under the present Labour Administration. Indeed, colleagues in my party's Department of Trade and Industry team have researched the decline in UK manufacturing and found that more than 750,000 jobs have been lost nationwide.

Manufacturing does not employ as many people in Devon as in other parts of the country, so it is not as crucial to the Devon economy in that sense. However, it is vital that what manufacturing there is should thrive and that it should be well watered and well fed so that it may flourish and bloom.

The hon. Member for Totnes (Mr. Steen) has likened manufacturing job losses in my constituency and that of my hon. Friend the Member for Torbay (Mr. Sanders) to the sinking of the Titanic. Although there is, in fact, no titanic manufacturing industry in Devon, the boat is under construction and on the slipway. The job losses that we have suffered, particularly in south Devon, have been a blow to the construction of that manufacturing base. I hope that the debate will point to ways in which we can construct and float that manufacturing ship so that manufacturing in Devon and the south-west prospers.

Some 93 per cent. of businesses in Devon employ fewer than 50 people, and 75 per cent. employ fewer than 10, so the majority of businesses are very small indeed. The Devon economy grew by 15 per cent. between 1995 and 1998—the last period for which I have the figures—and GDP per capita increased to £9,636. That is still considerably lower than the UK's GDP per capita of £12,548 and indicates that, for various reasons, there has been a lack of investment in the south-west and particularly Devon.

Given those figures, it seems surprising that unemployment is considerably lower than the national average. In fact, it is not surprising, because employment levels are higher, and 28 per cent. of those in employment work part-time—3 per cent. higher than the national average. The breakdown of the employment figures by sector shows that the hotel and catering trade employs 9 per cent. of people. Agriculture employs 24,000 people, or 30 per cent. of all employees in the region. The wholesale and retail sector employs 20 per cent.; health and social care employs 14 per cent.; public administration employs 8.5 per cent.; and manufacturing employs 13 per cent. That is the scale of it. However, as I have already pointed out, pay levels in Devon are far lower than in most of the rest of the country. Gross weekly pay in Devon is on average £360.20; and in the region, it is £408.50. The UK average is £444.30.

Most employment in Devon is low paid. The importance of manufacturing to Devon is that it pays higher wages for skilled and semi-skilled workers. With other sectors such as finance and construction, manufacturing is in many ways an economic driver to the economy of Devon and the south-west.

That economic driver has recently been facing difficulties. The biggest is the problem facing Nortel, in the constituency of my hon. Friend the Member for Torbay; should he catch your eye, Mr. Deputy Speaker, I am sure that he will speak on that at greater length. However, a number of businesses in my constituency have suffered job losses. Centrax manufactures components for jet engines. The company was set up by Richard Barr, who once worked with Whittle, the man who developed the original jet engine. Centrax is an efficient company; it does not go out and buy big plant but adapts it or manufactures its own.

The company diversified into making combined heat and power units; the unit is basically a jet engine used to convert gas into electricity. However, it has been struggling recently, partly as a result of worldwide problems in the aerospace industry but also as a result of the difficulties faced by the CHP sector. Those difficulties are a direct result of Government policy, and I shall return to that subject.

A number of food manufacturing companies are based in my constituency—at least, they were. We have slightly fewer now. Devon Desserts appeared to be a successful company.

Mr. Adrian Sanders (Torbay) (LD): It has deserted Devon.

Richard Younger-Ross: Yes, it has. The company employed some 400 people, making sweets, trifles—I have just started a diet; it's agony—and lots of other things that I am no longer allowed to eat. Sadly, that company was not successful enough; for various reasons, it over-extended itself and went under, and another company, Uniq Foods, bought one of its two sites. We were full of hope. Uniq Foods started by employing only 50 people, but there was a promise that it would grow and expand. Sure enough, it was as good as its word; it did grow and expand. It grew and expanded—and it went. We heard a couple of weeks ago that it had decided to close its factory in Newton Abbot, with the loss of 120 jobs. Not only that, but it closed another factory at Evercreech, in the constituency of my hon. Friend the Member for

[Richard Younger-Ross]

Somerton and Frome (Mr. Heath). The company is looking to sell off another factory and is rationalising its operations to work from one base. That was another bitter blow. We would have liked the company to have relocated to Newton Abbot, but that was not an option, because there was not sufficient land to expand.

About a week later, another company closed. It was called West Country Clothing and used to be known as Invertere. It was a well established business. My hon. Friend the Member for Torbay may refer to the matter later, but before the debate he was telling me that as a schoolboy he had a friend who was part owner of the business and who was the son of the owner. My hon. Friend visited the factory not that long ago—

Mr. Sanders: Thirty years ago.

Richard Younger-Ross: Yes; it was a well established business. It marketed clothes abroad, particularly top-of-the-range clothes, and made some fine products. Its complaint was about the lack of Government support for the export trade.

Another company called Voodoo Dolls and Headworx, which was next door to West Country Clothing, made surf wear. It has to be said that I am not familiar with those products; my surfing days, if I ever had any, are long past. However, it was a small business that appeared to be doing well and employed 25 people who have now been made redundant.

One of the bitterest blows to my constituency was the case of a company called Aircraft Materials. If I recall correctly, the company had been established since the 1940s. Again, it was a long-established business and it was doing well. There was no reason for it to move from the Brunel estate in Newton Abbot. The company moved because it was enticed to do so by a grant from the Welsh Assembly for the establishment of a new factory in Wales.

I asked the Secretary of State for Wales questions on the matter at the time of the move, and I did not get a particularly clear or good answer to explain why we were using taxpayers' money—from whatever part of the country—to relocate businesses from one part of the country to another. That is a barking mad policy, if I may use the expression. It seems a total waste of taxpayers' money and has worked much to the detriment of people in my constituency.

However, I do not intend to paint a picture of doom and gloom. There are a number of success stories, and I give credit to the Government for that. The south-west manufacturing advisory service has done a great deal of work to help encourage businesses to grow and flourish. I will give a couple of examples of successful businesses, because I do not want the gentlemen from the press to go away and say, "MP paints picture of doom and gloom for manufacturing". It is quite possible to prosper, but the Government could do a lot more to construct more ribs on the ship and make it more seaworthy.

One such successful company is Turton Quality Foods Ltd., which makes sausages. Having received advice from SWMAS, the marketing director, Charles Baughan, said in a letter to SWMAS:

"The MD and I are committed to developing team working. We have achieved a 15 per cent. improvement in productivity over the last 3 weeks (since your visit) with more to come . . . With the improvement we should be able to demonstrate what could have happened in order to gain more commitment for the bonus scheme."

Mr. John Randall (Uxbridge) (Con): I am sorry to stop the hon. Gentleman in his flow. For my benefit, as not one of the brightest sparks, will he tell me what the initials SWMAS stand for?

Richard Younger-Ross: I referred to it just before; it is the south-west manufacturing advisory service, set up by the Department of Trade and Industry, which has a Devon and Cornwall action team. We do not often praise the DTI here, but I shall do so on this occasion on account of the work that it has undertaken. I shall also praise a business that started in Teignmouth—the House of Marble. It began as a small marble manufacturer, then moved to the old pottery site in Bovey Tracey. That is where Devon's manufacturing used to take place—it is where the clay was, and where Wemyss ware and some other extremely collectible pieces were made until pay disputes and strikes in the 1950s led to the closure of the factory and the ending, for a time, of china manufacture in Devon. It was cheaper to take clay to the coal than coal to the clay.

The business went to the old pottery and now makes clayware—as does a company down the road, Cardew Design—and a lot of glassware. It has expanded its marble business but also makes a lot of fine glass, and its workshop, where people can watch the glass being blown, provides a good tourist attraction. The product is sold in Harrods, New York stores and around the world—proof that one can make products in Devon and succeed. My purpose is not to spread doom and gloom but to ask the Government what can be done.

If we were to ask most of the businesses what they would like to see done to help manufacturing business in Devon, communications would top their lists. We have inadequate road and rail structures and too few airports. Consider the roads: the Kingskerswell bypass, which has been planned for more years than I can remember—well over 30—is still on the drawing board. It should have been built in the 1960s; it should certainly have been built in the 1970s; it could have been built in the 1980s, and probably would have been built in the 1990s—except that the then Conservative Government decided to deregulate the road and to leave it to the county council to find the funding for it. The Government were convinced that it would be built instantly thanks to the private finance initiative. That has not happened; Kingskerswell bypass is still on hold. The county council is trying to progress it—it has gone to planning—and the earliest that we can expect any road to be constructed is about 2010–11. That is seven years away. Somebody leaving school today will be in his mid-20s before we see an influx of extra businesses in Torquay if we rely purely on the road.

Businesses in the south-west are waiting for the dualling of the A303. Most of that has been slow to come, and the planning and design have been protracted. Can the Minister tell us what the Government intend to do about that road? I have concerns about the Blackdown hills, but they are surmountable; something can be done.

As for rail links, the Government will say that things are getting better. It is true that recent developments have included improved journey times. However, the rail journey from Paddington to Exeter is still quite a long one—two and a quarter hours, at best. The average journey is two and a half hours. The trouble is that beyond Exeter the journey slows down completely.

Another trouble is that there is only one line—the Paddington line. The Waterloo line is a stopping service, much liked by those who want cheap day tickets to London, as they can travel at low cost. However, it is not very good for business use. The upgrading of that line has been long promised, but is slow in coming. Perhaps the Minister will be able—if not in response to this debate, later, or in writing—to tell us what proposals there are for upgrading the rail links.

I know that the Government are considering airports at the moment. I also know that the owners of Exeter airport have just made an application for a £20 million passenger terminal. There is a prospect of growth at Exeter airport. If Devon is to prosper—and, I would argue, if Cornwall is to prosper—Exeter is the airport that it must be logical to expand. It is the one that should be a hub for the south-west.

I know that hon. Members for Bristol constituencies would probably argue that we should expand the airport there, but there are capacity limits. There are no particular capacity limits for Exeter. There is an opportunity for us to grasp for the expansion of Exeter airport, which is supported by MPs across Devon, including the hon. Member for Tiverton and Honiton (Mrs. Browning)—*[Interruption.]* I am corrected from a sedentary position because I spoke of MPs across Devon. There are MPs for constituencies peripheral to Plymouth who may dissent. I want to get that correct, so that they do not have a go at me later. Members for most parts of Devon would support the idea of making Exeter a hub airport.

My hon. Friend the Member for Torbay is particularly concerned about the exporting of jobs to China. His constituency has suffered particularly, and I am sure that he will want to discuss that matter, as do I. We all believe in fair and free trade; I hope that we all believe in the global economy and its benefit, by and large, to western Europe and Britain. However, the benefit is lost if competition is not fair. If we are exporting jobs, we should make sure that those concerned are trading on a fair and equitable basis with the UK.

A particularly poignant instance of what I mean is one that we have covered before—food manufacture. Perhaps I may briefly allude to the agriculture sector. Places such as Thailand can produce chickens more cheaply than we can in the UK. However, if we import chickens, we need to ensure that their production meets the same health and welfare standards as we impose on our farmers' production.

Similar principles should also apply to manufacturing industry. To take another great Devon business, carpet making, as an example, the export of all carpet jobs to factories using bonded child labour in India would be wrong, and would cause a great hue and cry. That aspect of matters needs to be examined, and my hon. Friend the Member for Torbay will almost certainly discuss it.

On exporting and exporting jobs, there is a question mark over how much support the Government give to businesses trying to work abroad. I know that the DTI does a tremendous amount of work for the very large companies, but I must question how much assistance is given to small businesses, such as West Country Clothing, which employs only 40 people and is trying to export.

I referred to Centrax, which makes combined heat and power units in Newton Abbot and could be expanded if it were helped. It is an exceptionally high-quality business and does an exceptionally good job, but it is being strangled by Government bureaucracy and intransigence. It has not had an order for a CHP unit for four years, which is surprising as CHP is a win-win commodity. It is good for the environment, for the UK's security of supply and for companies. The 2000 target for CHP was 5,000 MW, which I am told is still to be reached. Indeed, the Government committed themselves to CHP and made a commitment to it in their 1997 manifesto. They said:

"We are committed to an energy policy designed to promote cleaner, more efficient use and production, including a new and strong drive to develop . . . combined heat and power."

That has not happened.

In 2002, CHP capacity fell. All the major CHP developers have now left the market. Only a year ago, the energy paper re-committed the Government to 10 GW of CHP power by 2010. That target was never going to be reached. Not that long ago, the Government accepted that they had failed, and reduced the target to 8.5 GW. Whether that target is reached will depend greatly on the development of the ConocoPhillips Immingham CHP plant on Humberside. The company has said that the plant will come on line, but not under the current market conditions.

Another successful business in my constituency is British Ceramic Tiles, which makes all sorts of tiles. It competes with Spain and other countries, and has a very large, modern and mechanised factory. It was considering CHP and at one point had bought a CHP unit, but did not use it because it was not cost-effective. One must ask why. It all comes down to NETA—the new electricity trading arrangements. I strongly argue that the DTI and the Department of Environment, Food and Rural Affairs should stop fighting each other over who is in charge of energy policy. They need to work out a coherent policy that will put CHP back on track so that we can achieve the 10 GW target by 2010. Believe it or not, NETA will become BETTA—the British electricity trading and transmission arrangements. If NETA can get BETTA, I hope that it will be better for the CHP industry. We need to ensure that there is an obligation on the purchase of CHP because that is the one way to develop it.

There are a lot of good aspects to the south-west. In the 1950s, North Carolina had agricultural areas in decline. People used to visit mainly for tourism, but the triangle between Raleigh and the universities has since been transformed into a highly efficient and profitable manufacturing and industrial base. The Raleigh triangle has attracted companies such as IBM, a multinational that everyone knows.

There is a possibility that we could do something similar in the south-west. There is no reason why our universities should not work together or why they

[Richard Younger-Ross]

should not receive help and prompting from the Government to do so. There is no reason why Plymouth to Exeter should not be a magic line for industry or why a British company comparable to IBM should not be situated in the south-west. The south-west has the advantages of lifestyle and highly skilled people. The south-west has the capacity to develop.

10.1 am

Mr. Adrian Sanders (Torbay) (LD): I think that I am probably a little more "doom and gloom" than my hon. Friend the Member for Teignbridge (Richard Younger-Ross). I thought that NETA was a Bulgarian footballer, but I will keep that quiet or Chelsea will sign him.

The question for the south-west economy is what an earth has happened to tourism. Tourism has been for many years our main industry and it remains vital, but the tourism of my childhood, and probably that of other hon. Members, was different from that of today. The number of tourists visiting the south-west is not dissimilar to the number visiting in tourism's heyday, in the 1960s and 1970s. However, people are now more likely to visit the south-west for a short break or second holiday than to use up their entire two-week annual holiday.

Whereas in days gone by a small guesthouse could support a family for 52 weeks of the year, one would not now find a small guesthouse proprietor depending on their business for their livelihood. Such people now have to go out and work to make a living, because they do not make enough money from tourism. The ownership of businesses that derive benefits from tourism has also been transformed. National pub chains—Yates's and Wetherspoon—and even national hotel chains are now involved. We used to have a lot of self-catering visitors who would come into town and go to the local butcher, green grocer or baker. Nowadays they arrive and stock up for their stay in Sainsbury's or Safeway.

In all those examples the money spent leaves the town, rather than circulating there as it used to. For the same number of tourists, less of the money that tourism brings remains in the local economy. The Government need to recognise that crucial point, which is not peculiar to the south-west. Hon. Members representing constituencies in such towns as Blackpool, Scarborough, Brighton, Bournemouth and Eastbourne will all say the same thing about changes to the tourism industry. Although important, the industry is less important in terms of wealth in such constituencies.

In that context, there have been moves over the past 30 years, in all seaside resort economies and tourism areas, to diversify. The Government have been successful to some degree. Farm tourism, national museums, such as Tate St. Ives or the National Marine Aquarium in Plymouth, and big developments, such as the Eden project in Cornwall, are examples of successful investment in tourism and attractions. The main problem for local authorities has been to diversify their economies so that they are not over-dependent on tourism.

In the 1960s, thanks to regional selective assistance, Standard Telephones and Cables relocated from north Somerset to Paignton, which is in my constituency. For the past 30 years, there have always been between 600 and 1,000 people employed on that site—originally in the capacitor industry and, more recently, in fibre electronics. It has been taken over by ITT Industries and Nortel Networks, and is now part of Bookham Technology. When it was part of Nortel, between 1999 and 2001, the number of employees on the site rose to 5,200. That caused some problems for the tourism industry because the existence of those all-year-round, reasonably paid manufacturing jobs meant that, for the first time, there was a labour market shortage in tourism in winter, which was unheard of in the south-west.

As we know, the market for optoelectronic products caught a cold and Nortel racked up massive debts and made many thousands of people around the world redundant, including up to 4,000 in my constituency. That was a devastating blow. Constituents often ask me, "Why is it that you hear about Corus, the steelmakers in Wales, having 1,000 redundancies—it is top of the national news—but we can lose nearly 4,000 manufacturing jobs and it hardly registers anywhere?" There is a problem with getting people at the centre of government and the media to focus on the real problems, particularly job losses, in the far south-west and in the Torbay and south Devon area.

When there are jobs losses of that scale, what else can people do? We have some light manufacturing, food processing, transport and communications, but they are on a small scale. The size of the problem is demonstrated when one considers the labour market review for the south-west region, which shows that in all the economic areas designated by the Government in terms of travel to work, the Torbay area has the highest numbers of economically inactive people of working age, and of people in part-time work. That has become the pattern: people are holding down more than one part-time job or, if they are in full-time employment, there are fewer full-time jobs than in other areas.

The implication of that is that people's incomes tend to be lower. In studies of income per household, Torbay is at the bottom of the list for England. We think of Cornwall as being the low-wage economy, but the objective 1 projects and investment there have lifted their incomes. It is now south Devon, particularly Torbay, that has the lowest wage economy in the country, yet those wages are not low enough to keep another 600 manufacturing jobs from being transferred to China. We have a weak economic base, and we need to discuss how we can build on that.

According to the business community, throughout the south-west there is an exodus of jobs to foreign parts—mainly to China, but to India as well. Some of those jobs are technical, high-tech, skilled jobs. Our skills base is obviously not to blame. The relevant factor must be the amount of money, and other costs. Perhaps the biggest factor of all is something to which the business community has been drawing attention for more than 30 years—the poor transport system. That affects existing businesses and curbs inward investment.

My hon. Friend the Member for Teignbridge mentioned the infamous Kingskerswell bypass. There have been plans since the 1950s to bypass the village of Kingskerswell. The latest development is that the county council is working up a plan. This highlights something that is a problem for Torbay, although I do not mean any criticism of Devon county council.

The road is nearly all within Devon county council's area of responsibility. Less than a tenth of the road length is within the Torbay unitary authority area. However, the beneficiary of the road is Torbay, not Devon. For Devon to put the scheme at the top of its list is politically quite remarkable. Often in the past the problem has been the Devon attitude that "that is a Torbay problem", when solving it would really benefit both Devon and Torbay. It will be Torbay that receives a benefit in inward investment, but, as to the environment, the people of Kingskerswell will be the beneficiaries.

Richard Younger-Ross: I agree, in the context of the manufacturing base, that industry in Torquay will benefit, but I want to correct my hon. Friend. There is a benefit to Kingskerswell from the bypass, but also many businesses in Torquay and Torbay employ people from my constituency. When Nortel closed, there were people in Teignmouth and as far along as the edge of Exeter who lost their jobs. The impact is not narrow, but is felt across the whole of south Devon.

Mr. Sanders: My hon. Friend is obviously correct. Another interesting point can be made about the Nortel redundancies, concerning the impact on the unemployment rate. Ministers have told me, "We know that you have lost all those jobs, but look at the unemployment rate; unemployment in your constituency has hardly increased at all." What has actually happened is that people have found jobs outside the area, putting futher pressure on the road.

Traffic flows are out in the morning and back into Torbay in the evening. People have taken jobs further away, in Exeter—which is booming, thankfully—if they can get there. The only way, effectively, to get there is by car, because the rail links are not adequate. Some people go further afield. That is not very good as a matter of environmental sustainability.

Another aspect of the matter is that people who previously had full-time jobs are now finding part-time jobs, or short-time, seasonal contract work more in keeping with the traditional seaside economy that we desperately want to move away from. Of course, that work is lower paid. Some people who left a window frame manufacturer in the area to work at Nortel, when it recruited, were offered their jobs back when Nortel made them redundant, at a lower wage and with less in the way of benefits. Some people exploited the situation and the people who work in the area—my constituents and those of other hon. Members.

Transport links are crucial. We have been waiting so long for the bypass that people wonder whether it will ever be built. Two things are happening: jobs are being exported from my constituency, because of the bypass issue, and there is a barrier to inward investment and to tourists. The sooner the matter can be settled—the sooner that the Government grasp the nettle, tell us, "Yes, this is a special case and you really need to get this done", and help to push it through, getting the bureaucracy out of the way so that work can begin—the better.

Another issue on which I hope the Government can respond positively is the objective 2 programme. They have talked about local areas having more flexibility to influence the programme, and the recently set up Torbay development agency is keen for there to be more local flexibility so that the money that is available can be used to deal with what has become a fairly dire economic situation in south Devon.

There is another aspect to the issue, however, because the local development agency and the other bodies that are trying to access Government and European grants need technical assistance. That is true across the board. Compared with other parts of the south-west, we receive nothing like a fair share of national lottery funds. Often, that is down to knowledge—the technical ability to know that a fund is available and how to put together an appropriate bid. That is true of the local council and probably of the technical development agency. I say that not to criticise them but simply to suggest that the Government could help to even up the competition by giving us extra help to help ourselves.

My conclusion is that people view south Devon as a bit of a cream tea economy, but that is not true. For a while, it was the leading optoelectronics centre in Europe, and the products that were being made in my constituency helped to roll out the internet and broadband around the world. Indeed, 70 per cent. of all internet traffic in North America is carried along products that were made in my constituency. Clearly, we have technical ability and skills of the very highest, most contemporary level, but it is low wages that have the greatest impact on my constituents. Unless we have many firms such as Nortel competing in the labour market, wages will remain among the lowest in the country, and we are not prepared to put up with that.

People should invest in south Devon. It has one of the most beautiful environments in the world, and Torbay has the world's most beautiful harbour. We have the moorland of Dartmoor. We also have the South Hams, and the hon. Member for Totnes (Mr. Steen) is forever telling us that his constituency has been described as the most beautiful in England. I am sure that he is right. I am also sure that my constituency is the second most beautiful and that my hon. Friend the Member for Teignbridge has the third most beautiful. South Devon has the most beautiful, diverse environment. We have a fantastic skills base, and that is reflected in past investment. We also have quality of life, but creams teas and nice views do not make up for high rents, high house prices, high council taxes, poor public services, almost non-existent transport links and the fact that, because of our lower incomes, we must count our pennies before buying the goods and services that everybody else enjoys. The single biggest issue before us is how to lift our incomes. To do that, we must have inward investment, but we cannot get it without better transport links. So, I say to the Government: come on and help us out.

10.19 am

Nick Harvey (North Devon) (LD): I commend my hon. Friend the Member for Teignbridge (Richard Younger-Ross) on taking the opportunity to air such an important issue. I reinforce many of the points that he and my hon. Friend the Member for Torbay (Mr. Sanders) have made.

It is clear that the manufacturing sector has had a much more difficult few years than the economy as a whole. In fact the strong overall performance of the

[Nick Harvey]

United Kingdom economy has masked the difficulties experienced by the manufacturing sector. That is even more true in the remoter parts of the south-west. Our manufacturing sector tends to include a relatively large number of small operators, all of whom are struggling with the difficulty of being a long way from their natural market; and they have to contend with many of the communication difficulties that have already been referred to.

As a good number of manufacturers in Devon and Cornwall supply niche markets, often in Europe, they have had to struggle with the uncompetitive exchange rate in recent years. However, from last week's election results one would not think that that was necessarily widely understood in the south-west.

The point has to be made that manufacturing is of particular importance in Devon. The perception of our economy is that it is based on tourism and agriculture—the cream tea economy, as my hon. Friend the Member for Torbay called it. There is a lot of truth in that, but the existence of a manufacturing sector—a vibrant, successful and healthy sector at that—is an essential ingredient in Devon's economy. When it begins to suffer, as it has in recent years, it will not be long before it has a profound effect on the economy as a whole.

We have had an historic dependency on agriculture and tourism, both of which are now in a period of rapid change. The changes that are coming about in the way in which agriculture is supported will, broadly speaking, be an improvement on existing arrangements; nevertheless, one can see that in a relatively short number of years the volume of economic activity is likely significantly to decline.

The changes in the tourism industry were well described by my hon. Friend the Member for Torbay. He was right in what he said. It is certainly true that a good number of people continue to come to Devon, but the time for which they stay and the amount of money that they spend is not what it was in previous decades.

If we are not to become a huge dormitory—somewhere for people to retire, which is pushing up our house prices—it is essential that we have a hotbed of viable economic activity capable of sustaining our local economy, and of sustaining proper communities with a good spread of ages and generations.

Devon wages rates are extraordinarily low, but visitors to the county do not understand it. With Cornwall making great strides, it will not be long before wages in Devon are the lowest in the country. The Government increasingly take the view that more local government expenditure should be raised locally. In principle, I do not have a problem with that, but the fact that we are such a poor area means that our local tax base is thin, and that will create more problems. It is essential that we do whatever we can to underpin the manufacturing that we have, and to try to bring more into the area.

Both my hon. Friends referred to the problems in their constituencies in south Devon. My constituency is in north Devon, and it has many of the same problems—but they are slightly worse, because we are that bit further off the beaten track. In the past two or three years, there has been a string of closures and redundancies in the manufacturing sector in north Devon. Thomson IBL, an American-owned engineering company, closed down and left. Selkirk, another company in a niche market, also closed down. It produces industrial chimney flues, many of which are sold to Germany and Spain. Thankfully, another company stepped in and rescued some of the operation. Clarks Shoes is an example of jobs going to south-east Asia, with whose wage levels we cannot compete.

North Devon has had a very successful pharmaceutical industry. Alpharma, previously Cox Pharmaceuticals, is the largest generic pharmaceutical manufacturer in the country. Wrafton Laboratories is one of the largest pharmaceutical manufacturers. In the past couple of weeks, it has had a large number of lay-offs. That is before one even mentions the difficulties faced by the Appledore shipyard, which is based in Torridge in a west Devon constituency but provides employment for people throughout the north of the county and into north Cornwall.

Leaderflush Shapland has particular difficulties. When I was elected 10 or 12 years ago, it was the largest employer in north Devon. It employed about 800 people and produced high-quality, heavy-duty doors for use in public buildings, hospitals, schools and other such buildings. Now, only about 240 jobs are left. Its parent company, which is based in Nottingham, is committed to keeping those jobs in north Devon but has a serious financial decision to take. It has a valuable site in the middle of Barnstable and wants to move to a new small site on the outskirts. What happens to the site that it owns is crucial to the future of Barnstaple and north Devon. The major planning application, which would facilitate the whole project, keep 240 jobs in Barnstaple and provide most of the 500 badly needed new homes, has been sitting on the desk of the Deputy Prime Minister for six months awaiting a decision, despite the fact that such applications are supposed to be decided in three months.

It is a very regrettable feature of our British political system that such decisions must go to Whitehall at all. It would be far better for these things to be decided more locally. I implore the Minister to ask the Office of the Deputy Prime Minister to decide this major planning issue quickly, whatever the decision may be. If it does not, we will certainly lose those jobs, and that crucial site will probably be disposed of to the highest bidder, with no guarantee as to what a new buyer might want to do with it.

Any manufacturing operations in north Devon tend to be the furthest outpost of larger manufacturing concerns. They are the furthest away from base camp and the most vulnerable when a parent company faces financial pressures and has to consider where to make cuts and closures. We do our best to try to bring in new companies. We can offer a good quality of life. In recent decades, however, we have not had anything like the sort of grants of the 1960s to which my hon. Friend the Member for Torbay referred with which to lever them in. Almost all the manufacturing companies in north Devon came to the area in the late 1960s with the benefit of regional development grants. There have been barely any significant imports of companies and jobs since.

We must continue the quest to bring in new companies. We know that we will not bring in vast manufacturers, but we can reasonably hope to bring in

small niche-market players, particularly in the high-tech sector. We can try to add value to the food products that we already produce locally. In passing, I might say that if the Government are serious about moving civil service jobs out of London, I hope that they will not simply plant them in large regional towns, but will realise the good that could be achieved if they were to scratch a little further and consider places such as north Devon.

Mr. Sanders: Give us the Treasury.

Nick Harvey: That is an interesting idea.

Mr. Sanders: In Princetown.

Nick Harvey: Yes, indeed.

I want to consider a few aspects of Government policy. In all honesty, I do not expect the Government to come up with lavish grant aid so that we can try to lever companies in. I do not know whether they will continue to sustain the relatively modest grant aid that they make available at the moment. However, they could certainly do a lot—on transport links, for example.

The A30 and A303 link has been debated and deliberated on for decades, and it is ludicrous that we have not reached a resolution. By the time that north Devon's link road, opened in the late 1980s, was built, it had scandalously been watered down to a single-track road instead of a dual carriageway. It has not fulfilled its potential.

Rail links are pretty dodgy. Even when improvements to First Great Western rail links are planned, they always seem to feature the route from London to Bristol and on into Wales, and do not address in any serious way the connections to Devon and Cornwall.

My hon. Friend the Member for Teignbridge referred to air links. Again, there has been a great deal of muddle and confusion. Plymouth airport cannot expand in any meaningful way. The only rational and sensible option for the south-west is to expand Exeter airport.

In my view, we have also failed to make full use of the potential that sea links could bring. There is potential around the south-west coast for small, wharf-style developments to bring in and take out a great deal more raw material and products than we do at present.

I regret having to stand in the national Parliament and raise relatively parochial issues. Such matters ought to be able to be resolved far more locally. However, until we have a meaningful devolution of power and resources in this country, we have no choice other than to come to this House to raise such issues.

Last weekend, I was talking to a small business man in my constituency who has been operating for more than a decade. In anguish, he described to me the pain and agony that he has experienced in the past couple of years while trying to pursue modest sums of grant aid. His conclusion is that he wishes that he had never got involved in the first place. The time that he has wasted, the hoops that he has had to jump through, the sheer bureaucracy and red tape of it all has depressed him and has wasted time that he could have spent on his business.

That man came to ask me to try to convince the Government that rather than get rid of the red tape, which I do not think he imagined to be possible, they should simply abolish the whole damn thing. He honestly thought that business would be better served if, rather than putting Government money into grants that have to be governed by all these excessive checks for reasons of probity, that money was spent on services such as Business Link and business support services. He found such services, by contrast, to be of the highest value. Business Link's timely advice and its signposting of people who could help him was worth much more than the grants would have been had he succeeded. Such schemes might be a better use of Government funds.

When the Government introduced the Regional Development Agencies Bill, I was the party spokesman responsible. I led my colleagues through the Lobby, in favour of regional development agencies, but I did so having expressed my fears that the RDAs might not be able to fulfil their potential. It seemed that they were being introduced in a half-hearted manner and with pitifully inadequate resources. Five or six years on, I am afraid that that seems to be the case. The RDAs are charged, as one of their key objectives, with trying to end regional disparities. However, the RDA for the south-west, a poor and remote area, has, I am told, one sixth of the budget of the RDA for the north-east, which also has to deal with some serious problems. RDAs do not have enough clout or resources, and, even in terms of the amounts that they are given, there are disparities between one area and another.

My overall message to the Government is that we are not here with a begging bowl expecting lavish handouts. However, the Government need to take serious note of the far south-west's difficulties and better target their resources and efforts. They need to listen to the business community of Devon and Cornwall about how best to help. I fear that if we do not act relatively fast, the opportunities offered by objective 1 in Cornwall and objective 2 in Devon may be lost. Looking at the shape of developments in the European Union, I do not think that we shall get those opportunities again. It is therefore essential that we get things right now and take advantage of that resource while we can.

10.36 am

Mr. John Randall (Uxbridge) (Con): I congratulate the hon. Member for Teignbridge (Richard Younger-Ross) on obtaining this debate. I start by offering hon. Members, the Minister and you, Mr. Deputy Speaker, the apologies of my hon. Friend the Member for North-West Norfolk (Mr. Bellingham), who has been unavoidably detained.

I feel rather like the Minister who, in the apocryphal story, turned over the second sheet of the speech that he or she was about to deliver and found that the civil servant, who had been less than pleased with the Minister, had written, "You're on your own now, mate." My sudden promotion to the Opposition Front Bench in a speaking role has allowed me at least not to come with a pre-prepared script. Instead, I can listen to what hon. Members have to say, which I have found extremely interesting. However, I must disappoint those in the Chamber, because, although I have been given incredible power to change my party's policy by speaking out, I shall avoid that and keep to the debate.

Before I came to the House or was even actively involved in politics, I was the director of a retail outlet employing about 35 people. I became involved when I

[Mr. John Randall]

went to my then Member of Parliament, who would later be my predecessor, to complain that the Government were not doing enough for high streets and the retail industry. He suggested that it would be better to get on the inside than carp from the outside. I realised that many of the problems in manufacturing or in retail are not, of course, the fault of the Government. I therefore sympathise with the Minister because, although she must reply to this debate, there are no easy solutions, as the hon. Member for North Devon (Nick Harvey) pointed out.

The hon. Member for Teignbridge said that my hon. Friend the Member for Totnes (Mr. Steen) had described job losses in the region as being rather like the sinking of the Titanic. I am afraid that the problems with manufacturing in Devon that we have heard about are the tip of an iceberg. What holds in Devon could be true in many other areas, although there may be different factors and different conditions. That is why I was particularly interested to hear about Devon. I have not been to that part of the world for some time—not since my twitching days—and hearing all the names rekindled my desire to visit it again Like the hon. Member for Teignbridge, I think that cream teas are out these days.

Of course there are problems. The hon. Members for Teignbridge and for Torbay (Mr. Sanders) mentioned small businesses. I still have a strong connection with my family retail business so I understand acutely the problems that they face. Everybody talks about over-regulation and red tape. It is true that Governments, regardless of complexion, are not that adept at removing them. Sometimes it seems that our job is to sit here and make regulations. It would be nice to say for a change, "There is nothing to do for a week or two; no more regulations. Go home and do some useful stuff in your constituency," but the endless roll of statutory instruments continues.

I sympathise a great deal with hon. Members from Devon when they talk about the perception of their region. Obviously, tourism goes hand in hand with the thought of Devon; it is a pleasant place to visit. However, even tourism echoes some of the problems experienced by manufacturing—because of its costs, it is not necessarily competitive with what might be found elsewhere. As a father with a young family, I know that it is often cheaper to go abroad, or so it seems. However, there are many advantages of taking a holiday in the UK and I would certainly advocate it. Similarly, I have seen manufacturers whom I have known for many years obliged to move out of the country because of costs.

That is particularly worrying for hon. Members in Devon, where there is already a low-pay economy—the workers in the agricultural sector, the retail sector and tourism are not well paid. I can understand that manufacture is very important. However, the very fact that the higher paid jobs are in that sector, so that elsewhere in the global economy its costs might be seen to be high, has contributed to the exodus abroad. Just as sad is the closure of businesses that have been there for a long time.

I can give a small advertisement for some of the products that are produced in Devon. Over the years, I have sold many of them, not least ceramics and carpets, and I still do. Anybody looking at carpets would be well advised to look at the fine products that are produced all over the UK, particularly in the west country.

I was interested to hear the argument about airports and air transport. As a member of the Select Committee on Transport, I feel that it is best not to get involved in such matters without knowing a great deal about them. It is rather irritating when people lecture me about Heathrow, which is virtually in my back garden. Therefore, I can understand the points of view that have been expressed. It seems that Exeter is strongly favoured. I shall take a greater interest in it, and try not to be so parochial—if one can say that of a concern about Heathrow and the London airports.

Many of the situations that we have heard about, even down to lottery grants, are echoed in west London, or Middlesex as I prefer to say on a day like today, having left it this morning in the sunshine. In each area, people sometimes seem unable come up with the schemes that they want. Perhaps there is a role, somewhere, for someone to help with suggestions, as the big grants seem to be the ones that are pushed forward. My constituency suffers because we come under London. When all the grants seemed to go to London, people said, "You're really well off," but it is not really like that.

Those changes in manufacturing are echoed in tourism and agriculture. One problem facing the country is that we have to adapt, but that is not easy. My company was founded 110 years ago. In the early days, we were at the forefront of technology, being the first store in Uxbridge to install electricity, but things have changed a bit since then, and we are rather regarded as the Grace Bros. of the area now.

This important debate has increased my knowledge of the area and of the problems it faces. However, that is enough from me—I shall now sit down, as the Minister deserves as much time as possible.

10.46 am

The Minister for Industry and the Regions (Jacqui Smith): I start by congratulating the hon. Member for Teignbridge (Richard Younger-Ross) on securing this important debate, which has been constructive and well informed. I also take this opportunity to welcome the hon. Member for Uxbridge (Mr. Randall) to his well deserved place on the Opposition Front Bench.

I have listened carefully to hon. Members, particularly to their concerns about and aspirations for the future of manufacturing in Devon, both of which I share. I want to use the time available to respond to some of those points, and to spell out what the Government are doing to deal with some of those issues, both through their manufacturing strategy and with practical action on the ground locally.

I agree with hon. Members about the importance of manufacturing and about its significance, not only for Devon, but for the UK economy as a whole. It is an important bedrock of our economy, as it provides a sixth of our GDP, is vital for our trading position—being responsible for two thirds of our exports—and provides around 3.5 million jobs, and millions more through the supply chain. As hon. Members have said, those are often high-quality, highly paid jobs, which are

of particular importance in an area of low pay. The industry is also responsible for 75 per cent. of all business research and development, and is a key generator of productivity and innovation in the wider economy through the introduction of new products and processes. The Government are clear that if we are to continue as a leading economy, we must have a world-class manufacturing sector.

As hon. Members have observed, manufacturing has been through some tough times, many of which are due to global pressures, which are faced even by the relatively small, niche manufacturers that have been mentioned. We have been through a period of weak global demand, during which output was flat, too many manufacturing firms closed and too many workers lost their jobs. On top of that we have increasing competition from lower-wage economies in the far east and eastern Europe.

Of course, those difficulties are not unique to the UK, and certainly not to Devon: our main competitors in the US, Germany and France face similar challenges. However, there is some reason for optimism, as business surveys in the UK show positive signs of improved confidence. The most recent CBI business survey shows manufacturing in a more positive light, with output expected to rise over the next three months. Just last week, the Office for National Statistics published figures showing a 0.9 per cent. increase in April on manufacturing output in March. That is the highest output since October 2003, and since May 2002 before that.

However, there are considerable challenges. Hon. Members have taken an admirably positive approach to the future of manufacturing, but they have also outlined issues relevant to job losses in their constituencies.

The hon. Member for Torbay (Mr. Sanders) in particular raised the issue of the Bookham job losses. I very much regret those and recognise what a blow they were, when it seemed, as the hon. Gentleman explained, that Paignton might experience a period of stability after Bookham bought the optoelectronics business from Nortel at the end of 2002. The downturn in the telecoms market is continuing to cause difficulties for telecoms equipment manufacturers across the world. Bookham is clearly not immune to those problems.

We understand that Bookham is keen to retain key research and development and specialised pilot production capability at Paignton. Although that will employ fewer people, the jobs will be at the high skills, high technology end, about which I want to talk more in a moment. Also, while the job losses are regrettable, their phasing over the next 12 to 15 months provides time for Jobcentre Plus to help with finding alternative employment.

In all significant cases of job losses, all the local agencies have worked, and will work, together to give the affected employees all the help that they need to find alternative jobs. Large-scale redundancy status, which Bookham has, provides immediate access to all Jobcentre Plus, job search and training programmes, supported by additional rapid response funding, where that is needed.

It is also worth pointing out that, notwithstanding hon. Members' concerns about job losses and pay levels in Devon, since 1997 there are 6.8 per cent. more people in work in Devon. That is above the England average. Also, as hon. Members have recognised, there are—although this does not compensate for the scale of the job losses—many manufacturing success stories. It is sometimes important for us, while recognising the challenges faced by our manufacturing industry, to acknowledge the high quality of much UK manufacturing.

Examples of such success stories include SIFAM Fibre Optics in Torquay—a management buy-out that employs 90 people and expects to take on up to 20 more because of its success. The company has won an international contract to supply components for an underwater link between France and Egypt, and another one to India. It has been supported by a DTI investment of £250,000 in its part of a consortium project examining the use of fibre optics in an aircraft.

Mr. Sanders: Will the Minister give way?

Jacqui Smith: I will, but the hon. Gentleman must not then complain if I do not cover all the points that he raised.

Mr. Sanders: The Minister is correct to highlight the case of SIFAM. However, SIFAM had a mass redundancy exercise at the same time as Nortel. There are big problems affecting former employees and their pension rights. The business is good and growing, and we hope that it will employ more people. However, the issue remains the same: overall, incomes are going down even if people are working more hours.

Jacqui Smith: That is why we need to focus on what we must to do provide the right environment for high value, high skill manufacturing, so that we can introduce new products and processes, create new markets and boost prosperity. That is why, two years ago, the Government's manufacturing strategy was produced, based on a new partnership with trade unions, businesses, other stakeholders, trade associations and regional development agencies. The focus is on the key challenges and practical steps for dealing with them.

It was clear to all involved in the strategy development that the way to ensure success was not to cut wages and compete on cost, but to compete on quality by investing in skills, innovation and the latest practices to achieve higher value products and faster and improved production processes. We have been making progress in all the priority areas set out in the strategy, and we will publish a report next month on what has been achieved and what more needs to be done.

One of the practical steps mentioned by the hon. Member for Teignbridge was the setting up of the Manufacturing Advisory Service. I can tell the hon. Member for Uxbridge that MAS provides practical hands-on help and advice to manufacturing and engineering companies throughout the country. In the south-west, the local office has received almost 1,500 inquiries, and has added value of more than £8 million a year to the region's economy. In Devon, it has contacted more than 200 manufacturing businesses, and 60 of them have benefited from MAS advice. Another 25 have

[Jacqui Smith]

taken part in best practice implementation projects, with an annual cost saving of £104,000 per company. Those are very practical results.

The hon. Member for Teignbridge mentioned Turton Quality Foods. I could mention Algram, a plastics engineering firm based in Plymouth that has benefited from a dramatic reduction in machine set-up times, including a 66 per cent. reduction in change-over times on injection moulding machines. That practical, hands-on support for manufacturers is widely welcomed. The hon. Gentleman also raised the question of support for smaller companies in exporting. I recommend him to advise those companies to make full use of the range of UK trade and investment services, which can be accessed through international trade advisers at their business link.

I was pleased to hear from the hon. Member for North Devon (Nick Harvey) about the business person who likes the local Business Link. That certainly resonates with national surveys, which show an increase in national satisfaction. The difficulty of accessing business support has been recognised by the Government. We have rationalised it nationally, and about 150 different business support products have been cut to a core of nine in order to overcome some of the difficulties outlined by the hon. Gentleman.

We have strengthened the role of regional development agencies. The hon. Member for North Devon was a little sceptical, but we have increased funding for the South West of England Regional Development Agency from £43 million in 1999–2000 to £108 million in this financial year; and we have given the RDAs more flexibility on how they spend it. That is why the South West RDA is able to help tackle the causes of manufacturing vulnerability in that area.

Several hon. Members raised the question of access to markets and communication. It is an important regional factor. The RDA is supporting investment at Exeter and Plymouth airports as part of the regional air transport strategy, in order to maintain and improve air services to the far south-west.

I also recognise the long-standing local support for a bypass at Kingskerswell, to improve access to Torbay. I think that hon. Members accept that a proposal for a bypass is a matter for the local authorities—in this case, for Devon county council and Torbay council. My colleagues in the Department for Transport look forward to receiving detailed proposals, as part of the local transport plan, for major scheme funding. Under the auspices of the local transport plan, considerable investment is being made in such schemes.

The RDA is also supporting investment in increased incubation and innovation activity to enhance and grow the advanced manufacturing base, which is important for developing an innovative, high-skills approach to manufacturing. Examples include the commitment to invest about £5 million in an expanded and improved innovation centre at Exeter university, innovation support services to businesses across the sub-region, and enhancing incubation space at Caddsdown industrial estate in Bideford. The RDA is also considering a proposal from the Torbay development agency for a £4.3 million incubation and managed workspace development, some of which would be co-located with a new campus for South Devon college and adjacent to the Bookham Technology site and other employment land under development.

We have had a good debate. I hope that I have been able to outline some of the practical support being provided by the Government.

Mr. Deputy Speaker: Order. We must now turn our attention to the food industry in west Wiltshire.

Food Industry (West Wiltshire)

11 am

Dr. Andrew Murrison (Westbury) (Con): It is probably timely that this debate should follow one about the manufacturing industry in Devon. In commenting on the food industry in west Wiltshire, I shall also deal with the manufacturing base in the south-west.

The number of jobs in the food and beverage manufacturing sector has shrunk significantly since 1997. Between 1997 and 2002, 35,000 jobs were lost in the UK and more than 7,000 were lost in the south-west. Those losses are not necessarily reflected in Government employment figures, which show a robust employment market that is largely driven by jobs in the public sector. However, we should be worried about our shrinking manufacturing base, and that is particularly true of the south-west, with its heavy reliance on food production and processing.

I want to discuss three recent examples of food industry closures and job losses in my area. They are in slightly different sub-sectors, but they exemplify the general problems faced by many people in the sector in my area. The first example is the Nestlé plant at Staverton, which, we have been told, is relocating to France. The second is Westbury Dairies, which is an industry leader, with the most up-to-date processing plant in Europe. The firm faced the threat of closure last year when its owners went into receivership, but it was successfully redeveloped by a consortium of co-operatives and is now helping to stabilise the dairy producing industry nationwide. I believe that it is a success story.

The third example is the Pork Farm Bowyers factory in Trowbridge, which produces high-quality Melton Mowbray pies for retailers and high-street supermarket names. In this case, the problem is the European Union's protected food names scheme, which was designed to protect Europe's rich heritage of specialty foods, but which is in danger of being manipulated to divide commercial markets and force arbitrary rules on producers. There are severe problems with the scheme, and I hope that Ministers will use the Pork Farm Bowyers example and others in their negotiations with Europe to secure an amendment to it. Otherwise, it is likely to damage the UK's competitiveness, fragment the internal market, offer customers poor value and—this may well happen in my area—damage jobs.

The closure of Nestlé's Staverton plant, which is to wind up production later this year, is a blow not only to the 150 workers who will have to move elsewhere but to the whole dairy industry. As the Transport and General Workers Union noted, the plant was viable and increasingly profitable. It produced value-added products, which are essential if the troubled dairy sector is to diversify and flourish.

The closure will exacerbate the UK's balance of trade deficit in the dairy sector, although it is extraordinary that this country should have a deficit in that sector. We export primary products of processed milk, but we import value-added products, such as cheese, yoghurts and chilled desserts. The market for value-added products is expanding, and they are becoming increasingly important to consumers as people globally become wealthier.

The relocation of the Nestlé plant to France will mean that its demand for up to 1 million litres of fresh cream, which was met by the UK dairy industry, will now be met by French farmers. The impact on local dairy farmers will be significant, but it will, thankfully, be offset by the restructuring of local dairy processing, which will reduce some of the worst effects of this and similar closures. That will allow farmers to negotiate a better price for their output.

Co-operatives are benefiting the dairy industry throughout the UK, which the Select Committee on Environment, Food and Rural Affairs recently recognised in its report on milk pricing in the UK. A good illustration of that is the successful acquisition of Westbury Dairies by a consortium of co-operatives, after United Milk, its original owner, went into receivership last year. That is an example of co-operatives working together to secure the future of a large concern, while assisting the community of producers as a whole. The factory at Westbury is one of the most up-to-date milk processing plants in Europe, with the ability to handle huge volumes of milk efficiently and profitably. In the hands of the three co-operatives, the plant has performed on budget for its first six months of trading and is achieving the original goal of stabilising the market and benefiting the hundreds of dairy farmers who are members of those co-operatives.

Ministers need to find ways to facilitate such structural innovation. The dairy industry is currently on a knife edge, and further regulation puts it at severe risk. The impetus for change and modernisation must, of course, come from the industry itself. The sector has recognised that and is generating changes by itself, but the general environment is heavily influenced by the Government, who must encourage diversification and processes that add value. It is noteworthy that the Department of Trade and Industry budget has increased significantly on most things, except innovation, on which spending has remained about what it was in 1998. I make no comment about the DTI's general spend, but it is interesting to note that, within that general spend, the spend on innovation has stagnated. That is a particular pity in the dairy sector.

The recent Environment, Food and Rural Affairs Committee report on milk pricing was a good analysis of the state of the dairy industry and the problems of the past. The report more or less echoed what farmers and industry groups have said for some time, but it was short on solid recommendations for the future. It highlighted the fact that farmers are not told why the price that we pay for our milk is not seen in the farm-gate price. Co-operatives can help to overcome that lack of transparency, but the Government also have a part to play, by ensuring that initiatives such as the code of conduct agreement between supermarkets and producers are properly observed.

It is all very well to have land stewardship, and I am sure that the Minister is keen to encourage it as an alternative means of using the land and ensuring that farmers can support their businesses. However, as the National Farmers Union in my constituency recently put it to me, farmers are not park keepers. Farmers are principally in the business of producing food. We all want British farmers to make a profit from food production. The Government's job is to help them to do

[Dr. Andrew Murrison]

so, by getting a fair deal for British agriculture in the EU and the World Trade Organisation, encouraging beneficial changes in the home market, managing regulation more efficiently and having effective disease control strategies. The record to date, however, is somewhat mixed.

Pork pies are produced in large numbers in Trowbridge, in my constituency. However, the Pork Farm Bowyers factory, which employs 700 people and has for decades been making high-quality meat and pastry products, including the celebrated Trowbridge Melton Mowbray pork pie, is under threat. The threat to the continued production of that excellent product emanates from the EU protected food names scheme, which was designed to safeguard speciality products from competition from cheap alternatives that are not governed by strict quality control measures. We would all say that that was a good thing. Consumers need to know that what they are buying under the guise of a quality mark, such as Melton Mowbray pork pies, is a good product. The irony is that the EU protected food name scheme does not necessarily deliver such protection. One of its headings is a geographical indicator that would allow products to be made pretty much in any way, provided that they were made within a certain radius of, in this case, the borough of Melton Mowbray. That does seem rather strange. Given the choice, most consumers prefer to know that a traditional product has been made in a traditional way rather than that it has been made within a certain radius of the place with which its name is associated.

There are many examples of protected names: Newcastle brown ale, Dorset blue cheese, Whitstable oysters and Shetland lamb. The list goes on and on. The scheme offers different degrees of protection for different products. It bases protection sometimes on the area of origin and sometimes on detailing the production process that needs to be met for the product to be recognised. I understand that the Melton Mowbray Pork Pie Association has decided that it needs the protection that the EU protected food name scheme gives to products described as Melton Mowbray pork pies. Its application has the endorsement of no less a figure than Mr. Jamie Oliver.

The application for Melton Mowbray to be a protected name for a type of pie indicates a new phase in the scheme. We are talking no longer about primary products but about recipe-based products. The new applications are not for basic foodstuffs that are sourced and processed in a defined region but for products that are heavily processed and heavily value-added. This is a new phase in the evolution of the use of the scheme. There would clearly be a case for protection if the quality and processes used in these products were specified with an eye to protecting artisans, in the borough of Melton Mowbray, for example. I am perfectly happy to accept that that was the intention of Ministers when they considered this application. In the Melton Mowbray case, however, it seems that the Department of Environment, Food and Rural Affairs may have been misled or may have mishandled the application by encouraging one part of the industry to advance its own proposals. The result is an application that may exclude other manufacturers unfairly.

It is worth pointing out that the chief beneficiary in this case will be one of the major competitors of Bowyers, the parent organisation of which is Northern Foods. That competitor produces the vast majority of pork pies in the area designated by the Melton Mowbray Pork Pie Association. The pies are produced on an industrial scale and not as an artisan-based baking industry. The result would be anti-competitive and the 700 jobs in my constituency would be threatened. People who buy Melton Mowbray pork pies tend to be the large high-street retailers, who will look for the Melton Mowbray descriptor because that is what the consumer wants. Clearly, if the application is accepted, consumers will look to the competitor of the firm based in my constituency to provide this product. It will not be the small producer, which the Melton Mowbray Pork Pie Association would like Ministers to believe is at the forefront of its thoughts, that will benefit, but the large industrial-scale manufacturer, which is a direct competitor of Bowyers in my constituency.

I support the idea of protecting producers of specialised foodstuffs against producers of inferior and cheaper products who use a name the reputation of which has been built up through centuries of refining techniques and using the best quality ingredients. However, the problem with the EU food name scheme is where it will all end. We already have applications from the makers of Cornish pasties and other food types that have a greater or lesser connection to a particular area. It will be a pity if small manufacturers such as bakers, restaurants and butchers cannot make their products in a traditional way merely because they do not happen to be within a stone's throw of, say, Melton Mowbray or the county of Cornwall. Most consumers will want to know that the product that they are buying is what they generally understand to be a Cornish pasty or a Melton Mowbray pork pie. That does not have a great deal to do with precisely where it was produced, but more with how it was produced and the ingredients used.

Lord Haskins, of course, takes a particular view. He has advised the Government on rural issues and has also been closely associated with Northern Foods, the parent company of Pork Farm Bowyers. However, I suppose that he can be relied on to be a critical friend of the Government. I have no doubt that the Minister will have read *The Observer* on 23 May, where Lord Haskins described the decision-making process of his friends in Government as a "complete cock-up". I hope that Ministers will bear that in mind, as well as the further thoughts of Lord Haskins, who went on to say that the Government

> "really haven't thought this through. What will be next? Bakewell tarts, Cornish pasties or Cumberland sausages ... These products have been made for generations outside their geographical area. There is no reason to change that now."

That puts it in a nutshell. The EU protected food name scheme may be well intentioned, but it is doubtful whether it is of great benefit to our domestic food production industry. It looks as though it may fragment the market, introduce anti-competitive practice, act against the interests of consumers and destroy jobs, not least in my constituency.

11.16 am

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): I congratulate the hon. Member for Westbury (Dr. Murrison) on securing the debate and on the informed way in which he has introduced the subject.

When it comes to employment in rural areas, we have seen a greater increase in employment—a greater fall in unemployment—in rural areas. We have seen a fall in employment in some specific sectors, but improvements in the employment situation in rural areas have been good since 1997 and are running ahead of those in urban areas. Manufacturing now provides a greater proportion of employment in rural areas than in urban areas. As well as referring to sectors in general, the hon. Gentleman referred to some specific issues that the industry ought to deal with, as he rightly acknowledged. I shall come in a moment to the Government's specific responsibilities—for example, our responsibilities for the milk industry and for the pork pie industry, as he specifically raised those issues.

First, I will say something about the regional food industry in general. The Government have acted decisively to support and encourage a flourishing regional food industry. Not only is the strategy for sustainable farming and food driving forward change, but its significance in the south-west is given tangible form in the delivery plan for the south-west produced jointly by the Department for Environment, Food and Rural Affairs' team in the Government office and the regional development agency, with a wide range of partner organisations. I hope that the hon. Gentleman is familiar with that document—if not, I recommend it to him as it gives a tangible agenda for the way forward for the food industry in the south-west.

Our success in moving forward on common agricultural policy reform, to which the hon. Gentleman made a passing reference without the enthusiastic endorsement that one might expect, is also significant in reconnecting the food industry and farming with consumers. The key drivers behind our support for the sector are supporting the rural economy, helping producers add value to their products, increasing their returns from the market and increasing their competitiveness. In other words, we want to nurture a successful and productive industry.

Regional food producers create jobs and prosperity for the local work force, which is predominately rural. Research that we commissioned last year shows that sales turnover for the English quality regional food sector is in the region of £3.7 billion. More than 55,000 people are employed in the sector.

The sourcing of ingredients for regional food is predominantly local, which helps keep money in the local economy. Raising the profile of regional food helps to inform consumers about the origin and authenticity of food. The theme of reconnection informs what we are doing to encourage a flourishing regional and local food sector by creating the right conditions to help producers meet the growing demand from consumers for food and drink products with a clear regional provenance. The measures that we have established for doing that recognise the need to help our producers meet the growing demand and overcome barriers to the market—such as distribution, the lack of processing facilities and, sometimes, issues relating to training.

What we are doing to support the sector falls into two categories: support for the sector as a whole and the more direct help that we can give through our various grant schemes to food and drink producers. One of the main ways in which we are supporting the sector as a whole is through Food from Britain, which is the lead support agency for the promotion of UK regional foods. To enable it to do that, we made available an additional £1 million pounds last year, for this year and the next. With that additional funding, Food from Britain is taking forward a programme of activities focusing on trade development, consumer awareness and business competitiveness.

In addition, regional development agencies are deploying their own resources according to the needs and priorities of their region. Production and supply of locally sourced food can be encouraged through food hubs and shared facilities as well as linking local producers with local retailers and tourist businesses. Help is also available under the England rural development programme grant schemes and the agriculture development scheme. Funding under those schemes has supported activities such as farmers' markets and other direct sales outlets, local branding initiatives and co-operative or collaborative groups to market produce.

Within the west Wiltshire area we have provided funding to help producers market their organic produce locally; supported the expansion of facilities at a maltsters; and provided a number of farmers with training grants aimed at helping them to improve standards. It is worth saying that the branding of regional food in the south-west has been a particular success story, not least because in the south-west regional branding has been made to fit well with the county and more local branding, in a way that many other regions of the country regard, I think, as an exemplar.

Our public sector food procurement initiative, which was launched last year, is designed to encourage public sector bodies to procure their food in a manner that promotes sustainable development and encourages more small and local farmers, producers and suppliers to compete to supply them with food. For a while there was a mythology that Europe somehow made local procurement difficult, but it does not. It requires it to happen on a proper, open and competitive basis, but the advantage of local production and procurement must be clear to all.

We want the buying power of the public sector in England—£1.8 billion on food and catering services—to help to deliver the principal aims of the Government's strategy for sustainable farming and food in England. The south-west is well represented in the area of public sector food procurement. A south-west public procurement group has been set up to co-ordinate the strategy, research and funding needed to increase the procurement of south-west local and regional food and drink into the south-west public sector.

The hon. Gentleman specifically referred to the milk industry. I understand why that was a priority for him in discussing his constituency. The milk industry has gone

[Alun Michael]

through, and continues to go through, a difficult time. I am glad that the hon. Gentleman recognised that the industry must lead change to create a profitable future for itself. He also acknowledged the capacity of co-operative approaches to improve the quality of the return to farmers as the primary producers. However, he suggested that the Select Committee report was weaker on solutions than on identifying problems.

There is a difficulty, because there are problems with the farm-gate price of milk. The reasons are complex and include at different times, and in different combinations, exchange rates, the prices of world community markets and commodity markets, as well as domestic supply and demand. However, those factors do not completely account for the fact that farm gate prices in the UK remain among the lowest in the EU 15.

The report by KPMG on prices and profitability in the Great Britain dairy chain highlighted a number of factors that might explain why UK farm-gate prices compare unfavourably with the EU average, including the low value of the product mix and the low level of product innovation within the UK compared with some member states, as well as the structure of the UK dairy industry and dairy co-operatives. However, the Government have sought to help the industry through such complex issues. Most of the causes of low farm-gate prices identified in the KPMG report are for the industry to address, but the Government can and have taken action in line with their strategy for sustainable farming and food to facilitate that. For example, the Minister for Farming, Food and Sustainable Energy, Lord Whitty, has chaired meetings of the dairy supply chain forum, which has been considering collaborative solutions to improve supply chain efficiency as well as other issues.

The Government have made a grant of nearly £500,000 to enable the food chain centre to examine how to improve dairy supply chain efficiency and we have established English food and farming partnerships to encourage co-operation and collaboration across all agricultural sectors.

Price negotiations between producers and processors, or processors and supermarkets, are commercial matters, in which the Government cannot and should not get involved, so long as competition rules are respected. However, we are acting to support the industry and to help it in facilitating change which, as the hon. Gentleman rightly said, has to be led by the industry.

The hon. Gentleman referred to pork pies and regional food brands. The difficulty is that neither we nor the hon. Gentleman can say that it is a good thing to protect food names without there being in place a proper framework for the consideration of what should be approved and protected. There is such a framework, and there is always special pleading. That is common to both sides of the argument and between countries. For instance, a local delicacy can be seen as worthy of the strongest possible protection in one country, but as merely another commodity in others. There are occasions when the debate seems to be not so much about pork pies as about pork barreling. I am sure that the hon. Gentleman would agree that we need a proper framework within which to consider such matters.

The application to register the Melton Mowbray pork pie as a protected food name has been put forward to the European Commission only after careful consideration of the arguments put forward by both the applicant group and the opposing parties. There will be further opportunities for both sides to be heard. Meanwhile, producers not covered by the application can continue to label their pies as Melton Mowbray pork pies. The hon. Gentleman rightly says that the parent company, Bowyers, as Northern Foods, applied for permission to seek judicial review on our decision to forward the Melton Mowbray pork pie application for protected geographical indication status to the European Commission. Permission has been granted to argue the case and the hearing takes place next month. It would be inappropriate to say more in advance of that. However, there is a process, and I underline the fact that both sides will have further opportunities to argue their perspective on the case.

Taking the food industry more generally, the food chain beyond the farm gate faces challenges requiring separate consideration. Our commitment is to work with all sectors of the food industry to develop a comprehensive food industry sustainable strategy to provide strategic direction and to set priorities. The idea of a sustainable sector is important—the sector needs to supply what the public wants, and to supply intelligently into the regional retail trade, tourist establishments and the catering industry. A broad-based working group chaired by Lord Whitty and comprising the food industry, consumers, trade unions and bodies such as the National Consumer Council and the Sustainable Development Commission is developing a strategy to address sustainability issues affecting the whole food and drink industry, post farm gate—food manufacturers, wholesalers, distributors and retailers, and caterers.

The food and health action plan, led by the Department of Health, is linked to the wider consultation on public health through the document "Choosing Health?" announced by my right hon. Friend the Secretary of State for Health on 3 March. The aim is a healthier diet for everybody. It will include clear policy objectives on nutrition, setting out arrangements for co-ordination on nutrition work across Government and in other sectors, national, regional and local.

The reform of the CAP will provide the right conditions for a flourishing regional food industry that is competitive and sustainable and for a level playing field across Europe. That can only be good for the farming industry in this country.

11.30 am

Sitting suspended until Two o'clock.

Child Support Agency

2 pm

Mr. David Kidney (Stafford) (Lab): When I was elected to Parliament in 1997, I knew that the Child Support Agency was unpopular and inefficient. I used to be a solicitor in private practice, providing legal services to families, and I had heard about lots of problems with the CSA. Indeed, I successfully challenged it twice in my local magistrates court over orders to make deductions from earnings. None the less, I was totally unprepared for the avalanche of complaints that I received after 1997 as a Member of Parliament. I had heard that MPs' postbags were full of complaints about housing, planning and social security payments, but mine was full of complaints about the CSA.

I was therefore delighted when the Government said that they would review the law and the work of the CSA. Indeed, because of all the complaints in my postbag, I played an active role in the review, and I tried to persuade Baroness Hollis that the whole system should be changed. I accepted the value of having an agency that made assessments and guaranteed collection, but I felt that justice would be better served by introducing an independent element so that people who did not like an assessment could appeal to a magistrates court, present their personal circumstances and receive an independent adjudication on the right amount that they should pay. If members of the public had believed that they had been given a fair hearing, we would have had far fewer problems persuading them to cough up after an assessment.

However, I was not successful in my representations. The new system was an improvement, and the philosophy was fine. The system for making calculations and assessments was much simpler and freed up lots of officer time so that the CSA could concentrate on enforcement issues. There were also some new powers for the CSA. I was happy to stand by to see whether all of that would work, and I have to say that there were fewer complaints in my postbag for a couple of years after the new arrangements came into effect.

However, the day came when a constituent called Leah Wheatley contacted me. She said, "Are you aware that there are enormous problems with the Child Support Agency, which affect lots of your constituents?" I said, "None of my constituents has contacted me about that, so, no, I'm not aware of it." She said, "Well, would you like to meet some?" So, at the end of one of my regular advice surgeries in March, I met Leah Wheatley and anybody she cared to bring with her. I thought that there would be a handful of people, but the room was full. There were parents with care, who explained why they needed the money but were not getting it, and there were people who felt that the assessments against them were unfair for other reasons. My advice surgery was crowded with people, and I made random notes of the words and phrases that they used to describe how they felt. They said that they were "drained", "tired" and "fed up with eating cheap food". They said, "Non-payers are laughing". After spending an hour telling me their problems, they reached the conclusion that the policies were wrong and that the organisation of the CSA was not good enough.

Just to ensure that people understand the personal agonies involved, let me mention one person from the meeting who came to see me privately at my next advice surgery. She showed me a little picture that her daughter had drawn on a yellow post-it. At the top was a smiling face, with the words "Daddy's food—yum". Underneath, it said, "Mummy's food—yuk", and there was a glum-looking face. I felt utter desolation at the thought that a family was going through that experience, with every day grinding on in the same way. The woman saw what I was thinking and hastened to say, "But I'm a good mother. I'm a good cook, and I know how to prepare food, but I just don't have the money. Sometimes, it has to be beans on toast." I shall explain later why the food on father's dinner table was so much better.

I want to say a big thank you to the chief executive of the CSA, Doug Smith. I asked him to come to Stafford to face that same group of people and to listen to their complaints and answer their questions. He agreed to do so, and he came in May. The room was bigger, but, again, it was full. More people were attending, so the story had spread. Everyone spoke about a problem with the CSA, so they were not spectators who were there for the sport.

The cases described at that meeting included that of a woman who had pressed the Child Support Agency for 11 years to get a payment, because the person who should have paid had been changing their address; a woman who had been waiting for a payment since 1996; a woman who had received just £250 in four years; and a person who said, "I've been badgering the CSA with my MP's help"—that is, me—"but the CSA keeps changing the staff around." That comment about the staff got a big cheer. Everyone gave me their details. I personally wrote to Doug Smith about every case and he has answered every letter. Some of the letters are full of apologies and explanations of what went wrong, and in some cases payments are to be made for redress.

Given the amount of public money that we are paying out in redress to parents who get a bad service, the system is not good enough. I learned from a parliamentary answer on 7 June—unique identification number 174600—that, up to the end of March 2003, £17,651,000 had been paid in redress payments to people who had received bad service from the CSA. That is on top of the CSA's running costs of £400-odd million. That is our taxpayers' money, and I object to it being paid in addition to the costs of running the service in order to compensate people who have not received the child support to which they are entitled. The most costly year so far has been 1998–99, when £4,351,000 was paid.

Mr. Nigel Waterson (Eastbourne) (Con): I am sure that the hon. Gentleman would not wish to leave off his list the estimated cost to date of £456 million for the new IT system.

Mr. Kidney: Indeed; I have heard that there is a lot of grief about that. I shall discuss the computer system in a minute, if the hon. Gentleman will bear with me.

This is about the welfare of children. Payments are required so that children can receive food, clothes and a warm home. People ought to focus on the benefits to children—I would include among such people the

[Mr. Kidney]

parents who do not pay the money that they should pay. It is their responsibility to pay the money to their children. It is sad that there is no provision in child support legislation equivalent to that in the Children Act 1989 about the welfare of the child being the paramount consideration.

At the angry meetings that I described, I met a father who had fallen out with the CSA because there is no such consideration. Darren Phillips paid child support for his daughter for several years, but contrary to what he had been told, she was not with her mother. His daughter was in the care of the local authority, because the mother had done such a bad job. He asked at the meeting why he should have to pay for his daughter to be abused. I have a particular beef with the Minister about that case, because Darren Phillips objected to the fact that he was apparently in arrears with his child support for the time in which his daughter was not with the mother. He objected to paying the arrears and asked me to ask the CSA whether they could be written off. Happily, his daughter now lives with him, there are caring grandparents and everything is fine, but he frets over and over about the arrears.

I asked whether the payments could be written off and the CSA sent me a letter, which was dated 7 May but faxed on 13 May, in which Hannah Ford wrote:

"I have looked into Mr Darren Phillips case and the arrears that were outstanding on his account have now been cleared. A letter confirming this will be sent to Mr Phillips within the next couple of days."

We were successful—the CSA told me that the payments had been written off. However, on 21 May I was faxed another letter from Hannah Ford, who wrote:

"I must apologise, but it appears that I was given the incorrect information. Unfortunately we cannot clear any of the outstanding arrears off Mr Phillips account."

I do not wish to sound pompous, but I am a Member of Parliament and I expect a Government agency to tell me the correct information in writing. A telephone call could perhaps be misinterpreted, but I received a letter that I relied on. I wrote to my constituent to tell him that his arrears had been written off and he received a letter from the CSA saying the same thing. A week later, however, he received another letter that said, "Oh no, your arrears haven't been written off." If the Minister has any power over the CSA, I should like him to say that those arrears do not have to be paid. I want Mr. Phillips to be able to concentrate on the welfare of his daughter.

Most parents who have given up living with the other parent and sharing the responsibility for bringing up their children should pay child support. However, under our system, many parents pay nothing. Under what we now call the old system, a nil assessment was possible. Under the new system there is supposed to be a minimum payment of £5. However, in answer to another question I have found that last year, under the new system, 12,000 parents paid nil.

There are exemptions for people in full-time education, in hospital or in care homes, who do not have to pay anything. First, I question whether that is right. If it is right, I question whether there are too many exemptions. Finally, if there are 12,000 exemptions in one year, I question whether they are being properly applied. I ask the Minister to give close attention to whether the number of exemptions should be reduced. For the woman who showed me the little picture and could not afford food for her daughter, the £5 would be of some help if she got it regularly. I want people to get that money.

I said that I would return to the beans on toast case. That woman receives no money from her husband. He has left her and gone to live with a woman who has a very high income. He has given up a well paid job to become a full-time student. He has a nil assessment because he is in full-time education. Yet there is a massive disparity of living standards between the home in which he lives and the one in which his daughter is being brought up.

The child's mother asks me how it can be right that that man can divest himself of his entire income and yet have a good standard of living, while she gets nothing. My view is that in such a case it should be possible to deem an income equivalent to the one that has been deliberately given up, or, exceptionally, to consider the household income instead of the individual's income. I hope that the Minister will attend to a possible change in the law.

Other people who are assessed to pay child support deliberately give up their job to avoid the deduction from earnings that is the best and most reliable enforcement action that can be taken. I find that a ridiculously easy way to stop paying child support. Such a person can pop up somewhere else in another job. Until someone alerts the CSA to the fact that that has happened, it does not even look into the case again. If no one tells it, it never does so. If it does look into the case, there is another assessment, another demand and another deduction from earnings order. By that time, the person has given up the latest job too, without ever paying anything.

Mr. David Drew (Stroud) (Lab/Co-op): I am sure that my hon. Friend will accept that there is a particular problem concerning people who have been in the armed forces. For all sorts of reasons, the Ministry of Defence has not been the most helpful organisation in the matter of chasing errant fathers or mothers. However, my worry latterly is that when people leave the armed forces the CSA still seems to be incapable of chasing them up. Has my hon. Friend had similar experiences?

Mr. Kidney: My experience of the armed forces goes back to when I was a solicitor, and I found the Army quite co-operative and helpful. My experience is different from that of my hon. Friend.

As to people who give up their job deliberately so as not to have to pay the money, surely a tagging arrangement is possible, so that when they pop up in the system again the old order must be paid until a new assessment is made. We would then have them, whenever they turned up in the system. That is important in showing that we mean business and that people must pay.

The same goes for people who have several part-time jobs, none of which, when assessed by the CSA, exceeds the protected earnings level, so that a deduction from earnings order cannot be made on any. One of the

women at my meeting explained that she was affected by that rule and had received no money since 1996 because of it. She said that surely the totality of the father's income should be taken into account and that he should be paying child support. We need to consider, exceptionally, taking the aggregate amount earned by people with several jobs, rather than working on the basis of an individual employment income.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Does the hon. Gentleman accept that the logical conclusion of his examples is not to have a Child Support Agency at all, and that the appropriate body to do the job that he describes would be the Inland Revenue?

Mr. Kidney: I knew that by the end of my speech we would hear the Liberal Democrat position on the Inland Revenue. I find it very difficult to argue against, so I am not going to do so. In a moment, I shall discuss those parents who have said that that should be the arrangement. I am perfectly honest about that, but, as I said at the beginning, the Child Support Agency has a role to play.

Many people have complained to me that enforcement action is poor. All the letters that I received from Doug Smith apologised for every instance of poor performance. I want to ask the Minister a specific question to see whether he can provide an example of things getting better. When we changed the law, a new enforcement power allowed somebody to be disqualified from holding a driving licence. That was the ultimate penalty for not paying child support. How many people have so far been disqualified from holding a driving licence? The Minister should let us see whether the system is working better now.

Under the old system, some of the assessments were too high. The reason for that was that people thought that if they ignored the paperwork from the Child Support Agency the problem would go away. It did not, and they received a larger assessment than they would have had had they co-operated with the system. They then received demands for huge amounts of money that they simply could not afford, and they ignored those. That became a problem, because we had paper figures of tens of thousands of pounds in arrears, which were never the right amount and would never be paid. That takes me back to my first point: even the people on the receiving end of an assessment must feel that the system is fair and that they are paying their fair share. That is what we need to achieve in future.

Will the Minister assure us that when a parent fails to supply information the interim payments under the new system are reasonable? I think that the default payments are £40, £50, and £60. Does he think that the new system is working and ensuring that people make payments? For all parents and children involved, the interim payment is so important. It is no good saying that the arrears will be collected eventually; it is now that the money is needed and now that the food is wanted on the table.

A specific point was also raised, and I see that a court case involving somebody named Kehoe also touched on it. Under regulation 9A of the Child Support (Information, Evidence and Disclosure) Regulations 1992, the person who is entitled to receive the payment of child support does not have an automatic right to know why the paying parent has stopped paying. They do not have to be told whether there has been a change of circumstances or what the change of circumstances is. That is supposed to be because of data protection. I find that a massive insult to the people who are best able to tell the Child Support Agency whether what it is being told is correct and accurate. Those who are entitled to the money are entitled to information when the money dries up, and they are entitled to know why it has dried up. Will the Minister amend regulation 9A?

I was asked about the new EDS—Electronic Data Systems—computer system. What is the situation? We have all received answers to letters and to parliamentary questions, and even seen statements from the Secretary of State, about the continuing difficulties in getting the new system to work, because the IT is not working properly in tandem with it. The last I heard, the Department was still withholding payments from EDS every month, but it has agreed an increase in the overall contract price if EDS gets the system to work eventually. Will the system ever work, or is my right hon. Friend the Member for Birkenhead (Mr. Field) right that we should scrap the whole thing and start again?

My constituents need to know whether there is light at the end of the tunnel and whether they will start receiving money. In the meantime—as I have been told in some of the letters from Doug Smith—people are having manually to work out the amounts of money payable and the payments that are due, and to pass them through the system. That led to a story in the *Financial Times* on 24 April, which ran:

"Child Support Agency officials are using pocket calculators to work out an overload of maintenance payments despite a new £400 million computer system".

That is obviously a ridiculous situation.

The House of Commons Library standard note SP/2898 of 28 April 2004 tells us that the CSA is receiving more requests for payments from new customers under the new system than the number of old requests that it can complete on the system. The backlog is growing month after month as people wait longer and longer for an assessment and, therefore, for money. Surely we will get to grips with that with the new computer system and the new law, and make sure that people start to receive the money to which they are entitled. The last I heard was that since the new system started in March 2003, 83 per cent. of assessments were accurate. The target is 90 per cent. Are we going to get that right any time soon?

The big question that hundreds of thousands of parents around the country ask all the time is when will the old cases be migrated on to the new system. I am beginning to feel confident enough to ask the Minister whether it will be this side of the general election? We have waited so long that I am beginning to wonder whether we will always be waiting. It is causing people huge concern. Some cases are on the new system, and some from the old system are transferred because they are linked to cases on the new system. Yet others cases are still on the old system, and there are sometimes great disparities—sometimes less is payable, sometimes more—between the amounts payable under the old and the new systems.

Mr. Drew: My hon. Friend is being generous with his time, as usual.

[Mr. Drew]

A number of my constituents have found that, once they are on the new computer system, it works well only as long as the case is "fairly standard," but that if there are any problems and data are incorrectly entered, it is difficult to redeem that. That needs careful attention. There is nothing more frustrating than to find that the new system is just as bad as the old one. What is my hon. Friend's comment on that?

Mr. Kidney: That is part of the dispute with EDS about the way in which the system works. The involvement of a Member of Parliament or the independent case examiner should not be needed to get an individual's record straight on the computer system. People should by right have the correct information recorded about them, which I believe is the law of the land.

Hon. Members will remember that I mentioned the loud cheer at the meeting at people not being able to talk to the same member of staff twice. Why cannot we have decent customer handling at the CSA so that people can get answers to their questions? I was amazed by stories about the length of time that parents have spent in a day chasing people in different departments at the CSA merely trying to get an answer to which they are entitled. Some of those parents are busy and are desperate about having no money for their children. By the end of the day, they hardly have the energy or emotional strength to keep going, yet they have to keep going or they will fall by the wayside.

I also found at my meeting that few people knew about the independent case examiner, or that there is somebody to appeal to for help if everything goes wrong. I hope that we can review the information that the CSA gives in order to ensure that the independent case examiner becomes better known and friendlier to people with problems.

Two big messages came out of the meeting with Doug Smith. The first was that interim assessments and minimum payments are needed, so that parents quickly start to receive some money. The second was that payments should be collected through tax codings. Of course, there is an argument, which the hon. Member for Orkney and Shetland (Mr. Carmichael) raised in his intervention, that once we have gone that far down the road, why should not the Inland Revenue do the whole job. I will leave that argument to the Minister. People asked that at least the money should be collected through tax codings, so that instead of individual deductions from earnings, the amount that they owed would be stated on income tax records and collected. That could work as well for self-employed people as it could through PAYE under the same Inland Revenue systems.

The old system has been discredited, but people on the old system cannot get on to the new one. Even if they did, they would find that it is not working properly. That is not a very good story to tell, is it? Perhaps today will be the day that the Minister fights back and starts to rehabilitate the CSA, helping the 1 million people who currently interface with it.

I shall conclude by reading from an e-mail that I received from a woman following the meeting with Doug Smith. It is a page long, so I will not ask hon. Members to listen to it all, although all her comments are constructive. I shall quote just two paragraphs. First, she said:

> "I sadly came away from the meeting with the belief that it will be all but impossible for the CSA to collect regular maintenance for our son or even recover the debt as it stands currently and there were other parents at that meeting who will not doubt suffer the same."

That is a bleak assessment. Secondly, she said:

> "It seems, unfortunately, that no matter how good the intentions and no matter how strong the legislation, some absent parents will still manage to 'disappear' or 'use the system to their advantage' and their children will continue to suffer. However I remain optimistic that changes can be made to reduce that number."

Given what happened at the meeting, what I have just said and what she said earlier in her message, why on earth should she be optimistic? I can say that she was impressed by Doug Smith's obvious sincerity. Modest though I am, I should add that she was also impressed by the fact that an MP was taking an interest in the case and was evidently working hard on it.

None the less, it is time that the Minister was on our side and promised to have regard to people's intense concerns for their children, to their distress at not being able to look after them as well as they would like, and to the welfare of those children as they grow up to become citizens of this country. The Minister must promise to change the way in which the CSA works and to change the law, so that payments can be properly enforced. We will then be able to tell that woman, "You were right to be optimistic."

2.26 pm

Mr. Christopher Chope (Christchurch) (Con): When I got back into the House in 1997, after a five-year enforced absence on the orders of the electorate, I found that one of the great changes that had taken place since 1992 was in the number of people who came to my surgery to complain about the Child Support Agency. That was a new phenomenon.

In the 1997 election, the Labour party, understandably, batted heavily on the assertion that the CSA was not working and a Labour Government would reform it. During the subsequent Parliament, quite a lot of time was spent developing new child support legislation, which was introduced in the Child Support, Pensions and Social Security Act 2000. People were told that the Act would introduce a simpler system, which would be fairer and easier to enforce and which would contain elements of justice that were lacking under the old system. Those of my constituents who were affected were very pleased at that prospect.

This timely debate—I congratulate the hon. Member for Stafford (Mr. Kidney) on securing it—gives us an opportunity to tell the Government, "You've been in office for more than seven years, and it's four years since the Act was put on the statute book, but you've let people down." The Labour party has indeed let people down in this respect. The Government are seeking new ways to interfere in our lives—consider, for example, the debate about obesity—but why can they not just put far more resources into putting right the things that they promised to put right? The CSA is one of those things, and the Government have manifestly failed to put it right.

I shall not regale the Chamber with all my constituency cases. I do not believe that it is the job of Members of Parliament to act as a back-up system when there is administrative failure in government. Too many of us have spent too much time on the phone to the CSA on behalf of constituents dealing with cases that should have been resolved ages ago through the administrative system. There is a real problem of enforcement. In many of my constituency cases, it is obvious that the father has been living at a given address for years, but the CSA enforcement team says that it is impossible to take action against him because he does not live there. I shall not go into the details of such cases, but they make the system look absolutely mad.

This Sunday is father's day, and I shall confine my remarks to the people who are on the old system, who were promised that they would be able to migrate to the new system and who are significantly worse off as a result of not being able to do so. Most, but not all, are fathers. Last Saturday, one such person came to my advice centre. He was very concerned about Fathers 4 Justice, but the example of injustice that he gave was that because he is not able to move on to the new system, he is paying about £100 a month more in maintenance payments for his child than he would if he was on the new system. Why should he and tens of thousands of others suffer as a result of the Government's maladministration? The system was set up under the orders of Parliament. If the computer system does not work, that does not absolve the Government of their responsibility to deal with the administration of the system—if need be, by clerical means.

People paying more than £100 a month extra have had no indication of when they will be able to get relief and equity by going on to the new system. I challenge the Minister to tell us when the new system will be able to accommodate the old cases. If he cannot do that, can he tell us why he regards it as fair and reasonable that people who still have to pay under the old system are obliged to pay more than £100 more than they would under the new system? Will he accept that those people are continuing to suffer financial loss as a result of his Department's maladministration?

The Library briefing to which the hon. Member for Stafford referred suggests that the Government have the power to get compensation from the providers of the IT infrastructure, but they have not exercised that power. Why, as a result of such manifest failure, should hapless parents—in most cases fathers who are on the old system—suffer while a very large company that has a Government contract is able to get away with failure because the Government do not bother to enforce their rights under the contract?

If the old cases cannot be brought onto the new system under the computer arrangements, why can they not be dealt with clerically under the new system? Why can calculations not be done for the old cases on the basis of the new rules? Surely that would be equitable. At the moment, claimants who would be better off under the new system than under the old can opt out of the old system. They can have a three-month gap, then apply again under the new system, which entitles them to enhanced benefits. However, those who have to pay more under the old system are not similarly able to opt out and to reapply under the new system. An extra element of injustice has been introduced.

I hope that the Minister can come up with a proper answer to my questions today. I have no quarrel with the CSA staff, who seem to be under enormous pressure because of the system's manifest failure to deliver. However, I hope that the Minister will come clean about when he expects the old cases to be transferred to the new system, or when he intends to deal with them on the basis of the rules that apply to the new system, so that what Parliament intended to happen when we passed the legislation in 2000 does happen.

2.34 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I congratulate the hon. Member for Stafford (Mr. Kidney) on having secured this timely debate and on his speech. He said little that I could not confirm from my experience as an MP, but as a fellow solicitor I stand in awe of him for having achieved the magnificent feat of having two assessments overturned by the courts. In all my years as a solicitor, I never received an explanation of an assessment that I could understand, let alone challenge.

Mr. Russell Brown (Dumfries) (Lab): That is Scottish law.

Mr. Carmichael: As the hon. Gentleman says, Scottish law is that much more complex. That is why we look to Scots lawyers to administer it.

The remarks of the hon. Member for Christchurch (Mr. Chope) were interesting. He seemed to think that the Child Support Agency had failed as a result of Government failings, but that the system had been set up under the orders of Parliament. It was set up under the orders of a Conservative Government who, of course, held a majority in Parliament. When discussing the CSA, it behoves all parties to approach the subject with a little humility because we all broadly agreed on its creation. I suspect that the subject was not given enough parliamentary scrutiny, which may be a lesson for us all.

The CSA is one of the most remarkable Government achievements of the late 20th century. As I said earlier, I was previously a solicitor before coming to this place; and prior to the creation of the CSA, aliment for children was determined by the courts. In all my years of sitting in sheriff courts and the High Court in Scotland, and the days spent waiting for things not to happen in the Court of Session, I would never have believed it possible to create a system that could make our legal system look efficient. Such is the achievement of the CSA.

The CSA has also started to have an effect on my constituency casework, because of the way in which family cases are being handled by the courts. In a couple of recent constituency cases—people have come to me in relation to family actions in the local sheriff court—significant orders have been made for aliment of the spouse. That jars with me because, given the circumstances, the orders were probably inappropriate. I suspect that many sheriffs—and doubtless judges elsewhere—are sufficiently acquainted with the difficulties associated with the CSA and, as a result, still make orders for aliment for the spouse because it is appropriate—they know that the family would not be able to obtain the money in any other way. That is a

[Mr. Carmichael]

distortion of the system, because the order of the court is then subject to appeal; the action becomes much more protracted and much more bitter, as appeal follows appeal.

Mr. Drew: Increasingly, the problem with the separation of the courts is that parents, particularly fathers, see the lack of access arrangements as the only result of the operation of the CSA. The clear break between financial support and arrangements for care is a sad indictment of what has gone wrong. It is something that we would all support, but the waters are becoming ever more muddied. That makes the bitterness between the warring parties worse.

Mr. Carmichael: I thank the hon. Gentleman for that intervention. He is right; what he says accords with my understanding. Occasionally, one has to say, "Just because you are paying support for your children, it does not buy you any automatic rights in relation to them." However, the delays and inefficiency of the system tend to lead to the attitude outlined by the hon. Gentleman becoming more prevalent. If one looks at it from the families' viewpoint, the system is now militating against the family and making things that much more difficult. At the end of the day, we all know that it is the children who suffer most in such situations.

Others have spoken of the problems associated with the computer systems commissioned by the CSA. It does not seem to get any easier to deal with them. I had an interesting insight last Friday when a constituent came to my office in Kirkwall. She said that she was having a problem with the CSA and asked whether I could intervene on her behalf. She explained that the CSA had twice told her on the telephone that she was due a certain amount of money, and that it would be paid into her bank on a certain day. Each time, she made the journey of some 12 miles from her house into Kirkwall; she lives in a part of Orkney that, like many other parts of Orkney, is not well served by public transport. She went to her bank to find that the money had not been paid in and phoned the agency, which said that it had put a stop on it.

My constituent came to see me after that had happened twice. I phoned the MPs' helpline. As ever when one phones the helpline, I received a very good response from a very helpful individual who was clearly well trained and who understood the system. She explained that no more money was due to my constituent, but that the information shown on the screen for the case workers in question was inaccurate or, at best, misleading. That was why my constituent kept being given duff advice and why the agency kept setting up payments, telling her about them and then cancelling them.

To be honest, I did not quite understand why the computer system could not record accurate information, but an explanation was offered. I asked why a note was not put on the system to explain that the information was incorrect. I was told that that would be a very good idea but that unfortunately the system did not have a notepad. Surely that is the most fundamental point of an information technology system, and exactly the sort of point that should be addressed when IT systems are commissioned. It lends weight to my view that the CSA is a system under siege and that it has become so dysfunctional that it not only fails in its duty to the children and the families for which it was created, but it fails its employees. If the employees, the people at the sharp end, had been properly consulted, a notepad would have been attached to the new system because a notepad was attached to the old one.

The question of the migration of cases from the old system to the new one also continues regularly to present itself at my constituency surgeries. When the new system was introduced, I explained to my constituents that new cases would be entered on to it automatically but that existing cases would take time to migrate. My constituents are eminently reasonable people, and they did not quarrel with that. It is, however, increasingly difficult to tell them that they must still wait for their cases to migrate from the old system to the new one, particularly when there will be a significant cost saving to the individual concerned in several of the cases that present themselves at constituency surgeries.

Notwithstanding my remarks about not wanting to be partisan and wanting to approach the matter with humility, the fact that the Minister could not even say what date the Department for Work and Pensions had set for the migration of cases when I asked him about this during questions to the Department last week is frankly not good enough. That would have been acceptable a year ago, but we have had more than a year of the new system, and not even to be able to set the date for the migration of all cases to the new system suggests, as others have said, that this system will simply never be made to work. That is particularly ironic as the system was sold to Parliament as being so much simpler.

As I said, I was impressed with the hon. Member for Stafford, particularly when he said that he could not argue with the Liberal Democrat case for the abolition of the CSA and the transfer of its functions to the Inland Revenue. I do not pretend that that will be a panacea. We are all aware that the Inland Revenue's dealings with information technology have not been straightforward either. That has been another substantial source of business at my constituency surgeries in the past. Nevertheless, if the experience of our present arrangement suggests integrating the system—particularly the cases that are difficult to enforce—with other aspects of government, all the relevant functions already rest with the Inland Revenue. Transferring the other functions would lead to that great goal of us all—joined-up government.

It might take a great deal of doing. If we could, in considering a better way of going about things, maintain some of the consensus that we had on the need for a child support agency in the first place, we might be able to iron out problems rather than waiting for them to arise.

2.46 pm

Paul Holmes (Chesterfield) (LD): I, too, congratulate the hon. Member for Stafford (Mr. Kidney) on securing the debate, and echo the sentiments of my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael); I agree with every word that the hon. Gentleman uttered about the failings of the Child Support Agency system, and especially his recognition of the logic of the Liberal Democrat position on the way to reform it.

I agree also with more or less everything that the hon. Member for Christchurch (Mr. Chope) said. The catalogue of points raised by the three hon. Members who have spoken so far is too familiar to anyone who takes an interest in the issue, and to every Member of Parliament whose constituency surgery has queues of such cases month after month.

The hon. Member for Stafford listed the horrendous problems and backlogs at the CSA with which we are all familiar. He described how Doug Smith of the CSA is very good at responding to cases that are raise, as are many of the staff. He also pointed out the problems over compensation payments, which now amount to a staggering £16.6 million over five years. Last year the figure was £2.5 million—five times the 1995 figure. Things in general are getting much worse, and my constituency casework file suggests that a fair bit of that money is coming to people in Chesterfield.

There is confusion at the CSA. Contradictory letters arrive, sometimes on the same day, but certainly within days of each other, giving different figures for payments, different addresses, the wrong address on one letter and the correct address two days later. Problems were outlined in tracking parents who repeatedly pop up in one job and disappear again. I agree with the point made by the hon. Member for Stroud (Mr. Drew) about problems with the armed forces. Sometimes they close ranks in response to requests to release information and help parents and the CSA to track down those who might be required to make payments.

Other problems were highlighted, such as the question of when cases will be transferred from the old to the new system. By and large most people will benefit from the change, although of course there will be some losers when cases are transferred.

It has been pointed out how good the CSA staff are when they deal with queries through the MPs' hotline. When I or my staff in Chesterfield contact the hotline we get excellent responses and quick solutions, sometimes to cases that have dragged on for years. That poses a big question. If the people at the end of the hotline can respond so quickly, effectively and efficiently that my Chesterfield files are full of thank you letters and cards from people who write, "After I tried for years to solve this problem, you sorted it in no time"—it was not me, of course, but the hotline staff—why cannot the general CSA staff provide the same standard of service to people when they first make contact with them, without going through their MP?

Why are there such long delays? Why is there such a history of incorrect data, incorrect letters and lost paperwork? If lost paperwork can suddenly emerge from the bottom of a pile or from a distant filing cabinet; if it can suddenly be found, within a day—sometimes within hours—of an MP making contact, why can that same level of service not be offered to the general public who make use of the CSA? Is it because, in general, the service is understaffed? If so, the solution is simple: employ more people. Is it because the staff are not motivated or well trained or paid enough?

What are the reasons why the general level of service is so poor while the staff can respond so quickly and efficiently to MPs? Is it because of some of the flaws in the regulatory framework, which were highlighted by the hon. Member for Stafford, or is it because the CSA is not proactive enough? It tends to take a passive approach, just sending out letters with no response when trying to chase up the parent who should be paying, but when an MP gets involved, it suddenly becomes much more pro-active. Why is it not like that all the time? Why does it not have simple casework-flagging systems on its IT system to flag up that there has been no response in a certain case and that something needs to be done about it?

Why do so many single parents—usually mothers, but not always—have to start acting as private detectives? I have spoken to parents who have been trying to track down their previous partner by going off to towns around Chesterfield to mark out where and in what sort of house they live and where they work. They are then told by the CSA that it does not know where their former partners live, whether they have a job or what their income is. Single parents are having to act as private detectives, doing the CSA's job because it seems to be passive in much of its approach. Despite that, if the CSA does not deliver the money that a parent needs, under the legal ruling referred to earlier they cannot appeal against the failure of the CSA and the Government to look after their interests and implement the Child Support Act 1991, which came into effect in 1993.

Is the failure due to understaffing, a lack of training or the pay and motivation of the staff? Is it down to regulatory problems, an agency attitude of being passive rather than proactive, or the computer problems that we have heard so much about? Like many aspects of the Government's outsourcing of IT in the past few years, the computer system has been an absolute disaster. EDS was paid £450 million to deliver a system, which has failed miserably. It was supposed to be introduced in October 2001 but was actually introduced in March 2003, and it still does not work properly. Staff will often have to tell callers that the computers are down or use simple, cheap pocket calculators to fill the gaps in what is a £450 million IT system.

Why is that the case? Unfortunately, it fits in with too many examples. I serve on the Education and Skills Committee, and one of our first inquiries after the 2001 election was into the failures of the individual learning account scheme. There were failures on the Government side in drawing up the specifications, but the performance of Capita in that case, having been paid a lot of money to deliver an IT system that failed in almost every respect, was appalling.

When we ask the Government what penalty payments are applied to such companies for absolute failure to deliver the goods that they are well paid for, we tend to be told simply that commercial confidentiality means that they cannot say. That is not good enough. Huge sums of taxpayers' money have been spent on systems that fail to deliver. I understand that the Treasury may have decided not to outsource Government IT projects any more. I would welcome a comment from the Minister on that, because it certainly seems to be the lesson of so many Government experiments.

We have already heard comments and questions about when the old and new systems will be merged. About 75,000 parents are working on the old system, on which they do not get the £10 child maintenance premium. They could live next door—two yards away—to a similar lone parent, who receives that payment

[Paul Holmes]

because they are registered on the new system. That is not good enough, and there seems little logical explanation of why we cannot make that simple transfer, even if other areas of the switch to the new assessment system are too complicated for the computer to cope with initially.

Two different systems are working alongside each other, but neither works properly. Despite repeated questions in Parliament, including as recently as the seventh of this month, we have heard no hint or indication from the Minister about when the Government think that they can transfer people from the old to new system. The hon. Member for Stafford asked whether they were thinking about making the change after, rather than before, the next general election. So many parents throughout the country want to know why we cannot switch to the new system.

I want to leave the Minister as much time as possible in which to reply, so I conclude by summarising some of the questions that have been asked, and hope that he will address each one of them. What penalties are being imposed on EDS for its abysmal failure to deliver, at great cost, an IT system that actually works? When will the old cases be brought into the new system? Would the systems work better if more staff were employed? MPs' questions about cases that have waited a year or two to be sorted out can usually be dealt with in the same day. Are more staff needed to provide the clients out there with the same response that MPs receive? Do staff need to be trained better? We have heard about the constant rota of staff and the fact that one speaks to a different person every time one calls. Do people leave too quickly and if so, why? Do they leave because they are demoralised, because of the conditions under which they work or because of pay? What does the Minister think causes such staffing problems? When will we have a working computer system?

Finally, to return to the Liberal Democrats' welcome proposals on how to get out of the current mess, why do the Government refuse to consider transferring the functions of the CSA to the Inland Revenue? The CSA seems to have to spend so much time asking questions of the Inland Revenue, which has taken on that passive role. Until the CSA asks, "Do you know where this person is and how much they earn?", nothing happens. There is a big gap in the system. The system could be transferred to the Inland Revenue, which already has most the relevant information on tap. The Revenue knows where people live, where all the families with children are and how much people earn through the pay-as-you-earn system. Why do the Government refuse even to consider what appears to be a simple transfer of responsibility from one department to another?

2.54 pm

Mr. Nigel Waterson (Eastbourne) (Con): I also begin by congratulating the hon. Member for Stafford (Mr. Kidney) not only on securing this debate, but on his dogged pursuit of his own Government over the CSA's failings.

I am sure that we have all had endless constituency cases that touch on the issues that have been raised. What has happened is a very sorry tale. The introduction of a new formula that was supposed to import simplicity, speed and fairness has been badly undermined by sloppy planning, poor implementation and unreliable technology—on any view, an extraordinary catalogue of problems, delays and incompetence.

I should like to focus on two issues. First, investigation and enforcement—or the lack thereof—is, for many constituency Members, including me, the most frustrating aspect in many cases. As the hon. Member for Chesterfield (Paul Holmes) said, the poor wife or ex-wife often has to take on the role of a private detective. Even when hard evidence is available, the CSA does not act upon it. That is a frequent theme in my surgeries. Secondly, there are problems with the IT system, which has fallout on real people. To put the matter in context, we should remember that the new formula was supposed to have been introduced for all new cases from April 2002, but finally went live a year later, in April 2003.

Rather memorably, in giving evidence to the Select Committee on Work and Pensions, of which I am a member, Mr. Doug Smith, who has featured a lot in this debate, said:

> "There is a big difference between a failed computer system and a computer system that has more teething problems than we expected."

If that is a distinction, it is probably lost on the constituent whom the hon. Member for Orkney and Shetland (Mr. Carmichael) described, for example, as well as on many more of our constituents.

As my hon. Friend the Member for Christchurch (Mr. Chope) eloquently pointed out, between 800,000 and 900,000 cases are stuck on the old system for calculating child maintenance. That means that non-resident parents pay more than they might otherwise have to if they were assessed under the new rules. That is an ongoing unfairness, not least because the Government have apparently set their face against compensating such parents in the future. EDS, the company involved, plans to have CS2, as the system is known, in place and ready by October 2004. It is hoped that migration of the old cases can commence thereafter, and that we will hear from the Minister on the matter.

In November, in a debate in Westminster Hall, the self-same Minister declined to give a view on the timing of the transfer. We are now several months further down the road; we know that for some time, Mr. Smith and EDS have been working on a remediation plan, as it is called. A few days ago, in answer to a question, the Minister said:

> "No. We have not set a date."—[*Official Report*, 7 June 2004; Vol. 422, c. 18.]

I gently suggest that the time has come to do so. It might be five years, two years or even six months down the road, but in fairness to all hon. Members' constituents, they deserve to know the date, not least because the Government take the rather rigid view that until all the problems are sorted out they will not remove a single one of the 800,000 or 900,000 old cases. The *Financial Times* referred to the matter as

> "one of the biggest failures to hit the public sector IT project in recent years.".

It stated that less than half the 321,522 applications submitted since March 2003 have been processed.

There have been ongoing and probably all-too-regular discussions with the contractors, EDS, and it would be helpful if the Minister could tell us how far those discussions have gone, within the bounds of genuine commercial confidentiality. What is the position in terms of retentions from the contract and its overall cost?

The position is still pretty grim in respect not only of old cases, but of some new cases. Figures produced a little while ago, which may need updating, show that 384,000 parents with care were entitled to receive child maintenance, but 79,000 received no payment at all and 193,000 received less than they were entitled to. If one adds almost £3 billion in unpaid maintenance payments, one begins to see the extent of the problem.

One would have thought that part of the attraction of introducing a new computer system was that it would make things cheaper, but according to recent figures shown in *Hansard*, the average cost of processing an application has risen by £12.63, or more than 16 per cent.

In giving evidence to the Select Committee recently, the Secretary of State talked about the recovery programme that had been put in place. He said that the system was retrievable or, in other words, that it can be made to work properly instead of being scrapped. That caused some excitement in the Select Committee. When the Secretary of State was pressed as to whether he was seriously considering scrapping the project, he replied:

"If it could not be made to work properly you would not have an alternative, would you?"

We can all agree with that. We need to know where we are with the recovery plan.

The final irony is that the system is not working properly even in dealing with new claims. Some of the figures show that the CSA cleared only 47 per cent. of all new cases received since March 2003. By the end of the first year, about 153,000 cases had been cleared, leaving a backlog of 170,000. We have already heard that redress payments to dissatisfied clients have ballooned to more than £4 million in 1999, settling down to an average of £3 million or £2.5 million ever since.

It beggars belief that so little enforcement action has been taken against people who make a life's work of evading payment for their responsibilities. The latest information is that in the first seven months of 2003, some 150 cases were referred to court for committal to prison or the removal of a driving licence. A total of five driving licences were removed and 45 parents were committed to prison. If we are to put the fear of God into persistent evaders, with whom we have become familiar since the CSA was established, that is not good enough.

In conclusion, I shall set out the serious questions that still need to be answered by the Minister. First, the latest estimate of the cost of the new system is £456 million. Is that still accurate or has it gone up again? Secondly, what is the current position for contractual penalties on EDS, such as retentions and any other penalties that may have been paid or may be payable in due course? Thirdly, has any further consideration been given to compensation for those affected by delays in migration of old cases? Fourthly, when will those old cases finally be migrated? That is the key question. As the hon. Member for Stafford said, it is not merely a case of being able to tell constituents that there is light at the end of the tunnel; we need a rough idea of how long the tunnel is. Fifthly and finally, what is the future of the contract and of EDS; are Ministers still seriously considering scrapping the project all together?

3.6 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): I congratulate my hon. Friend the Member for Stafford (Mr. Kidney) on securing a debate on a subject that is so important to the lives of so many children. He rightly said that it is all about the welfare of children. He also underlined the fact, which we must all keep in perspective, that parents have a responsibility to support their children. Whatever the successes or failings of the CSA, the House must send out the message that it is the responsibility of both parents to support their children. If they do not do so, we will take every possible measure to ensure that they do.

My hon. Friend began by pointing out the mess that the system that we inherited was in. In 1998, when we issued the Green Paper, "Children First: a new approach to child support", the taxpayer was supporting 1.8 million children. Seventy per cent. of lone mothers on income support were seeking to avoid a child maintenance application, and a third of all child support assessments took more than six months to make. Until then, the 1993 child support scheme had been modified through many small measures introduced at frequent intervals. As efforts were made to make the scheme more comprehensive, an already complex system became more opaque to hon. Members, their constituents and Child Support Agency staff themselves.

We believed that radical change was needed and some changes were introduced in January 2001. However, the bulk of the changes had to wait until the delivery of the new computer and integrated telephony systems. In the interim, there were performance improvements in the old child support scheme, but the step change needed to achieve the level of effectiveness that the public deserved could be delivered only through the introduction of a new scheme.

That new scheme started on 3 March 2003—both for applications for new cases where liability began on or after that date, and for old scheme cases linked to them. Since then, because of the well known problems with the computer system, the level of service that we have given to some agency clients has fallen well short of what they are entitled to receive. For that, I offer my unreserved apologies.

However, constituency MPs cannot always get a true picture of the situation. Matters can be complex when families break down. Constituents rarely come to tell us when things are going right and there is good news. However, each week, thousands of cases are cleared effectively under the new system. Almost 110,000 new scheme maintenance calculations have been made, some 41,000 non-resident parents have started to pay maintenance using the agency's collection service, and some 22,500 parents with care have started to get child maintenance premium income disregard in their benefit. That is a new measure that means that, for the first time, parents with care on benefit can see a real improvement

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in their living standards as a result of payments made by non-resident parents. It also means that if they move in to work, those maintenance payments are completely ignored.

Because the new scheme is so much easier to understand, parents are better able to make their own arrangements without involving the agency. Indeed, the interactive calculator on the agency's internet site had more than 25,000 hits in March. Some hon. Members have said that it is a disgrace that people have to make their own maintenance calculations. However, the problem under the old system was that it could take a calculation involving up to 100 elements to determine what the payment should be. It was almost impossible for either parents with care or non-resident parents to work out what the maintenance should be. They had to wait for the agency to go through that process and, while they waited, the arrears built up.

The new child support scheme is starting to make a real contribution to our ambitious target of reducing child poverty. It has not yet gone far enough; it has certainly not gone as far as any of us in this Chamber should like to see it go, but we are moving steadily in the right direction. I will not pretend that my ministerial colleagues and I have not been disappointed with the progress so far. However, we are making progress and clients and staff have said that the new scheme works. When it works, it works well and they like the simplicity and transparency.

Many hon. Members have raised concerns about the payment of child support. The subject, rightly, continues to be of interest to many in this House, and I hope that that will continue. Under the old scheme, non-resident parents often failed to meet their legal obligations to pay the money that the agency had assessed that they should pay. One of the main reasons for the build-up of debt under that scheme was the fact that making the assessment took so long. However, in the five years up to March 2003, when the new scheme started, the agency increased collections by 43 per cent. to £175 million. The intention of the new scheme is to prevent debt from building up. That is one of the reasons why we want there to be a simple calculation mechanism that is not only easy for people to understand but makes it clear to those on both sides what their obligations are. Because of its transparency, it is more acceptable and is seen as fairer and more just to both sides.

However, we do not intend to focus solely on the calculations. We have to ensure that the money flows to the children. Obtaining compliance is part of the work of a large number of the agency staff. The culture is changing and, at all stages of a case, staff take action to ensure that non-resident parents accept their responsibility and comply with the maintenance calculation. Even before that point, staff encourage non-resident parents to make voluntary payments to the parent with care while they are waiting for a calculation to be made, thereby preventing debt from building up in the first place.

If we want a message to go out from this debate, it is that non-resident parents who seek wilfully to evade their responsibilities, not to the Government or to hon. Members or even to parents with care but to their children, will not continue to get away with it. We have more powers and more professionally trained staff, and we are increasingly using those powers to ensure that people meet their obligations. We have to be realistic. Some parents will fail to pay—

Mr. Russell Brown: All this sounds fine, but I have a constituent who has gone to appeal and won her case on three occasions. It was deemed that her partner had diverted his income. Six years on she is still waiting: she has not received a single penny. This guy can buy properties costing £250,000 and have two or three holidays a year. That is unjust. Something as simple as removing his driving licence would make a world of difference.

Mr. Pond: I certainly agree with my hon. Friend that it is quite unacceptable that in such circumstances certain individuals wilfully refuse to make the payments that their children need. The agency has the powers, and we are seeking much more prompt and effective action to deal with that. That includes the withdrawal of driving licences, as my hon. Friend has said. Some 21 driving licences have been removed so far. That is not a huge number. There is also committal to prison. *[Interruption.]* Conservative Members laugh. They did not introduce any of those measures themselves when they had the opportunity to do so, but they giggle when we talk about the legislation that we have introduced.

Even though such measures are a last resort, we are determined to use them when non-resident parents will not make contributions. It is often the threat of a sanction that results in the payment of maintenance, but the agency does not shy away from taking action if the threat does not work. If there are cases that my hon. Friend the Member for Dumfries (Mr. Brown) and others wish to bring to my attention or to the attention of my right hon. and noble Friend Baroness Hollis of Heigham, we will happily look at them to see whether anything further can be done to bring justice to the children concerned.

Concern has been expressed about the self-employed. Since March 2004 the agency has increased the number of staff working on that group. In the year to March 2004 there was a 24 per cent. increase on the previous year in the number of cases referred to bailiffs. As I have said, in cases where the non-resident parent persists in wilful non-compliance, the courts can take away driving licences or commit a person to prison. We have to ensure that the courts also recognise the seriousness of the wilful non-compliance. I hope that increasingly they are doing so.

In 2003–04, 324 cases were referred to the courts for committal to prison or withdrawal of driving licences. Eight non-resident parents were served prison sentences. The aim is to get the money flowing to the children. From our point of view, it is a failure if we have to commit people to prison or take away their driving licences. We want to ensure that the children get the money that they deserve.

I am aware that hon. Members have particular concerns about self-employed non-resident parents. Theirs are the cases that regularly reach our postbags and make for media headlines. Recovery of money owed by self-employed people is notoriously difficult. It is not

just a problem for the Child Support Agency. Liberal Democrat Members suggest that we should simply pass the matter to the Inland Revenue, but it faces similar problems in collecting tax and national insurance contributions from such people. We are constantly considering whether we need to amend working practices to deal with child support avoidance and evasion. If it becomes clear that we need to change the regulations, we will consider that seriously too.

Mr. Kidney: My hon. Friend will recall that I said that I supported the philosophy of the simpler assessment process so that more staff can spend more of their time on enforcement issues. I welcome what he says. I am sure that we will come on to the computer system, which is getting in their way at the moment. Does he agree that, once we have seen an end to that problem, staff can be much more alert to collecting the interim payments—to enforcing payments, including those against the self-employed? Does he agree that powers such as charging orders and what are now called third-party orders—they used to be called garnishee orders when I was a lawyer—could be used much more productively to ensure that even the self-employed pay up?

Mr. Pond: Yes. Increasingly, staff receive the necessary training and are encouraged to pursue such cases and to ensure that people pay up in advance of any action having to be taken.

Paul Holmes: The Minister says that the Inland Revenue would have the same problems as the CSA in collecting the money. However, will he comment on the fact that in the most recent year the Inland Revenue has collected more than 91 per cent. of the taxes that are assessed as owed, whereas the CSA will probably write off a quarter of the £500 million that is currently outstanding? The CSA therefore hopes to collect 75 per cent. It has already written off £2 billion of uncollectible money.

Mr. Pond: Yes, it is true that the Inland Revenue has a very high success rate in collecting money that is owed to it. I pay tribute to its success. In this instance, however, we are talking about a particular group of people—self-employed non-resident parents—with whom the Inland Revenue itself has some difficulty dealing. We must get things into perspective for both groups, because only 6 per cent. of non-resident parents are self-employed. They are particularly difficult to deal with, whether the Inland Revenue or the CSA is dealing with them.

I do not want the hon. Gentleman to run away with the idea that if we were suddenly to give all this work to the Inland Revenue or, indeed, to the courts, as his hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) suggested—*[Interruption.]* I apologise; I have misquoted the hon. Gentleman.

Mr. Carmichael: I am grateful for the Minister's acceptance that he has misquoted me. I merely said that the current system had been administered in a way that makes the courts look efficient. Does not he accept, however, that the beauty of giving the work to the Inland Revenue is that it already has the information in its remit, so it is readily accessible to it? That is the difference between the Inland Revenue and the current system.

Mr. Pond: I thank the hon. Gentleman for two things. First, he has clarified the fact that there seems to have been a policy change. My understanding was that he was very much in favour of the idea of returning to the complexities of the old court system. Perhaps the hon. Member for Chesterfield (Mr. Holmes) would like to join him in that. If that is not the case, I would certainly welcome it. We can get that out of the way. *[Interruption.]* That is fine; he has clarified his position, and I am pleased to know that. Secondly, the hon. Member for Orkney and Shetland has given me the opportunity to make it clear that we will pursue the proper payments from that group and others through all the measures that are available to us.

Hon. Members rightly asked when old scheme cases will be transferred to the new system. The hon. Member for Eastbourne (Mr. Waterson) reminded the Chamber that I stood in this very position back in November and was asked the same question. I will give him the same answer: the new scheme is more straightforward than the old one, but that does not mean that we have a simple IT system. Complexities arise in several areas, which result in the need for detailed IT solutions. For instance, for the first time we have an interface with Jobcentre Plus and its old IT systems, which enable data to be shared more easily between the two organisations. As the hon. Member for Orkney and Shetland said, the Inland Revenue has this information. We increasingly have the ability to share that information between different institutions, but that means that we have a complex system to deal with.

We have acknowledged that there have been problems in getting all this to work properly. The IT contractor—Electronic Data Systems—is working closely with the CSA to bring the performance of the system into line with expectations. The agency now has an IT recovery plan from EDS; work to stabilise the system has begun this year, which has already brought about improvements. I can tell hon. Members, in response to their questions, that we are withholding 15 to 20 per cent. of the payments to EDS, to take account of non-delivery under the contract.

I cannot say when cases from the old scheme will be transferred to the new one. We are keen that all parents who deal with the agency should be able to benefit from the reforms, but it would be irresponsible for us to move cases across to the new scheme before we are satisfied that the IT is able to cope and is working well.

Mr. Carmichael: If the Minister will not set a date for migrating the old cases to the new system, will he at least set a date beyond which it will be considered that further delay will lead to palpable unfairness, for which people will be compensated?

Mr. Pond: We want everyone to move to a system that we believe to be simpler and more just, but I am sure that the hon. Gentleman will find that for every non-resident parent or parent with care who wants to move across to the new system, there will be an equivalent non-resident

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parent or parent with care who would rather stay where they were. Inevitably, there will be swings and roundabouts.

Mr. Waterson: I am, of course, disappointed that the Minister has failed to set a date. However, can he at least confirm whether Ministers are still committed to the EDS contract, or is the Department still discussing scrapping it altogether?

Mr. Pond: We are working closely with EDS—we want this system to work. We want to ensure that the new system and the advantages that it brings reach as many parents with care and non-resident parents as possible. Frankly, the best and quickest way of doing that is to ensure that the system that we now have will work. EDS and the CSA are working on the recovery programme.

Mr. Kidney *rose—*

Mr. Chope *rose—*

Mr. Pond: I will give way to my hon. Friend the Member for Stafford.

Mr. Kidney: I am grateful to my hon. Friend for giving way. The important thing is not who benefits or loses from the transfer, but the gains that will be achieved by the CSA staff in doing their job better. If my hon. Friend cannot set a date for when the migration will take place, can he tell me whether the Department has set a date by which EDS must prove whether the system works?

Mr. Pond: I think that the system is moving towards a position where it is working, but we all know that it is not working well enough. We need to ensure that we work day by day and week by week to make it work properly. If I were to set arbitrary time scales, that would not help the children, parents with care and non-resident parents who need to see that the system works properly.

Mr. Chope: Will the Minister give way?

Mr. Pond: I will not give way again. Hon. Members will agree that I have been fairly generous in doing so; that has inevitably meant that I have had to answer many of the questions raised in the debate in my responses to their interventions.

As hon. Members will know, transitional arrangements will apply to cases once they have been converted to the new scheme. That will allow parents to plan their arrangements and to adjust to the changes in their finances. Until cases move on to the new scheme, their old scheme liability remains payable.

Once again, I apologise to those parents with care and non-resident parents who have not received the standard of service that they have the right to expect. I have said that my noble Friend Baroness Hollis and I take an active interest in ensuring action in problem cases. Along with the agency's chief executive, we are happy to look at cases that hon. Members feel are unresolved.

I shall have to respond in writing to hon. Members on some of the specific points raised in the debate. However, I want to end my remarks by responding to the point made by my hon. Friend the Member for Stafford. He asked me, as the Minister, to show that I was on the side of hon. Members in the debate. I tell him that not only am I on the side of hon. Members but, more importantly, I am on the side of those children who need the support of a reformed child support system, which we are determined to deliver.

Ehlers Danlos Disease

3.30 pm

Mr. Colin Pickthall (West Lancashire) (Lab): I am grateful to have the opportunity to raise the subject of Ehlers Danlos disease. For reasons that will become obvious, I would have been even more grateful to have secured the debate six months ago when I first started applying for it.

About nine months ago, a young woman attended my advice surgery in Ormskirk. She was in considerable distress, and informed me that she suffered from Ehlers Danlos syndrome. I had never heard of it. It turns out that the syndrome is caused by a genetic defect in collagen, the body's connective tissue. EDS is characterised by skin extensibility, joint hypermobility and tissue fragility. I am told that that condition allowed some individuals to become contortionists—perhaps it still does. It may be the only useful thing to come out of it.

The syndrome is classified into six major types, each of which runs true in particular families. EDS can affect males and females of all races and all ethnic backgrounds. The prognosis depends upon the specific type. In type IV, for example, life expectancy can be shortened owing to the rupture of vessels and organs in the body. For women with EDS who have types I, II or IV, pregnancy can be life-threatening.

EDS can result in easy splitting of the skin. Gaping scars can be created by even minor blows or buffets. The skin can fold, which can be dramatic. It can mean tumours and spheroids under the skin, which victims have described as like having ball bearings under the skin. Some suffer the dislocation of joints and unstable joints, including congenital hip dislocation. It can lead to chronic joint and limb pain. Ruptures and varicose veins become more common. It can also lead to gum disease, gastro-intestinal diverticuli, premature aging and bladder conditions; and the external scarring involved can be so severe as to lead to permanent disfigurement. At its worst, and depending on the type, it can give rise to continuous, excruciating pain.

My constituent had been diagnosed as suffering from type IV. As I said, that can result in the life-threatening rupture of vessels and organs. Expertise on the syndrome seems pretty scarce in the NHS. I shall come to an exception to that criticism shortly. My constituent had been referred to the dermatology unit at Leigh. There, she had simply been handed a photocopy of the relevant pages of a medical text book. She took them home to read. She read them with horror. Under the entry for type IV, she found the following:

"The lifespan of patients with EDS IV is generally shorter than that of their unaffected siblings; the mean age of death is in the early 30s for women".

My constituent was 29. It is not hard to imagine the psychological shock. She was shattered and utterly demoralised. Having thus far been able to hold down a responsible job, she found it impossible with the idea in her mind that within a few months she could be dead.

It is not my purpose today to hang out the Leigh unit to dry. The incident—being handed such documents to read—has properly been tackled by Brian Strett, the chairman of the Wrightington, Wigan and Leigh trust, following my complaints. I have no further complaint about that. I do not think that a patient will receive such a response there again. I have related the incident only to exemplify the paucity of attention and resource committed to EDS.

The syndrome is quite rare. It is estimated that about one person in 5,000 might have a variant of EDS. Some people's symptoms are no doubt mild. However, one in 5,000 means that you, Mr. Deputy Speaker, I, my hon. Friend the Minister and every other Member of Parliament probably have, between 12 and 15 constituents who suffer from the condition.

There is an EDS support group. Its fund raising manager is a very active lady, Mrs. Rae Mould, who lives in Rufforth in north Yorkshire. She sent me some helpful briefings. They point out, for example, that the syndrome can sometimes go undetected because it often has no outward symptoms. At other times, the bruising that can very easily occur in people with the condition can be and has been misinterpreted as the result of self-harm or even physical abuse. That is particularly important in relation to children who suffer from the condition. There can also be chronic joint or limb pain that shows nothing on X-rays or in similar examinations.

My constituent was able to inform me, because she had done some research of her own, that there was someone in the NHS who offered clinical advice on and diagnosis of EDS. That person is Professor Michael Pope, who works out of Chelsea and Westminster hospital and works part of the time in Cardiff. I contacted Mike Pope, who was good enough to find a slot for my constituent, so that he could meet her and diagnose her problems. That is not an easy matter for a man whose expertise is in huge national demand. The situation is that if he can fit in the people who are referred to him, they have to travel to London, which is not always easy. Nevertheless, he found a slot for my constituent and she visited him.

The one bright aspect in this sorry tale is that, after examining my constituent, Professor Pope was able to tell her that her condition was not the life-threatening type IV, as she previously thought. I met her some weeks later, by sheer accident, in her workplace, which is the Co-op bank in Skelmersdale. The change in her demeanour was wonderful, as we would expect of someone who had been given a reprieve from a death sentence. That was one of those encounters that make being an MP worth while—we do not have enough of them, perhaps. Incidentally, I should refer on the record to the outstanding support that has been given to her by the Co-op bank and, in particular, her immediate supervisor.

Even more inspiring was a meeting that I subsequently had with Professor Pope. He is a remarkable man, typical of everything that is best about the NHS. For a long period, he has refused to do any work on this matter in the private sector. He described to me how, over the years, the funding made available to his unit, which was diagnosing and researching this problem, had been steadily eroded. He described how between 1976 and 1985 his group, working in the then clinical research centre, led the field in Europe in research on connective tissue genetics. I will quote him directly, because I could not possibly summarise the achievements that he set out:

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"Amongst our discoveries were the first collagen type I and II errors in osteogenesis imperfecta and various EDS subtypes . . . and the first collagen V mutation on EDS I and II and also the first British collagen type VII and collagen type II mutations in epidermolysis bullosa dystrophica and the Stickler Syndrome."

There was a lot of Latin in that, Mr. Deputy Speaker, which you would be much more able to pronounce than I am.

For a time, the Medical Research Council's decent funding meant that sufferers were referred to Professor Pope for clinical classification, genetic counselling and molecular diagnosis. At the time, that was pretty satisfactory by all accounts. After the closure of the clinical research centre, the group was transferred to Cambridge in 1995, to Cardiff in 1997 and to London in 2001. Each move was accompanied by diminished resources and progressive contraction, which led inexorably to the skeleton service that he is now able to conduct. He also ran the Institute of Medical Genetics in Cardiff. I understand that the referrals from health authorities across the country cost about £600 each.

In late 2000, the MRC withdrew its support. A self-fulfilling process goes on, where funding is reduced and reduced, so the operation is reduced, and eventually the MRC says that it cannot fund the operation because it is too small and cannot carry out sufficient work. Professor Pope's unit, if I can call it that, is left to scrape along, with funding raised voluntarily by the EDS support group supporting a small budget each year from Chelsea and Westminster.

It is now pretty impossible to secure direct funding from the NHS or from research sources to assist in such work. The laboratory facilities, the cell culture collection and the records archive are now all in danger of disintegrating—indeed, they might already have done so. Professor Pope has been operating in the area of EDS more or less pro bono.

The most alarming fact is that Professor Pope's scheduled retirement date is next month. Who is going to do the work that Professor Pope did, which made such a difference to my constituent's lives and to so many others? After July, there might be no centre of expertise to assist British citizens suffering from this highly complex condition, which is difficult to diagnose precisely and involves lifelong disabilities and even early death. That is clearly not acceptable.

I know that various colleagues in Parliament have raised their worries on the subject in letters, in parliamentary questions, and in an early-day motion tabled by my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson). My right hon. Friend the Prime Minister has a constituent—a teenage girl—whose case he has pursued, as has my right hon. Friend the Chancellor of the Exchequer. The right hon. Member for Berwick-upon-Tweed (Mr. Beith) has raised the issue in the House, as has the hon. Member for Vale of York (Miss McIntosh). Having looked at the matter from the outside, I believe that there is clearly a need for a centralised UK service, preserving and building on the service offered by Professor Pope and his colleagues. I hope that my hon. Friend the Minister will assure us that the Department will take the matter seriously, will seek the means to fund the service and set it on a solid foundation, and will do so quickly before it is totally lost.

My description has only skated over the surface of the problem. I clearly have no clinical expertise, as is probably obvious, and the NHS funding systems amaze me. I recommend the Minister to take an early opportunity to meet Professor Pope to get the benefit of his detailed knowledge and to assist him and his successors—be there any—in providing properly for constituents whose conditions are hard enough to bear without the added burden of not knowing where or when to seek help, or for how long that help will be on hand.

3.45 pm

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): I congratulate my hon. Friend the Member for West Lancashire (Mr. Pickthall) on securing this adjournment debate; I hear that he has been battling away to secure one for a long time. I know that he has a particular interest in the disease and has asked about it before, so I welcome this opportunity to respond to him.

I join my hon. Friend in recognising how distressing the condition is for patients, their carers and families. Sufferers can experience a wide range of problems and disabilities. I pay tribute to work done to help patients and families by voluntary organisations such as the Ehlers Danlos Syndrome support group, which helps to fund research into the condition. It is important to raise public awareness of less well-known diseases such as EDS, and I hope that this debate will help to achieve that.

The provision of treatment for EDS patients is part of the responsibility of primary care trusts and other local stakeholders. They are charged with making arrangements for the health care of their local populations because they are closest to the people that they serve and best placed to respond sensitively to their needs. People with Ehlers Danlos Syndrome also have access to a range of specialists depending on the individual diagnoses. Those specialists include orthopaedic surgeons, rheumatologists, cardiologists, vascular surgeons, neurosurgeons, dermatologists and clinical geneticists.

I was distressed to hear about the experience of my hon. Friend's constituent. That cannot have been the best way to learn about the consequences of a possible condition, and I am glad to hear that he has successfully pursued and resolved the issue locally with the trust chair.

Important work is also being done for EDS patients by the connective tissues genetics group at the Chelsea and Westminster hospital, under the leadership of Professor Pope, of whom my hon. Friend has spoken so warmly. He and his team provide specialised multi-disciplinary clinical genetic diagnosis care and laboratory analysis for paediatric and adult patients from families with a spectrum of inherited defects of connective tissue, including EDS. Patients are referred from regional genetic units or from other regional or local sub-specialists.

Since the 1970s, the unit has achieved a national and international reputation for effective comprehensive clinical and diagnostic management of patients with inherited defects of connective tissue. The team is also active in teaching and has pioneered research at the

leading edge of clinical practice. I say to my hon. Friend that there are two separate—perhaps not unconnected—issues. There is a difference between the future funding of the service for patients and the question of research.

I shall not go into the details of the condition because my hon. Friend has already described in detail some of the many consequences of having EDS and its different facets. There is no effective cure for it, although the condition can be managed and simple precautionary measures can greatly lessen the chances of accidental trauma, scarring and bruising. It is important to recognise that there are balances and difficult issues, certainly for children, in making those balances.

I understand why patients with genetic diseases, including EDS, and their families are calling for greater research effort to be applied in this area. The Government are committed to investing money in genetic research, which offers enormous potential to improve our health and health care. Increasing understanding of genetics will bring more accurate diagnoses, more personalised prediction of risk and more targeted and effective use of existing drugs. It will also provide new gene-based drugs and therapies, as well as prevention and treatment regimes tailored according to a person's individual genetic profile. EDS is one of a number of conditions, and we believe that there are about 750,000 patients nationally with incurable single gene disorders, which are particularly difficult.

Gene therapy offers hope for many people for whom there is currently none. It is to address that point that the Department is supporting gene therapy research into single gene disorders. As with any medical research, it is not possible to predict accurately when treatments might become available or which approaches will ultimately prove effective. That is the nature of research, but I share the hopes of the many parents, carers and patients that gene therapy will become a viable treatment for inherited disorders such as EDS.

Hon. Members will recall that we announced £30 million to develop specialised genetic services in April 2001, and we have made further funding available for this important area. In June 2003, our White Paper, "Our inheritance, our future—realising the potential of genetics in the NHS", set out the Government's commitment to developing genetics knowledge, skills and provision in the NHS by investing more than £50 million over the next three years. As well as that, the Medical Research Council spent £59.2 million on genetics, molecular structure and dynamics research in 2001–02.

The funding emphasis is translational, which means bringing the benefits of research into the clinic. Our vision is for the NHS to lead the world in taking maximum advantage of the safe, effective and ethical application of the new genetic knowledge and technologies for all patients as soon as they become available. In time, we should be able to assess the risk that an individual has of developing disease, not only for single gene disorders such as EDS and cystic fibrosis but for our country's biggest killers—cancer and coronary heart disease—as well as conditions such as diabetes that limit people's lives.

The potential is immense. Although genetics will never mean a disease-free existence, greater understanding of it is one of our best allies in the war against disease and long-term conditions. I hope that, over time, the research will provide a breakthrough in the understanding and treatment of genetic diseases such as EDS.

My hon. Friend made some comments about the role of the MRC, and I am aware that the council is not currently funding research into EDS, although it funds a number of research projects into connective tissue and collagen physiology. The MRC welcomes high-quality applications for support into any aspect of human health, and they are judged in open competition with other demands on funding.

As I am sure that my hon. Friend appreciates, the MRC is an independent body that receives its grant-in-aid from the Office of Science and Technology. It is a long-standing and important principle of successive Governments that they do not prescribe to the individual research councils the detail of how they should distribute resources between competing priorities. That is something that researchers and research users best decide.

Mr. Pickthall: I appreciate what my hon. Friend is saying about the general efforts of the Government and NHS in genetic research. I welcome and applaud that work. However, in this specific case, we have a unit that does both diagnostic and research work, and as far as I can ascertain, it is the only place in the country where patients such as my constituent can ascertain the nature of the disorder and get expert advice. Such facilities do not exist elsewhere, and the unit is about to collapse. That is the centre of my concern.

Miss Johnson: That is why I made a distinction between research, on which the research funding bodies make the decisions, and the question of provision for patients, which is primarily a matter for PCTs. For something as specialised as EDS, the arrangements normally involve one or several centres. I understand that work goes on at other places in the country; we do not have the details here, but centres obviously provide services to EDS patients, including one in my hon. Friend's area. Other provisions are certainly made for patients.

I understand that an unsuccessful bid was made to the National Specialist Commissioning Advisory Group in 2003. The question of centralised specialist provision might be considered, but I cannot comment on that. I suggest that my hon. Friend pursues the matter with the Under-Secretary of State for Health, my hon. Friend the Member for South Thanet (Dr. Ladyman). He deals with such matters on a day-to-day basis, especially the question of specialist commissioning in relation to the provision of service.

I have made it clear that the MRC considers bids on a competitive basis; it considers the ability to compete. Research excellence and its importance to health will continue to be the primary considerations in its funding decisions, in which the Government have never been directly involved. We need to bear in mind that its funding decisions on research bids are made largely on scientific opportunity and the likelihood of scientific development.

In connection with EDS being a long-term medical condition, my hon. Friend did not mention the work on long-term conditions being done by the national service

[Miss Johnson]

framework. It will focus on services for people with neurological conditions because that is an area of real need. We know that services in many areas are still patchy, with some long waiting lists and other inequalities. It cannot cover all long-term conditions, or the entire disability agenda, but we need to be realistic and pragmatic in our response. However, we think that when the national service framework comes out, it will include models of care, and that it will show how users and carers can be supported with information that can be taken up by other medical specialties—information that might be relevant in particular cases. There may also be benefits for everyone on issues such as access to rehabilitation, equipment, adaptations and other support.

I hope that my hon. Friend will agree that we are sympathetic to the needs of patients with EDS. We believe that initiatives such as the genetic strategy and the national service framework will make life better for patients with EDS, and their families and their carers.

On the question of commissioning arrangements and the way in which primary care trusts provide services for patients with that range of conditions, I hope that my hon. Friend the Under-Secretary will be able to find time in his diary to meet my hon. Friend the Member for West Lancashire to discuss whether we should consider having such services across the country and how they should be provided and funded. I cannot make any commitment on his behalf, but it is a discussion worth having.

3.59 pm

Sitting suspended for a Division in the House.

On resuming—

Community Transport Schemes

4.15 pm

Mr. Steve Webb (Northavon) (LD): I look upon community transport as the one bright star in the transport firmament. To oversimplify ever so slightly, the roads are in gridlock, the trains do not run on time and buses are expensive, but at least there is community transport. That has been the one great encouragement in the past few years in transport for my constituents. I welcome the seed corn, pump-priming money that the Government have contributed towards helping my constituents to benefit from new and improved community transport schemes.

Four schemes serve the South Gloucestershire unitary authority, two of which are prominent in my constituency—Vale Link community transport, which serves Thornbury and the Severn Vale, with Yate, Sodbury and District community transport, serving the Yate area and surrounding villages.

I pay tribute to the paid staff of those organisations, and to the many volunteers who make them something very special. They are the people who will take someone to the eye hospital for an appointment at 6 o'clock in the morning. They are the people that a person should get in touch with in a transport crisis over getting to a new college course on Monday, when the council has rung on Friday to say that it will not pay for transport. They are the people who help in an emergency or on a regular week in, week out, basis. They enable many of my elderly or disabled constituents, or those who are young with families, or who live in far-flung villages, to feel that they are part of the community. They deserve enormous credit.

I—like, I am sure, the Minister—want these community transport schemes to have a long-term, viable, sustainable future, rather than, as has happened so far after the initial flush of funding, to lurch annually from financial crisis to financial crisis. For example, Vale Link community transport has in two consecutive years issued redundancy notices to staff. That was the only way in which it could cover itself, because it was not sure that the money would be available on 1 April or 6 April to keep it going. That is unsettling for staff, who sometimes leave because they cannot live with such uncertainty, and for the passengers.

To give a flavour of the value attached to the services—I shall not quote great screeds although I have many letters—I shall refer to a letter I received earlier in the year. The lady tells me:

> "I am writing on behalf of myself and other elderly, sick and disabled people . . . I have been told that the Vale Link . . . are under threat of being withdrawn owing to lack of funds . . . I have Parkinson's Disease and rheumatoid arthritis, and although I bought this bungalow because it was on a good little local bus route, I am not fit enough to use it. I am only able to cope here alone with the help of the Dial a Ride."

That is the difference that the service makes to that lady. She lists all the things that she does with its help—the essentials such as visits to the doctor and the

hospital, but also to her poetry group once a month. The issue is partly one of access to essential public services, and partly one of taking part in community life. The lady writes:

"I would be housebound without the help of this service."

I also mentioned Yate, Sodbury and District community transport, and I have a letter about that from a lady who writes:

"I am nearly 80. I use it for shopping. I cannot carry heavy loads. Also, they have days out which I enjoy . . . It is used also by schools, youth and varied groups, and it will be a great loss to all who use it."

She mentions social visits, going to medical centres, and so on. I have shoals of such letters, as I am sure the Minister can imagine, from grateful constituents who appreciate the fact that community transport schemes have been started, often with substantial Government pump priming, but who want the Government to ensure that community transport has a long-term, viable and sustainable future.

When I have raised the matter in written questions, the response, as I am sure the Minister is aware, has generally been that the Government got the schemes going, and that they are thereafter for local authorities. That argument is fine as far as it goes. If the ongoing revenue funding—not for buying buses but for keeping the thing going—had also been transferred to local authorities, on a scale that would keep them going, that would be great. However, I think that the Minister would accept that that has not happened.

There are ways in which central Government help local authorities and community transport groups, and I shall mention a couple of them, but they are not up to the scale of the problem, given the transport pressures on local authorities. To put the matter in context, commercial bus companies are under increasing financial and competitive pressure to concentrate on the money-making urban main routes; that leaves councils to fill the vacuum of rural and connecting services to the main routes. We expect councils to run more of such services, while also expecting them to pay to keep community transport going, and the money will not stretch to allow them to do all those things. There is a danger that we are telling councils, "If you want to keep community transport going, you will have to take off the rural bus service you have been subsidising." I appreciate that councils must prioritise and that local people should determine local priorities, but the money must be there to make that possible.

If community transport is to be long term and sustainable, what can the Government do? Is it just a matter of saying that it is up to local authorities? The Government support the rural bus challenge with predominantly capital funding to get it going, but South Gloucestershire's most recent bid was turned down. Some bids from other authorities were granted not just capital funding but continuation funding for up to seven years. A lot of effort goes into the bids, and not all can succeed, but there is an inconsistency in that sometimes people are told that they cannot bid for continuation funding. Yet some of the successful bids have the words "continuation funding" in the title. It makes one wonder if those who know how to play the game get a better result. People feel slightly aggrieved about that.

I recognise that the grants cannot go on forever. My local authority is starting to say that it cannot go on bidding for money for another bus if it does not know whether it has the long-term revenue funding to back it. That is the nub of my concern.

There have been welcome changes: community transport can now access the bus service operators' grant, for example, and the money is going directly to community transport. I welcome the Government's change of policy in that respect, but how will the services get long-term sustainability? I group my responses into two areas: the first is not so much about the Government getting out of the way, but about freeing up innovative local authorities and community transport groups to do new things and to find new sustainable long-term funding.

The Government need to recognise the potential of community transport to provide services that link in to the commercial bus routes. Bus companies increasingly say, "If you can get to the main road, we will run a fast, reliable, commercial bus service down the main road, the bus lane or the quality bus corridor." However, it is possible to have community transport such as a community bus service that runs on fixed routes, with some variation—perhaps a demand-responsive element—to link to that network. Potentially, it is possible, but there are all sorts of barriers.

For example, I believe there is a rule that where a community transport service wants to feed into the main network, it cannot use a paid driver. I can understand why, 15 to 20 years ago, there may have been such rules, because we did not want subsidised services to compete with commercial services, but in rural areas now it is nonsense to think that anyone wants to run such services. It is not a case of public money crowding out private services; they just ain't there.

That being so, could we lift some of the section 22 restrictions, which state that a paid driver cannot be used? Volunteer drivers can be used for individual journeys, but they would not be willing to do an eight-hour day, five or six days a week. Paid staff are needed, and rules need to be relaxed to allow services to operate without the bureaucracy. I understand that section 19 rules say that it is all right to have a driver as long as he is a member of the group; some communities have therefore had to sign up everyone in the parish to be a member of the community transport group so that one of them can drive the bus. I think the Minister would agree that that sort of bureaucracy blocks creativeness. What I propose would not result in unfair competition with the commercial sector but it would enable community transport to provide new and better services and access for people in rural areas, without the bureaucracy, giving them sustainable, long-term security.

The Government need to make it clear that the rural bus grant, which they give to local authorities every year, can be used explicitly for community transport schemes, as there are often rules and regulations about

[Mr. Steve Webb]

what the money can be used for. There might even be a presumption, or openness to a presumption, that the first port of call for the rural bus grant money should not be to pay commercial providers to run a few extra buses on infrequent services on, say, a Sunday, only to find that the public do not use that service and that it is then taken off because we are simply paying people to run empty buses. The money should be used explicitly for community transport. Would not it be better to use the money to provide a service that better matches demand?

The Government could also consider local transport plans. I understand that the next round of plans will include the key themes of social exclusion and accessibility. Community transport has the potential to meet some of those demands. If there is a transport problem in a rural area, the answer may not be a capital project, or a new road, bus stop or junction, but a revenue solution to make that rural area accessible by paying for a community bus service. That could be an explicit part of what a local transport plan should contain. If the Government gave a positive signal that they were looking for those sorts of ideas, we would go a long way.

There is an issue with how far local authorities can afford to take up the slack where Government funding has ceased. That issue was raised in this Chamber nearly a year ago by my hon. Friend the Member for North Norfolk (Norman Lamb) in a sort of all-party debate on transport, to which the Under-Secretary of State for Transport, the hon. Member for Harrow, East (Mr. McNulty) responded, in which the same issues and questions were raised. For example: how do we convert something good into something long term and sustainable?

Another problem is that of tapering Government support. Clearly, people knew when they made a bid for the money that it would not last for ever, but there was a rush of applications, and many things started at the same time that are now running out of money at more or less the same time, and the funding to take up the strain is not there. My local community transport group says that charities and trusts are pretty good at stumping up money for capital items. With a fair wind, it can get the money for a bus, but it cannot get the ongoing funding for a driver. That is what central and local government is about: the ongoing security of services.

One message that I have received is that the people who run community transport, and those who use it, want certainty, security, stability and predictability. They want to know that services will not be affected come February or March, when we have the annual panic and crisis, when money is borrowed or a few thousand pounds are found from another budget. They want to know that the services have the long-term stability that they have a right to expect.

My key messages to the Minister are as follows. First, one of thanks to the Government for helping to get things going. Secondly, I request that some of the bureaucracy, such as regulations, and limitations on community transport, is removed in order to address long-term funding needs creatively. Some local authorities are saying, "Well, we can't find this sort of long-term funding. We can't find ways of getting money to community transport, so we are not really going to engage with this agenda." South Gloucestershire unitary council is not taking that approach. It wants to be creative with local community transport schemes and to find ways to use them as service providers for social services and education, so that it can get core revenue streams going into them. It also wants to mesh in with the rest of the network, use paid drivers in rural areas—where that is the answer—and to use community transport schemes as part of a local transport plan, as an alternative to capital projects.

There are many ideas floating around, and we need to know that the Government will not say, "We never intended that to do this," or, "You can't do that because of this regulation," but will let a thousand flowers bloom, so to speak, let local community transport groups be creative and give them the long-term, sustainable future that my constituents and, I think, the Minister, would like to see.

4.29 pm

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): I congratulate the hon. Member for Northavon (Mr. Webb) on securing this debate and providing the Chamber with another opportunity to discuss the important role of community transport and how it is funded.

I want to pick up on the hon. Gentleman's opening remarks, as I did not recognise the transport system that he described. He said that roads were gridlocked. I accept that there are occasions when they are extremely busy, but it is nonsensical to suggest that they are permanently at gridlock. Although the Liberal Democrats nationally support congestion charging, Liberal Democrats in Bristol opposed one such measure that Bristol city council proposed a year or so ago. The hon. Gentleman may want to reflect on that with some of his colleagues in that area. The other reason why our roads are extremely busy is because under this Government we have a very successful economy. As many as 2 million more people are working. More people are travelling to work. More people are travelling for leisure and pleasure.

I thank the hon. Gentleman for his comments about community transport. It certainly is a bright star. I am sure that he has received many appreciative letters from people who use community transport. That is reflected in the sort of communication that the Department has had from people, both at local authority level and from the service users. Community and voluntary transport has a key role to play throughout all regions of the country, and in both urban and rural areas. The challenges may vary but the need for transport for those who are socially excluded by reason of income, gender, race, disability or geographical isolation is always there.

The Community Transport Association, which represents the majority of schemes across the country, estimates that there are some 5,000 schemes in the UK, which between them run 60,000 minibuses. The schemes deliver 5 million trips a year for almost 2 million people

with mobility problems. In addition to 10,000 or so full-time paid drivers, the sector relies on 250,000 volunteers to provide these invaluable transport schemes. I pay tribute to those volunteers who support such transport schemes. Without their contribution many others would be denied mobility, and would increasingly be socially isolated and disadvantaged.

However, as we have heard today, funding for the sector is not straightforward, and I fully appreciate the difficulties to which uncertainty over future funding and the complexities of funding applications themselves can give rise. For a small operation simply pulling together all the information needed for a funding application can be a daunting and time-consuming task. It has to be repeated time after time for different funders, and the need to "reinvent" the project to meet the relevant funding criteria can be a significant burden. I know that the hon. Gentleman has been involved over a number of years in supporting the work of schemes in his constituency to secure funding.

We recognise that good transport connections are vital to building thriving rural communities. It is central to achieving a healthy economy, a better quality of life and an improved environment. Over the past 30 years, public transport has become a marginal form of transport in many rural areas. In addition, people's journeys have become longer as local shops, schools, and other services such as health care, post offices and banks have disappeared from many communities. For people without access to a car this meant increasing difficulties accessing employment opportunities and essential services.

Many of your constituents, Mr. Deputy Speaker, will not have access to a car. In my constituency some 40 per cent. do not. That is bad enough in an urban area but the problem is even worse in rural areas. Walking or cycling to the nearest services is not an option, particularly for the elderly or those who are disabled in some way. That lack of accessibility is a significant cause of social exclusion in rural areas. We recognised this in the commitments made in both the 10-year plan for transport and the rural White Paper to invest in rural transport, to improve the transport infrastructure and to enhance rural accessibility.

The measures we are taking are having a positive impact. New and enhanced bus services are being delivered across all rural counties. They are improving links between market towns and halting the decline in bus use in rural areas. More than £50 million will be spent this financial year alone on the rural bus subsidy grant. More than 2,000 new and enhanced bus services are now being funded from that grant, supporting some 26 million passengers per annum. We have succeeded in stopping the gradual decline in the rural bus network and provided a much-needed boost to many rural communities.

Additional resources for conventional bus services are not the only answer in rural areas, however. We fully recognise the potential contribution of more flexible, demand-responsive services and community transport solutions in meeting local needs. In doing so, in 2001 we extended the fuel duty rebate scheme to a wide range of community transport services, helping them with their fuel costs and providing not inconsiderable assistance. We have made changes to the regulations governing bus registrations, which will ensure that outdated rules and regulations are not a barrier to the introduction of demand-responsive bus services. We shall carefully consider the hon. Gentleman's point about section 22 in the forthcoming review of the permit regime. If the hon. Gentleman wants us to consider other issues, we shall certainly give them careful scrutiny, although we cannot guarantee that we shall take them on board.

Mr. Webb: I am grateful to the Minister, because my point was about a concrete issue. Can he say something about the time scale for decision making and changing things?

Mr. Jamieson: I cannot, but my ministerial colleague, my hon. Friend the Member for Harrow, East (Mr. McNulty), is more familiar with such issues than I am, so I shall get him to pen the hon. Gentleman a line.

We want still further improvements in rural accessibility, with better targeting of resources by local authorities to meet accessibility needs, greater promotion of rural transport services and a more joined-up approach, linking public transport and the less conventional services that I just mentioned. All such initiatives can help to make more services available to more people.

The Department has a number of initiatives aimed at supporting the community and voluntary sectors in both rural and urban areas, where social exclusion also exists. One of the most significant initiatives has been the extension to community transport operators of the bus service operators grant, which was formerly the fuel duty rebate. Since the introduction of the grant in May 2002, nearly 800 community transport operators in England, including Vale Link community transport in the hon. Gentleman's constituency, have been awarded eligibility. The grant is continuing, not time limited.

On the interests of rural communities, since 1998 the Department has provided significant funding to improve the provision of bus services in rural areas. Our rural bus subsidy grant and the rural bus challenge schemes have been widely welcomed as having a real impact on the transport needs of rural communities around the country. I am pleased to say that the challenge scheme in particular has opened up new opportunities in many areas for community transport operations to play a bigger part in addressing local needs. Although we have helped to stimulate many such initiatives, I should also like to acknowledge the hard work and dedication that community groups have invested in improving quality of life for the many people who rely on them. As the hon. Gentleman will acknowledge, south Gloucestershire has benefited from that funding for rural services, having successfully received awards for four projects totalling £2.1 million from the rural bus challenge and some £294,000 from the rural bus subsidy grant.

We of course recognise that the funding regimes that I have outlined do not provide a long-term funding base for schemes. The hon. Gentleman said that the grants cannot go on for ever, and I agree. However, that was never our intention; and we have made it clear from the

[Mr. Jamieson]

outset of the rural bus challenge that it was never intended to be a source of permanent revenue support. The main aim was to get projects under way, which would then become part of mainstream funding. Although I recognise the pressure on local authority resources for revenue support of buses, the overall Government grant has increased by 7.3 per cent. for next year and by 30 per cent. since 1997.

Some authorities have an exceptional record of working in close and supportive partnership with community transport. Others, however, have not yet recognised the value of working in partnership. In particular, many authorities continue to provide funding support one year at a time. That is no basis for forward planning or development.

Now that local authorities have the benefit of funding on a five-year basis rather than annually, we hope that they will pass that benefit to the schemes that they support. One of the things that my right hon. Friend the Chancellor has recognised is that security of funding over a long period gives local government a better opportunity to plan. However, those who rely on such funding should also benefit from the certainty of the five-year forward planning.

In the same vein, it is important to engage community transport providers in the local transport plan process at a strategic level in recognition of their contribution to public transport delivery. The LTP guidance to local authorities emphasises the need to encourage active involvement from that sector. However, too many community and voluntary transport providers continue to be treated as some sort of optional extra in the transport mix. Clearly in south Gloucestershire there is evidence of engagement and, as we have heard, projects have been taken forward under the rural bus challenges.

Where do we go from here on funding? We all recognise that community and voluntary transport schemes are vital in the mix of transport provision. The Government want to do all that we can to ensure that they thrive. Funding is, as we have heard today, a key factor in determining how the sector is able to continue and to develop effectively. It is important that all those involved in funding, including national and local government, as well as other funding providers, are aware of how their decisions can affect the future viability of community schemes. It is important that they are able to share their experiences, learn from others, and develop their funding policies with a broad understanding of the sector.

In August last year, the Department hosted a seminar for the major funders of community and voluntary transport. Its purpose was to discuss funding and to consider what we could all do to enable the community and voluntary sector to develop to the benefit of the communities—both rural and urban—that it serves. As a result of that seminar we have commissioned the CTA to produce a good practice guide to funding. It is due to deliver the guide this summer and we intend to make it widely available to all involved. In addition, funding will be considered in the context of a research project that we have commissioned to consider the role of community transport in reducing social exclusion. One of the aims of that work is to identify and evaluate the funding regimes that are available to the sector. I hope that that is helpful to the hon. Gentleman.

Finally, as part of our commitment to the compact with the voluntary sector, we have worked closely with it on "Working in Partnership with the Voluntary Sector—Strategy and Action Plan", which we are soon to publish. That document will outline how the Department has met and will continue to meet the aims of the compact. By liaising with the sector, we aim to obtain views on the Government's transport agenda and to identify and better understand the barriers that voluntary organisations have to overcome if they are to provide a full and sustainable service.

In conclusion, we are actively considering the impact of funding on the voluntary and community transport sector. There is no simple solution, as the hon. Gentleman will appreciate. Our role is to provide a national policy, regulatory and financial framework so that the transport system works for everyone. We must engage others, local authorities in particular, in recognising the implications for local communities if community and voluntary transport schemes are not supported.

This has been a useful opportunity to explore some important issues. I am sure that this debate will not be the last that we have on an issue of enormous interest to my Department and to the constituents of many hon. and right hon. Members.

Question put and agreed to.

Adjourned accordingly at sixteen minutes to Five o'clock.

Westminster Hall

Wednesday 16 June 2004

[MR. JOHN MCWILLIAM *in the Chair*]

Defence Procurement

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Heppell.]*

9.30 am

John Robertson (Glasgow, Anniesland) (Lab): Thank you, Mr. McWilliam. It is a pleasure to see you in the Chair. I hope that we will have an interesting debate.

I believe that it was Napoleon who once said that military victory results from three parts courage and only one part equipment. I will not quarrel with such a renowned strategist, given that my military experience is confined to the more humble armed forces parliamentary scheme. Nevertheless, I want to focus on the equipment on which our forces rely, what is needed, where it is bought, and how it is made. First, I shall consider the way in which decisions about defence procurement are made, the security of Britain's defence requirements, and the scarce financial resources with which we must meet those requirements. Secondly, I shall consider in greater detail the marketplace for defence equipment and the role that our Government should play.

The central problem of defence procurement is how to plan for the uncertain threats in a rapidly changing world that the US Defence Secretary has described as "unknown unknowns". We are not certain about the equipment that our forces will require in future campaigns. For decades, the transatlantic alliance was focused on the containment of Soviet expansion, but in the early 1980s how many people predicted the end of the cold war? Likewise, no one could have foreseen the terrible attacks that were launched on the United States on 11 September 2001 and which caused the US and its allies to reassess the nature of the threats that they faced. In the face of such uncertainty, we are right to emphasise the need for broad-based capabilities.

In recent weeks, concern has been expressed about the resources that are available for procurement. It has been reported that the war in Iraq led to the Ministry of Defence's having to borrow £500 million from procurement budget funds to cover short-term costs and that that sum was due to be paid out on the Eurofighter programme in the mistaken belief that it would be delayed and therefore payment would be put off. Will the Minister comment on the procurement budget and update us on discussions between the Secretary of State, the Chief Secretary to the Treasury and the Chancellor of the Exchequer about the defence budget for the years ahead?

Although those concerns about funding are real, we should put them into context. Labour introduced five years of year-on-year real-terms increases in the defence budget, and the last round of spending was particularly beneficial to the armed services. That compares with a swingeing cut in defence spending of nearly one third in the previous decade. I am not making a party political point. Indeed, politicians across the spectrum recognise that the end of the cold war reduced the threats that our conventional forces and nuclear deterrent were designed to repel. I want to emphasise the wider context of these funding issues: massive long-term investment in the armed forces and a vision of the armed services as a worldwide force for good.

Having established the need for strong armed services and the Government's firm belief in the need for effective procurement, there are still controversial issues about what equipment is required. There has recently been controversy over the Royal Navy's needs as it transforms from a cold-war-based service to one that can genuinely project global power. As the Minister knows only too well from my frequent questions, the BAE Systems yard in Scotstoun in my constituency is building the first of the Type 45 destroyers. The decision to buy Type 45s has been much criticised, most recently by Sir Max Hastings in *The Spectator* and by a retired naval officer, Lewis Page, in *Prospect*. I want to make the case for the Type 45s, and I would appreciate the Minister's active and vocal support.

The arguments against Type 45s have focused on the changing threat to the UK—the end of the single, overwhelming threat from the Warsaw pact and the rise of less predictable, and unstable, threats from failed states, rogue regimes and international terrorism and crime. Sceptics say that where a global projection is required, destroyers such as Type 45s are of use for little more than as venues for cocktail parties. However, that does not recognise the fundamental role of destroyers and frigates in the successful delivery of maritime force projection. They are equipped with a suite of defensive systems that were vital in the Iraq crisis, during which 95 per cent. of all United Kingdom military equipment travelled to the Gulf by sea. They also contribute enormously to our layered defence. Aircraft based on land, on aircraft carriers and on destroyers and frigates form the outer layer of our defence. Medium-range ships are carried in escorts such as the anti-air missiles in destroyers and the anti-ship missiles in frigates.

Much has been made of the danger of obsolescence, particularly in relation to the Type 42 destroyer. However, I have seen in person the first of the new Type 45s that are being built in Scotstoun, and they are vastly more capable and therefore have the potential to make the Royal Navy even more effective. It is also important to remember that destroyers and frigates are useful and can be utilised when international events take an unexpected turn for the worse. For example, in 2003 the frigate HMS Iron Duke sailed to fulfil our north Atlantic patrol commitment. After it arrived in the Caribbean, the situation in Sierra Leone deteriorated and the ship was sent 3,500 miles to west Africa, arriving in Freetown less than two weeks later. The riverine operations and armed patrols that were carried out by the forces involved were decisive factors in reducing the strength of the rebels at that point. Not only that, but on returning to the Caribbean the Iron Duke conducted counter-drug operations and seized more than 3 tonnes of cocaine. Destroyers and frigates have been able to undertake tasks ranging from high-intensity war fighting in Iraq, smaller-scale regional engagements such as those in Sierra Leone, and humanitarian disaster relief such as that in Montserrat. Does my right hon.

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Friend agree that those ships are not merely relics of the cold war, but have an active role to play in the 21st century?

Another area of concern is that of equipment and clothing for our armed forces. That was the subject of a great deal of media criticism in the run-up to the war, some of which was fair, some less so. After all, Britain deployed a force comprising roughly the same amounts of men and kit as that which we despatched to the 1991 Gulf war, in half the time. We made great strides forward in the intervening 13 years, and that should be appreciated. Nevertheless, the need to modernise our communications, particularly in-theatre, is seen as of paramount importance. Will my right hon. Friend give an up-to-date position on new communications systems for our armed forces? If that is not possible today, will he be good enough to write to me? Clothing for our front-line troops in Iraq was not all that it should have been, although it was not quite as bad as the media presented. I would argue that a sufficient supply of desert clothes and boots could have been achieved in advance of deploying our forces. In the context of this debate, however, I make no apology for concentrating mainly on naval procurement, about which I have spoken many times in the House. I will continue to fight my corner for shipbuilding on the Clyde.

Now that I have established the strategic need for ships such as the Type 45, I want to examine the ability of the defence market to provide them. The Scotstoun yard, along with its sister yard across the river in Govan, is owned by BAE Systems. We should recognise the benefits that that company brings to the UK economy. In 2002, it employed 40,220 people in the UK and invested £500 million in fixed capital. BAE Systems represents a substantial base of intellectual capital in the UK and continues to invest in maintaining and upgrading that capital. I would therefore be grateful if the Minister gave his views on the need for a defence industry strategy that recognises the need to retain intellectual capital in the UK, because that generates employment and contributes to the independence of our foreign policy.

I want briefly to consider three points: first, the future of the Scotstoun yard; secondly, the performance of BAE Systems; and thirdly, competition in the defence market. As my right hon. Friend knows, there has been speculation about the Scottish shipyards in the media, especially the Glasgow *Evening Times*. Scotstoun appears vulnerable as more of the work on the Type 45s transfers to the Govan yard. BAE Systems has so far been able to provide little clarification other than to emphasise its obligation to shareholders to consider approaches from all of its businesses. That is of great concern in my constituency.

Decisions about defence procurement cannot and should not be based primarily on the need to protect jobs. The needs of our armed forces must, and always will, come first. The case that I want to make is twofold: first, that as the capabilities of the Scotstoun yard meet our current requirements, it is good for the Navy if those shipyards are secure; and secondly, whatever decision is made about the Type 45s, we owe it to the workers of the yard not to leave them in a state of uncertainty.

Mr. Mohammad Sarwar (Glasgow, Govan) (Lab): These are not just speculations. When we met the managing director of BAE Systems, he told us clearly that if he received an offer for the shipyard he would sell it. That is causing a lot of anger and uncertainty among the work force in the Govan and Scotstoun shipyards. What does my hon. Friend think will be the impact on the work force if BAE Systems sells those yards? BAE Systems is a very large employer that is vital to the UK economy. Does my hon. Friend agree that there should be a better relationship and understanding between the Government, BAE Systems and trade unions?

John Robertson: I thank my hon. Friend, whose constituency shares the lower Clyde with my constituency, for making valid points to which I shall return later. It is important not only for BAE Systems, but for all shipyards, that the Government and shipbuilders understand what is required in terms of the need to keep shipbuilding both in this country and afloat—if Members will excuse the pun.

Can the Minister give guarantees regarding the contracts on which the Scotstoun and Govan yards rely? Can he confirm that our war vessels will be built only in the UK, and that no work, either for the Type 45 or for any other warship, will be lost abroad? There are rumours about some kind of get-together with the French in their design of the third aircraft carrier—it would be their first carrier—so that the work for the three carriers is split between France and Britain. Can my right hon. Friend assure me and workers in British yards that that is not the case and that the two carriers will be built in Britain?

My hon. Friend the Member for Glasgow, Govan (Mr. Sarwar) referred to the wider issue of BAE Systems and its relationship with the Ministry of Defence. We all recognise that the position of BAE Systems as the principal defence contractor based in the UK means that the Government must have a close working relationship with it. My experience leads me to believe that both sides can take action to help each other to work together better. BAE Systems has delivered late and over budget on almost every project for years, although, to its credit, its latest accounts show improvements. I am in regular contact with representatives of the company in connection with constituency issues, and many of them are open and helpful. However, the management can be evasive and unhelpful in their contact with politicians. Although such an attitude is by no means typical of all in the company, it is a particular problem at the upper management level. Does the Minister have a view about what can be done to improve the situation? Will he put on record his recognition of the improvements that the company is making?

A good relationship between the Ministry of Defence and our prime defence contractor is vital. It is a two-way street, and I hope that both sides will work hard to improve the relationship. During my debates and meetings with MOD representatives, I have found that, although they have the needs of the country at heart, a slight paranoia is creeping into the relationship with BAE Systems. That paranoia is perceived among those on both sides. Will my right hon. Friend try to ensure that the two bodies can get together to work in a

constructive manner? That is of paramount importance to the armed forces for whom the company makes its goods.

A happy resolution to this matter would be in BAE System's interests, given the competition that it faces. The Government operate an open procurement system. There are other strong players, such as Thales, and on the continent EADS is working hard to build up its military and space businesses. Defence companies are working hard to break into new markets, and BAE Systems has been successful in that—according to Bank of America Securities, 21 per cent. of the company's sales are made in America.

Governments need to think strategically about co-operating with partners. It is natural that we should look first to our close ally, the United States. There are, however, impediments to US-UK co-operation in defence procurement—for example, America's protectionist legislation, as has been admitted by Bob Bruce, director of Atlantic armaments at the Pentagon. Likewise, the Americans are unhappy because they perceive a fortress Europe of national champions and directed competition. What steps can the Government take to encourage competition and innovation?

I believe that there are many reasons for optimism about Britain's defence procurement policy and its future prospects. I thank the Minister for all his work and for his assistance in my attempts to help the workers of the yards in Scotstoun. I am sure that my hon. Friend the Member for Glasgow, Govan feels the same. I also thank the Minister for Defence Procurement, Lord Bach of Lutterworth, who has been unfailingly helpful and courteous in his dealings with me.

I believe that we are well placed to meet Britain's security needs in the years ahead. I am sure that my right hon. Friend will address the issues that remain to be resolved and that he will do his utmost to respond to my questions and the fears of the workers throughout the country.

9.49 am

Jim Sheridan (West Renfrewshire) (Lab): I begin by congratulating my hon. Friend the Member for Glasgow, Anniesland (John Robertson) on securing this debate, which is vital not only to the whole of Britain, but to the west of Scotland in particular. He, my hon. Friend the Member for Glasgow, Govan (Mr. Sarwar) and I have the privilege of representing constituencies in that area.

The defence industry is a vital component of the economy of the west of Scotland. I shudder to think what would happen to the economy of not only the west, but the whole of Scotland if it were threatened in any way, either by the Ministry of Defence not placing orders, or—the ultimate fright—by the Scottish people voting for independence, thus destroying an industry with a proud history.

I spent most of my working life in the defence industry, as I am a former worker at Barr and Stroud—now called Thales. I also spent years working in Yarrow shipyard on the River Clyde. I congratulate the people whom I worked beside on the education that I received during that period, for which I am eternally grateful. Working for those companies, I witnessed the deep frustration of both the management and the workers when dealing with the Ministry of Defence. Without being over critical, I have to say that it is one of the most difficult organisations to deal with in terms of procrastination in placing orders. It is extremely frustrating waiting for orders that keep getting pushed further back down the pipeline. Companies and management sometimes have difficulty retaining their work force while waiting for those orders to come through, and in holding on to the spare parts and components needed to fulfil the contract. The Ministry of Defence is not an organisation that one would choose to work with.

One of the benefits of working in the defence industry is the vast amount of money spent not only by Government but by private companies on research and development. A number of research and development offshoots from defence companies have benefited commercial markets, none more so than those in the medical field. I pay tribute to those working in the defence industry, particularly those involved in research and development.

There are also many shipbuilding offshoots. Ferguson, in my constituency, is a commercial shipyard. It does not wait for defence contracts, but goes into the commercial market for work. It is only right to mention the frustration that the management and workers at Ferguson felt recently when they lost out on a Government contract to build a ship for the Department for Environment, Food and Rural Affairs. Of the four companies that tendered, Ferguson was the only British yard, but it lost out to a Norwegian yard.

The most frustrating aspect is that the Norwegian yard will not be building the ship; the job will be subcontracted to Poland to exploit cheap labour in eastern markets. The management and workers at Ferguson shipyard are asking why British yards cannot win British contracts. The complex system of dealing in the European market and having to adhere to European legislation is part and parcel of life, but that does not appease those who depend on the British Government to defend British jobs and give them British work.

John Robertson: I pay tribute to the work that my hon. Friend has done for Ferguson shipyard. I have spoken to him many times about the problems that we have in gaining orders, particularly in contrast with European companies. Does he agree that there are rules in Europe that apply only to Britain? Other countries like to bend, twist and misuse the rules to their own advantage. Why can we not do the same?

Jim Sheridan: I thank my hon. Friend for that timely intervention. There is a perception—unfortunately, I can put it no stronger than that—that the British play by the rules while other European countries do not. I can put it no more strongly than that, because we do not have any evidence. I have raised the subject with the Department of Trade and Industry; it is time for us to take a closer look at how companies from other European countries manage to secure contracts when we in Britain cannot. It is deeply frustrating when British workers cannot get British contracts from the British Government.

Mr. Colin Breed (South-East Cornwall) (LD): I entirely agree with what the hon. Gentleman has said. I was unaware of the situation at Ferguson, but does he not agree that it is strange that we have allowed a

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manipulation of the rules? A subcontractor from a business outside the European Union was allowed to subcontract inside it. If that had been done directly, it probably would not have been allowed or possible. It would be interesting to know whether that subcontract was made clear at the beginning. If it was, there has been a clear subversion of European Union rules.

Jim Sheridan: I thank the hon. Gentleman for that valuable intervention. He is right to say that this is an extremely difficult matter. DTI officials have told me that the situation was explained to them. The Norwegian company, whose name escapes me, made it perfectly clear that it would not build the ship in Norway, but that it would take advantage of—indeed, exploit—the cheap labour in eastern Europe to do that.

Not only the workers in Ferguson shipyard, but workers throughout Britain, are asking for a level playing field—no more than that. When they tender for contracts, they want to do so on the basis of fair competition, rather than on the basis of companies being able to subcontract their work to eastern European countries. We must take this matter seriously; perhaps we should look at it again later.

We go through lean periods, so defence companies should not be totally dependent on defence contracts. The country needs a strong defence, but the Ministry of Defence has to work within limits. I encourage all companies currently engaged in defence contracts to look seriously at the possibility of defence diversification where possible. In my trade union life, I spent a number of years working alongside people in the defence industry; I tried to encourage companies to move into defence diversification, but that was extremely difficult.

Let me explain what the situation used to be. When the MOD was not coming forward with contracts, BAE Systems—or Kvaerner, or Yarrow as it was then called—would send its shop stewards to lobby MPs and to say to them, "We won't vote for you if you don't get us an MOD contract." That is how it did its business. If the organisation had put the same energy and resources into trying to get into commercial markets as it put into trying to blackmail and bully politicians to get contracts that were not there in the first place, it might have got the contracts that would have secured the jobs.

We need to think seriously about how companies can get the money, the research and the resources to address defence diversification. Again, the MOD and the Government have a role to play; they have an opportunity to assist companies in their research and development on contracts other than defence contracts.

Another main element of the defence industry is the apprenticeship opportunities that it gives young people. When I visit the yards in Govan and other parts of Glasgow, I am proud when I see young people—not just young men, but young women as well—learning good-quality trades that we need in this industry, and in this country. Not everyone wants to go to university; some people are particularly good at other skills. It is important that defence industries such as those that we are talking about are given the opportunity to offer quality training to such young people, because our wider society needs that.

John Robertson: My hon. Friend makes a valid point that I omitted to include in my speech. Although I have attacked various companies for misusing their unions, and BAE Systems is more than a little suspect in that respect, it should be congratulated on the apprenticeships that it has provided on the Clyde. I place on record the fact that more than 100 apprentices came into the yards in Govan and Scotstoun last year, and there will also be 100 in the coming year. That is a sign of what we want to do with our young people—give them proper jobs. My hon. Friend makes a valid point: not everyone goes to university. I did not go to university. I worked hard to get where I am today, and those young people will have the same opportunity to do that.

Jim Sheridan: My hon. Friend is right. When I return to some of the companies that I worked for, particularly Thales in Glasgow, and meet the trade unions and the management, it gives me great delight to see that some of the young people who were doing apprenticeships when I was there are now fully fledged engineers, doing a first-class job and producing high-quality goods, not only for the MOD but for the whole defence industry.

I was one of the people who, during the discussions about the contract for the aircraft carriers, was not tied into the belief that it should go to BAE Systems simply because that was a British company. I did not believe that it was a British company, and I still do not. It is a multinational company, out to make as much money as it can. If there is anything British that we should be celebrating, it is the British workers who produce the goods. When it comes to producing quality goods, British workers are as good as, if not better than, any other workers that I have seen, and the defence industry provides good-quality, well paid jobs. If we lose them, we will all be in serious trouble.

I have worked beside others in the defence industry, and my first-hand experience is that those workers are among the most efficient workers. They are also the most adaptable when it comes to accepting change, and I pay tribute to them for that. My experience of working in the shipyards in the 1970s was that there was a great deal of demarcation, discrimination, and people not being able to get on with their jobs because of outdated practices. However, the defence industry is adaptable, and has been and still is one of the first industries to make changes in that respect. That is no accident; it is a result of the good management of the companies and the pragmatism of the workers and trade unions. At the time that I described, the unions gladly recognised that there had to be change, particularly on the Clyde. If there had not been change, none of us would have survived.

One of the proudest moments that I have ever experienced came when I was working in a shipyard and saw a frigate being launched. It is an extremely proud moment for the workers when they see a frigate that they have worked on slip down into the Clyde, and they know that the product is of good quality and was delivered on time. Equally, from my experience of working for Thales, which builds some of the most

complex equipment that the British armed forces use—indeed, it is used throughout the world—I know that it is extremely gratifying to see such equipment being put together at the end of the production line.

However, the debate is not just about ships or weapons; it is about other services in the defence industry that we depend on. I well remember looking inside a Challenger tank—what a formidable piece of equipment that is! Again, we should celebrate the fact that people can produce such equipment. That said, for a time we had some difficulty in marketing the British Challenger tank, particularly under previous Governments, when we had some difficulty in convincing them that that tank was the best. We did so eventually, but if the British Government do not show confidence in British products and British workers, how can we convince others to buy such equipment?

However, as I said, the debate is not just about equipment such as tanks and ships, but about other services that we provide in the defence industry, which are equally important. I shall digress slightly and mention my concern about the possibility of the defence fire service being privatised. Again, that idea should be examined seriously.

Many jobs have been lost in the defence industry over the years. In fact, more jobs have been lost there than in any other industry that I am aware of. I am proud of the fact that that was done by companies and trade unions getting together, recognising the dangerous situation that they were in and taking the appropriate action to deal with it. I pay tribute to them, because if they had not acted at the time, I doubt that we would have any shipbuilding left, particularly on the Clyde.

If we are to have a strong, efficient and robust defence industry, we have to give the management and the workers the tools to do the job. That is why we need a long-term strategy that allows the employer to plan, where possible, some years ahead in placing contracts and getting the tools to do the job. It is not just about the employers, it is also about the suppliers to the major contractors, who have a right to know about that strategy. More importantly, the employees in the defence industry must have some idea about where the Government are going with their strategy for defence and how that will impact on them.

10.6 am

Mr. Colin Breed (South-East Cornwall) (LD): I welcome this timely debate, and I congratulate the hon. Member for Glasgow, Anniesland (John Robertson) on securing it. It is timely, because we have a considerable military presence throughout the world, and how we perform in that respect will be dependent on the procurement policy that has been developed over recent years.

The formulation of any defence procurement policy must be based on a firm strategy that takes account of the perceived and actual threats and how they will be countered. However, I suppose that we all accept that in recent years, it has been difficult for anyone to decide what the perceived threats are, and where they will come from. The world has become a more dangerous and difficult place, so it is a lot more difficult to produce firm strategies to counter such threats.

Inevitably, cost will always be an important element, but I agree with what we have heard already this morning, which is that it is almost more important that there is a budget with stability over the long term, and that any short-term unexpected emergency expenditure should be found from contingency funding or reserves. Treasury demands for cutting expenditure in the middle of defence procurement programmes inevitably lead to knee-jerk reactions, and when we look back at what was spent and achieved, we often see inefficiency and poor value for money. Far too many defence contracts undergo huge changes during their lifetime, to the inconvenience of the contractor and at the expense of the Ministry of Defence.

We have learned something that the Minister may like to comment on. There is to be a 5 per cent. cut in the funding of the MOD, which will reduce the amount of money that it thought it had to spend next year. Much of that money will be directed towards running costs, rather than the acquisition of new equipment. The meaning of that for our present deployments in Iraq, Afghanistan and the Balkans needs to be explained more clearly. Will those be affordable on current budgets? Where is the additional money coming from?

Iraq is a huge cost. It is estimated that it costs about £80 million a month to keep our 11,000 troops in Iraq. Although I accept that the Chancellor has said that the war will be funded in full, we have not learned what sort of time scale is involved; it could be months or years. In the meantime, it appears that the money, in a cash-flow sense, has to be found from the defence budget, with all the implications that that will have for existing procurement programmes. It is precisely such expenditure that should be found from defence contingency budgets and reserves, and not through unexpected raids on the defence budget as a whole. That funding issue has been at the heart of many problems, and particularly those between the MOD and its contractors.

I accept that there will always be difficult choices to make in this fast-moving and technological world, but it appears to me, and to many others, that too many of our recent contracts have been elongated; they have been drawn out far too long. Equipment almost becomes obsolete before it is delivered—yet our ability to maintain a technological edge is often at the heart of the contract renegotiations that cause the process to take longer and cost more.

Of course, affordability and capability are the key considerations in any defence procurement policy. In the defence White Paper published in December 2003, the MOD confirmed that it had shifted to network-enabled capability, with a stress on anti-terrorism measures such as information gathering. Looking back at the situation before and after September 2001, that seems entirely appropriate.

What needs to be cut to pay for the new capabilities? They are, without doubt, extremely expensive. Some of the expenditure needed may not even be precisely known, and that creates even more uncertainty in the budgets. It is estimated that there could be a shortfall of about £4 billion in the procurement budget as a result of the need to pay for big-ticket items such as the future carrier, Eurofighter and the joint strike fighter in the next few years. Again, there is a cash-flow issue, and we need to know how the MOD is coping with it. The

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subject was referred to earlier. For companies that have received contracts and are relying on payments, uncertainty about whether they will indeed receive that payment is a worry.

In a former life, I managed many cash-flow situations, and am only too aware that customers often invoke tiny conditions in order to escape having to pay what they should, or dispute such conditions long enough to place contractors in a difficult position—they have had to pay their work force and acquire the material and everything else, so they are relying on payment. Far too often, large companies dealing with small companies, and Departments dealing with contractors, invoke small aspects of the conditions of the contract to avoid making payments on time, placing companies in extreme difficulties.

Clearly, we need a constant review of what is being purchased and of the number of items required. The defence procurement budget needs to be tightly controlled; we all accept that. Certainly, we do not want unnecessary waste, but sometimes we incur it by being too restrictive in our contractual arrangements. Often, there could be a far closer working relationship, which would benefit both the taxpayer and the contractor.

I hope that the Minister can clarify an issue raised recently in the newspapers—the potential sell-off of new Eurofighters once they have been received. I am not certain, but I think that the claims are being refuted. However, while the RAF may well be the primary customer for those Eurofighters, a number have been earmarked for immediate sale. If the contract is big enough, they could even be sold at a loss. I am not certain where that fits in the overall budget, and why it may be necessary, but it is perhaps an example of the fact that procurement budgets need to be more closely managed.

Once we have considered strategies for the countering of threats and the acquisition of appropriate assets, it is also important for a procurement policy to take account of the likely sources to which orders will be given. Reference has already been made to that aspect. In defence, in common with almost every other commercial industry, globalisation is creating fewer but larger suppliers. In telecommunications, aircraft manufacture and the pharmaceutical industry we are moving ever further in the direction of huge global companies.

That is also happening in the service industries. There are only four or five large international firms of accountants, making it almost impossible for some businesses to find alternatives for their auditing requirements. That mainly happens through acquisition and merger, although in this country, in Europe and in America there has been clear competition policy. We have the recent example of the Westland helicopter business becoming wholly owned by an Italian company, Finmeccanica, which formerly owned 50 per cent. of it. There are also continuing rumours that one of the MOD's principal domestic suppliers, BAE Systems, may become owned or partially owned by an American defence contractor.

The Government are on record saying that the ownership of companies or contractors is unimportant, and that only their location and the retention of their intellectual property rights should matter. I beg to differ. Similar arguments were used 20 or so years ago in the south-west when a number of companies were acquired through acquisition and merger. Yes, it was laudable if a business was still operating there and still had the same personnel, so its ownership was regarded as immaterial. However, in the next 10 to 15 years when rationalisation took place—when there were cuts in the company, or it was acquired by others—it was the peripheral locations that suffered.

Over the last 10 to 15 years we have seen a slow but almost inevitable drift towards closure of those larger businesses. They have moved elsewhere. Exactly the same could happen on a national scale. We used to have large businesses with good research and development operations, employing many people and with worldwide customers. Through a series of acquisitions and mergers we have seen research and development facilities disappear to other places. Only a rump of those original businesses remains.

John Robertson: I am following the hon. Gentleman's arguments closely, and I agree with much of what he says. Can he tell me what he would do about those companies? What safeguards would he incorporate into businesses to prevent that from happening?

Mr. Breed: That is part of our competition policy. It is difficult when we are subject to European competition rules too. I do not disagree with the idea that in order to be competitive on a global scale, many companies need to be on that scale themselves. But certain industries—the defence industry is the key one—need various protections to ensure that the domestic contractor is maintained.

Threats of moves abroad, and of British defence companies being owned by foreign companies, need to be faced by the Government. It is not enough to hope that companies will continue to choose the UK as their base. I hope that Westland helicopters will continue to be a firm provider of good helicopters from its base in Yeovil, but it cannot be beyond the bounds of possibility that if there is a further round of acquisitions, the Italian company itself might ultimately be acquired by someone else. The new owner would examine the operations that Finmeccanica was undertaking and would see that it had a large base, perhaps in Yeovil, and other locations in Italy. The requirements of any company that acquired it might be totally different, and the operation at Yeovil might well be thrown to the winds. There must be far more longer-term strategic thinking about the ability to provide our own defence equipment.

The UK has opened up the defence market, and I accept that the Government's wish to do that is probably the right thing. It will benefit the British taxpayer, and I hope that it will help to achieve global stability. However, it is vital that other countries do the same. In the meantime, I hope that the Government will look closely at the loss of any further domestic defence contractor to foreign ownership. This must not be a case of the UK forging ahead and everyone else protecting themselves in the background and leaving us vulnerable for the future.

Of course, the more we procure and manage capabilities jointly, the more possible savings there will be for the UK and the more so-called "bang for our

buck" we will get. We should not worry too much about pooling capabilities and sharing costs with European allies—and, indeed, with the United States. However, it is vital that in concert with that aim there is a clear policy to ensure that cross-border mergers and acquisitions will provide security of supply and maintenance of vital research and development work in the UK, and that intellectual property rights do not disappear from this country. Our troops stationed around the world are engaged primarily in nation building and peacekeeping. Our immediate priority must be to keep them well trained, well supplied and well looked after, and in ensuring that in the immediate future, the MOD thinks radically about its current procurement programme.

We have obvious short-term demands that must be factored into the long-term requirements. Procurement policy must be flexible enough to meet those inevitable short-term demands, but have an inbuilt dependable stability to maintain expenditure on the big-ticket items; that ensures value for money and proper commercial relationships with our defence contractors. The immediate past has been described as not a particularly happy time for balancing those sometimes conflicting objectives. I hope that the Minister will be able to reassure us that his policies will address the vital issues that have been raised this morning.

Finally, may I raise a matter that has arisen during the past day or so? The Minister might be aware of it. There was an incident in Devonport dockyard concerning the slight derailment of a fuel train. Presumably, it involved radioactive material—submarine fuel. It was a minor incident and I am sure that it was handled correctly, but what disturbs me is that when I received a telephone call from the local newspaper, I did not know anything about it; there have been no MOD press releases.

If we are to secure and maintain the public's confidence in our nuclear facilities, it is vital that details of any incident, however small, are immediately published, along with details of what action has been and will be taken. It is difficult for us, who want to support the dockyard with all its facilities, when reporters come along and tell us about incidents involving radioactive material, which should have been made known to us at the earliest opportunity. The incident was minor, but the way in which it has been handled is not helpful to DML—Devonport Management Ltd.—the MOD or us. I hope that in future there will be immediate notification of incidents, as that will secure the public confidence that is so vital with nuclear installations.

10.25 am

Mr. Gerald Howarth (Aldershot) (Con): I congratulate the hon. Member for Glasgow, Anniesland (John Robertson) on providing us with the opportunity to debate this extremely important issue. The debate has been particularly interesting in that it has revealed a great deal of common ground, at least among hon. Members in the Chamber, on the importance both of the defence of our country and of the contribution that Britain's hugely successful defence industry has to make to the provision of services to our armed forces.

I welcome the general agreement among Members. If I make some critical comments, they are not designed to be dismissive of the Government's overall position. I do not question the Government's commitment to the defence of the realm—I might have done so in relation to previous Labour Governments, but not this one. The characteristic difference between the debates that we hold today and those that were held in the 1980s is that hon. Members from all parties clamour for more business for their constituencies. That is a hugely healthy development in British politics.

The hon. Member for Glasgow, Anniesland talked about BAE Systems in Scotland. The other day I had the privilege of visiting Crewe Toll and seeing at first hand the magnificent work that is being carried out at the forefront of technology—it is very exciting. As the hon. Member for West Renfrewshire (Jim Sheridan) said, investment in that development—£65 million—is being made by the private sector in the defence industry.

I declare an interest in that BAE System's headquarters are in my constituency. However, I take a fairly independent view on such matters. The industry is more important than one company, although BAE Systems is dominant. I join the hon. Member for Glasgow, Anniesland in paying tribute to BAE, specifically its work in encouraging young people, especially those with good qualifications in technical skills, to join the aerospace industry.

We all acknowledge the battle between the Ministry of Defence and the Treasury to which the hon. Member for South-East Cornwall (Mr. Breed) referred. I would say privately to the Minister that I am on his side in that battle, and if he needs my help, I will be there to support him.

It is five years since the introduction of so-called smart procurement—since renamed smart acquisition—and we are well into the second year of the defence industrial policy. I have to say that progress has been disappointing. Ministers trumpet extravagant claims for the success of the new policy, while the noble Lord Bach of Lutterworth, courteous though I fully acknowledge him to be, liberally heaps all the blame at the door of the Conservative Government of seven years ago. All that hype was brutally punctured when the new chief of defence procurement, Sir Peter Spencer, gave evidence to the Defence Committee on 12 May. He admitted that only one of the seven aims of smart acquisition had been met, and cited what he described as a cycle of failure at the Defence Procurement Agency. He also said that on some projects, smart acquisition had not been implemented as it should have been, and expressed concern that certain smart acquisition projects had passed through the main gate—for the uninitiated, the main decision point—without adequate design maturity. Sir Peter boldly observed that achievements prior to his tenure had been limited—I am not sure when he can next expect to share a drink with his predecessor—and said that there was much to do if the aims of smart acquisition were to be realised. In other words, he flatly contradicted all the extravagant claims made by Ministers for the success of the policy.

Time does not permit me to go through a raft of examples, but I shall outline one—the future rapid effect system, or FRES as it is known in the trade. We have no pictures of the series of vehicles involved in that battlefield system, which was described the Chief of the General Staff, General Sir Michael Jackson, as

"critical to the British Army's future capability".

[Mr. Gerald Howarth]

According to Sir Michael, it is required to be in service by 2009 at the latest, but the Ministry of Defence is not even at the stage of appointing a system house to assess the project. We warned last year that the decision to put it out to a system house would delay it by as much as a year; and more than a year since it was announced, the assessment phase has still not begun. In last October's debate, I said that we were promised a decision last spring. That was delayed until the autumn, when Ministers assured us that a decision would be made by the end of the year. We are now approaching this year's summer recess and we are still no further forward. I challenge anyone to give me a picture of what the vehicle will look like. FRES's in-service date has already slipped from 2009 to 2010, but 2011 appears to be the only realistic date.

I readily accept the argument for seeking the maximum de-risking of projects in advance of decisions to proceed to production: that is unquestionably sensible. I do not blame Ministers for delaying a project if they are operating so close to the edge of high technology that they have to undertake another assessment to ensure that they get it right; otherwise, they will be accused of putting a project into production without having de-risked it fully, or at least to a sensible extent. However, all the contractors to whom I speak say that their projects are moving further to the right.

On the aircraft carrier programme, we welcomed the Government's decision to bring together the combined expertise of BAE Systems and Thales UK, but early progress is petering out. Why cannot Ministers decide who will direct that vital and significantly expensive project? Have they heeded the warnings given by the Public Accounts Committee in the 1980s that the Ministry of Defence should not seek to make itself the prime contractor? While we are on the subject of the future of the carrier vessel, what precisely was the agreement between the Secretary of State and the French that was signed on the Charles de Gaulle aircraft carrier last week?

In the case of private finance initiative projects, delays in decision making are, as the hon. Member for West Renfrewshire said, driving up the cost of bidding as consortiums have to hold their teams together pending a decision by the MOD.

This debate is not only about smart acquisition and the procurement process, but about the defence industrial base, for which the Government have failed to meet their targets. Since General Dynamics' bid for Alvis and GKN's sale of its stake in Westland—the last British helicopter manufacturer—to Italy's Finmeccanica, the issue of ownership and indigenous defence manufacturing capabilities has been brought to the fore. Commercial activity has been frenetic, but the Government have been virtually silent about the ownership of the UK's defence industrial base. Apart from the understandable concerns expressed by Labour Members about the job prospects of a highly skilled work force, the country needs to know whether Ministers are content to see control of the destiny of the bulk of Britain's defence industry pass out of UK hands. This is not a question of xenophobia: key issues of national security are at stake. The Secretary of State may not believe that ownership is of great importance, but it has consequences for our ability to retain our indigenous defence industrial base and, ultimately, our ability to prosecute military action. That is a material consideration, given that the UK is second only to the United States in committing to a war-fighting role.

The extensive transfer of ownership abroad could have serious consequences. Overseas managers will make investment decisions on strictly economic grounds, taking into account their home market first. As the hon. Member for Glasgow, Anniesland said, BAE Systems has made a significant investment in Crewe Toll. Reliance on foreign suppliers would unquestionably raise serious issues about the security of supply. The ability to ramp up production in time of war may be reduced if those directing the business owe no allegiance to this country. Similarly, where the UK and the home country of the business are seeking urgent supplies, it must be probable that the home country will come first.

Should offshore companies purchase BAE Systems—we know that they are in the market, and that many UK defence prime contractors go abroad—how will the MOD procure major weapons systems? The options are limited to two. First, it could procure off the shelf; that has the advantage of allowing it to obtain developed systems with a proven operational record at minimum risk and with minimum requirements in terms of the execution of the purchase by procurement staff. The primary disadvantages to that approach are the flow of funds offshore, the loss of UK defence-related jobs, and the loss of national engineering and systems integration expertise. Secondly, the MOD could establish a co-operative development programme with another Government for a major defence article. The difficulty for the MOD, with no national prime contractor, would be that all the work allocated to the UK would be fixed-price and second or third-tier companies and assemblies would probably suffer. Intellectual property, systems engineering and integration expertise would reside with the offshore contractor. A significant amount of funding would be provided to the prime contractor, most of which would never re-enter the UK economy.

The Secretary of State considers intellectual property to be of greater importance than ownership. I agree that it is critical, but there will always be the temptation for foreign-owned companies to suck out our intellectual property and transfer it back home. Ministers have to keep a close eye on what is happening at Qinetiq in my constituency. Too often, technology is developed with British brains and expertise but is not followed through and disappears abroad because there is no market here. That is a serious issue that I flag up as a warning to the Minister.

We cannot be sure what is happening as regards the joint strike fighter. Although we are in pole position with the United States in co-operation on building a first-class aircraft, the fact that we are being denied access to some of the source codes means that we do not have control. Ownership will continue to matter for as long as we intend to maintain an independent defence industrial capability.

In May, Sir Richard Evans, the chairman of BAE Systems, told the Select Committee on Defence:

"I think that if we just leave this completely to market forces without actually giving any thought to future potential requirements, which are national interest issues, what we will see is continuing decline in mine and other companies' interests in the UK markets and I think that would be a sad day for the UK."

As the former head of the Defence Export Services Organisation, Tony Edwards, said in a letter to *The Daily Telegraph* last week:

"The remaining British companies will conclude their best option may be to sell themselves to the highest bidder while their value is at the maximum."

Where do the Government stand? Are they prepared to preside over a grand summer clearance sale of Britain's defence industrial base? Britain is at a crossroads, and we have to make some fundamental decisions about where we stand.

I agree with hon. Members who say that there must be a more mature, sensible relationship between BAE Systems and its principal customer. I put it the other way round: the relationship between the MOD and its principal supplier must improve. Those of us who—dare I say it—love this industry and believe it to be the great jewel in the crown of British manufacturing industry look on aghast at the spat that is going on. The only people rejoicing will be our competitors.

In the defence White Paper published last December, the Secretary of State said that platforms and units did not matter as much as capabilities and effects-based warfare, and promised that he would make specific announcements shortly. I hope that that does not happen on the day before the summer recess and that we will have time to consider what we expect to be major Government decisions. I want to remind hon. Members of a significant matter to which I drew attention during the debate on the White Paper, supporting essay 2 of which stated:

"Since SDR our Armed Forces have conducted operations that have been more complex and greater in number than we had envisaged. We have effectively been conducting continual concurrent operations, deploying further afield, to more places, more frequently and with a greater variety of missions than set out in the SDR planning assumptions. We expect to see a similar pattern of operations in the future."

In other words, as I said at the time, the Government expect multiple, concurrent, small-to-medium-scale operations on counter-terrorism, counter-proliferation and enduring peace support that are well beyond the assumptions of the strategic defence review to be the norm, or to be carried out without creating overstretch. That is a massive challenge for any Government.

I recognise that the Government have difficult decisions to make. However, if they fail to ensure that the British defence industrial base retains the skills, critical mass and ability that are necessary to provide what this country needs, they must carefully consider their procurement policy and the risks to their being able to prosecute operations of the kind to which they have set their mind.

10.42 am

The Minister of State, Ministry of Defence (Mr. Adam Ingram): I congratulate my hon. Friend the Member for Glasgow, Anniesland (John Robertson) on securing this debate. He opened by referring to Napoleon, who apparently said that military victory was three quarters courage and one quarter equipment—I assume that my hon. Friend was quoting accurately. May I remind him that Napoleon lost? What he said may still have some resonance, but recent events in Iraq show that equipment is an important issue, which we have to get right.

My hon. Friend was right to raise in passing some of the difficulties that we experienced in Iraq. We put in place the lessons learned from Operation Telic so that we could be sure about the key ingredient of equipment supplies to our troops, who gave 100 per cent., not 75 per cent., courage in the difficult task that we asked them to perform.

My hon. Friends the Members for Glasgow, Anniesland and for West Renfrewshire (Jim Sheridan) and the spokesmen for the Conservative and Liberal parties raised a number of specific issues, which I will try to deal with. However, it is important first to set out the MOD's overall approach to procurement. This year, the Defence Procurement Agency and the Defence Logistics Organisation will spend almost £13 billion on the acquisition of equipment that allows our armed forces to do their job, usually in difficult and dangerous circumstances.

The Department's job is to provide our forces with the equipment that they need at a price that is affordable to the taxpayer and represents good-value through life. However, given the sophisticated nature of much of the equipment that we purchase, it is not surprising that problems are experienced in delivering to specification, on time and to budget. However, we should not let the projects that invariably capture the headlines obscure the many success stories in defence procurement. For example, operations in recent years have demonstrated the outstanding capabilities of equipment such as the Tornado, the Storm Shadow missile, the Merlin helicopter and the Challenger 2 tank and the Warrior armoured fighting vehicles.

In addition, we have a powerful range of new capabilities that have either recently entered service or are under contract to do so soon. The C-17 aircraft has already demonstrated its worth in providing strategic lift, and the Bowman combat radio system, which entered service earlier this year, nine months ahead of schedule, is a critical enabler for increasing operational tempo, firepower and survivability for all three services.

As we seek to advance our ability to project military force and to provide an effective, flexible response to a wide range of threats, both conventional and unconventional, the equipment that we procure must meet the military user's requirement. Moreover, our armed forces, rightly, want it to deliver a battle-winning edge.

The reality is that most, if not all, of the problem projects relate to a procurement policy that has been consigned to history. There is a new set of processes at the heart of the Department, which is enshrined in the smart acquisition process. The MOD has come a long way on procurement over the past five years. Smart acquisition has delivered integrated project teams, a much more coherent military customer organisation and an increasing sense of partnership with industry. The National Audit Office's major projects report,

[Mr. Adam Ingram]

which was issued at the beginning of the year, recognised that. However, there is no escaping the fact that a lot more needs to be done.

As part of its review of acquisition processes, the MOD has introduced a more rigorous regime of senior level review of the progress of projects and is implementing proposals to strengthen the Defence Procurement Agency's financial management. We have recognised the critical need to tackle project risk early in the procurement cycle, particularly during the key assessment and demonstration phases. With reference to the point made by the hon. Member for Aldershot (Mr. Howarth), that is why we will not move to main gate—when the main financial commitment is made—until sufficient risk has been removed from a project. In that way we will avoid the costs and delays that historically have affected projects late in the process.

Mr. Gerald Howarth: Will the Minister give way?

Mr. Ingram: Let me move on now; I want to deal with a range of issues, but I will see if there is time for me to give way later.

Competition remains the best procurement strategy for delivering value for money for the defence budget. Competition encourages innovation, flexibility, efficient use of resources, and the development of skills and knowledge.

The hon. Member for Aldershot referred to the defence industrial policy, which the Secretary of State for Defence launched 18 months ago. That policy seeks to sustain and enhance the competitiveness of our defence industry while ensuring that our armed forces have access to world-class equipment at the best value for money. The policy also, for the first time, makes it clear that Ministers must have regard to the impact that our decisions have on our domestic industry, which means that jobs, skills and export potential must be key factors in our procurement decisions. I believe that many saw the Secretary of State's decision to choose the Hawk 128 as the advanced jet trainer aircraft for the Royal Air Force as proof that our defence industrial policy meant something in practice. There was a hotly contested debate, but the decision was based on elements in the defence industrial policy. That decision represented a massive vote of confidence in British industry, and in particular, in the 2,000-strong work force at Brough.

However, in defence, as everywhere else in the modern world, the only constant is change. The industry must therefore constantly look to the future and develop the technologies and processes needed to meet the demands of a rapidly evolving international marketplace. In working together to implement the defence industrial policy we have sought to be open about how we conduct our business and how we make our decisions, and we have also sought to understand fully the pressures faced by industry.

The MOD's job is to deliver the equipment that enables the armed forces to mount rapid and sustainable expeditionary operations. That vision of operations was intrinsic to the strategic defence review. It was reaffirmed in the SDR new chapter and in last year's defence White Paper. Maritime platforms—both present and future—are vital in projecting the capabilities set out in those policy statements.

My hon. Friend the Member for Glasgow, Anniesland was right to stress the importance of our future shipbuilding programme and the shipbuilding industry. I will now turn to his contribution to the debate, which, understandably, focused on the shipbuilding industry, and on the Clyde in particular.

The Government have embarked on the largest shipbuilding programme for the Royal Navy in many years. In the past three years, 15 new ships have been ordered, including six Type 45 destroyers, two amphibious assault ships, two survey vessels and four landing ships dock. I was pleased to be able to join my hon. Friend at the launch of one of those ships, the RFA Mounts Bay, in Glasgow only a few months ago. It was encouraging to see that the next ship of class, the RFA Cardigan Bay, was on the stocks on the Clyde, and that ship will be launched in due course. Given our relationship with BAE Systems, we may be invited to that event too.

Looking further ahead, our shipbuilding plans include the purchase of two new aircraft carriers and the maritime afloat reach and sustainability project to provide new support vessels to replace many of the existing Royal Fleet Auxiliary ships. As my hon. Friends the Members for Glasgow, Anniesland and for West Renfrewshire said, the current shipbuilding programme will create or secure several thousand jobs in UK shipyards and their ancillary industries throughout the country.

I fully recognise that shipbuilding faces unique challenges at present, not least in Scotland. It remains our policy that all warships for the Royal Navy will continue to be built in the United Kingdom. My hon. Friend the Member for Glasgow, Anniesland asked about the relationship with the French. I do not have time to go into all the details of that now, but I can say that as both the French and the UK Government are involved in a major procurement stream, the industries may find points of compatibility that allow them to maximise best design techniques, knowledge and expertise. Perhaps they can use their skills to ensure that the UK is offered the best price and delivery by companies that are in partnership with the Ministry of Defence.

I do not see that as a threat to the British shipbuilding industry; I see it as an encouragement. We are ahead of the game. Both the French and the UK Government are committed to procuring very advanced ships. Therefore, when we talk about these things, we should ask how we can maximise the best effect for both countries. That is a sensible approach.

Our future programme in the shipbuilding sector is a demanding one, which is why we have commissioned the RAND organisation to examine whether the UK shipbuilding industry has the capacity to deliver our future naval programme. We plan to publish a report of RAND's findings at the end of this year.

The future programme provides a solid basis on which UK shipbuilders can plan. It is essential, however, for industry to seek to widen its customer base, particularly for export orders, by offering attractive designs at competitive prices. Our country's present

shipbuilding capacity cannot be sustained on defence contracts alone. We need to be successful in wider markets. We constantly say that to the shipbuilders, and I know that my hon. Friends who represent shipbuilding areas recognise that. We encourage companies to market abroad.

My hon. Friend the Member for Glasgow, Anniesland raised concerns about BAE Systems transferring work from Govan to Scotstoun. *[Interruption.]* I have got that the wrong way round; it is transferring work from Scotstoun to Govan. My hon. Friend the Member for Glasgow, Govan (Mr. Sarwar) was gesturing that I had got that wrong. I knew that I was trying to please one out of the two of them.

Mr. Sarwar: BAE Systems' decision to sell its shipbuilding wing is causing uncertainty in the work force and among the shop stewards. They are rightly extremely concerned, because they have gone through this uncertainty for the past four years. Gone is the time when there were going to be new apprenticeships and people were feeling comfortable. The decision has caused the work force considerable difficulty. BAE Systems is able to sell the yards because of the orders. What assurances can my right hon. Friend the Minister give that the work allocated to those shipyards will not be moved elsewhere if the sales go through?

Mr. Ingram: That would be much further down the line. The fact is that the commitments have been made to continue to build within the UK shipbuilding capacity. It is for the market to determine who owns which company. I do not think that my hon. Friends are arguing that we should take over the shipbuilding industry again. Therefore, things are conditioned by where the new ownership rests and what then applies. However, we have strategic interests in all this, and we must have proper oversight at what is happening.

That goes back to my earlier points about the capabilities that we require. We would not want those to be threatened at all. As for a need to put preconditions on any purchase of those yards, or any sale by BAES, discussions are not on the surface; indeed, I do not think that they are even below the surface yet. However, we will have to keep a close eye on that.

My hon. Friend the Member for Glasgow, Anniesland asked whether £500 million was borrowed from the procurement budget to cover the cost of operations in Iraq. That is simply untrue; it is another of those newspaper stories that gains credence because everyone quotes it. We try to rebut it, but no one recognises the rebuttal and newspapers keep running the story. The additional costs of operations in the Gulf were met from the reserve, which is the normal process for meeting the cost of such operations.

My hon. Friend also asked about the outcome of the ongoing spending review, and the hon. Member for Aldershot said that he would give me every help in that respect, but I am not even going to discuss it today. Hon. Members will have to wait for a later debate on those important issues. I would love to be able to say what is in my mind in that respect, but time precludes my doing so.

We have discussed the maritime environment at length, but the rapid delivery of military effect far from the UK requires investment across all three environments—sea, land and air—and our equipment programme recognises that. There are significant aerospace projects in various stages of planning or entering service, the JSF—joint strike fighter—and Typhoon being two obvious examples. The hon. Member for South-East Cornwall (Mr. Breed) referred to the possibility of Typhoon being sold abroad as something that was not to be welcomed. I take a different point of view: this is about quality European technology, and if we can market it internationally—Austria and Singapore have expressed interest in the aircraft—it can only help our industries.

I realise that the Liberal party's policy is that we should not have a Defence Export Services Organisation, and that we should not actively seek to promote abroad what this country produces, as that is what the hon. Member for Twickenham (Dr. Cable) said when he was the Liberal Democrat spokesperson on trade and industry. If the policy has changed, it would be nice to know that, because it would be nice to know that we had a joint approach in this country, to maximise the best effects of the quality of what we produce.

Mr. Breed: The Minister should not draw the inference that we are not in favour of exports. Our concern about the aircraft was that it was our tranche that we were getting and then selling on, because we could not afford to buy them.

Mr. Ingram: The hon. Gentleman should not obscure a clear announcement—or rather, restatement—of policy: that his party does not want our expertise to work alongside industry to export to other countries the quality equipment that we produce in this country. If we believe in exports, there must be a mechanism by which we can do that. In terms of Typhoon, we are committed to the 232 aircraft, and we are involved in negotiations on the tranche 2 element. The hon. Gentleman would not expect anything other than tough negotiations between supplier and customer. This is not a case of writing industry a blank cheque; we must continue to ensure that we get the best deal, which applies no matter what we are procuring or from whom we are procuring it. Our commitment to that aircraft remains as strong as ever.

My hon. Friend the Member for Glasgow, Anniesland asked about communications systems, which I take to mean the network-enabled capability, and I will write to him about that. The hon. Member for Aldershot also raised the matter in the context of what is likely to be coming downstream. We are making great progress in developing our processes, and we will make announcements on the matter in due course.

Finally, I compliment my hon. Friend the Member for West Renfrewshire who has done a tremendous amount of behalf of the shipbuilding industry, especially Ferguson's yard in his constituency. The ship he referred to in connection with recent procurement was, of course, not part of defence procurement, so I cannot add much to the points that he made. However, I take issue with the view of "fortress Britain". We cannot stand isolated; we are an exporting nation. We import and export and we must try to buy the best for our armed forces at all times, in shipbuilding, in the air and on the land. They deserve nothing less.

Men and Cancer

10.59 am

Dr. Howard Stoate (Dartford) (Lab): Thank you, Mr. Deputy Speaker, for giving me the opportunity to raise this issue in this Chamber.

We are now in the middle of national men's health week, so there could not be a better time to debate the issue of men and cancer. Few health issues could be more serious for men than cancer. It is now the single most common cause of death for them. Every year, 80,000 men in the United Kingdom die from the disease, and 134,000 are diagnosed with it. One in three will be diagnosed with cancer at some time in their lives, and one in four will die from the disease. I am sure that, in one way or another, these statistics will have touched the lives of all Members of the House in a very personal way.

As hon. Members may know, the theme for this year's national men's health week is men and cancer, which means that the debate is doubly well timed. The Men's Health Forum, which organises national men's health week, has done an excellent job in raising this sensitive issue with the male public, not least by producing, in conjunction with the Haynes Publishing Group and several national cancer charities, an excellent book, written by a friend and colleague, Dr. Ian Banks, in a car manual format. The book gives essential information about the disease in a male-friendly style, and offers a practical, step-by-step guide for men to preventing, detecting and beating cancer. I commend it to hon. Members, and thank the Minister for the financial support that her Department gave to the Men's Health Forum to help to produce the book.

I was particularly pleased to learn that the manual and national men's health week have secured the support of the Football Association. Hon. Members may have seen in press reports this week that Sven-Goran Eriksson and his coaching team took time out from their busy schedule in the run-up to Euro 2004 to help to promote it. I understand that one reason why the FA was keen to become involved is that Brian Kidd, Sven-Goran Eriksson's assistant coach, is recovering from prostate cancer surgery and has been forced to miss events in Portugal. I am sure that hon. Members will join me in wishing Mr. Kidd a speedy recovery.

There is no doubt that much progress has been made in recent years towards the "our healthier nation" target of reducing the death rate from cancer in people under 75 by 20 per cent. by 2010. The NHS cancer plan, in particular, is improving, and will continue to improve, cancer prevention, diagnosis, treatment and care. These initiatives and others like them are benefiting the whole population, and the Government deserve the congratulations of health professionals and patients alike on their successes in this area.

The establishment of the prostate cancer advisory group, which is working in close partnership with the prostate cancer charter for action, will be instrumental in improving services, stimulating research and raising public awareness about cancer in men. That important development is very welcome, but we must be wary of the pitfall of assuming that tackling cancer in men means simply addressing male-specific diseases such as prostate cancer and testicular cancer. That is emphatically not the case. Action is required against a broad range of cancers.

I should also make it clear from the outset that I am not seeking to diminish the issue of cancer in women, or to argue that resources should be diverted from work on women and cancer to fund more work on men. Such a step would be disastrous. Nor am I seeking to criticise or to undermine the fine work that is being done to tackle cancer on a population-wide basis. This debate is about how we can improve still further the outcomes for men and in doing so improve the health of the population as a whole.

Men are more likely to develop cancer than women and to die from it. Age-standardised data for England shows that the incidence of all cancers for men is just over 400 per 100,000 of population. The figure for women is only 340 per 100,000—a difference of almost 20 per cent. The comparable figures for mortality show an even starker difference between men and women. Men are 40 per cent. more likely to die from cancer than women. Several of the most common cancers in women are, however, sex-specific and include cancers of the uterus and ovary. The most common cancer in women, breast cancer, is not strictly sex-specific, but it is exceedingly rare in men and is generally regarded as sex-specific for statistical purposes.

The most common cancer in men, prostate cancer, is obviously also sex-specific. We need to examine particularly closely the cancers that can affect both sexes if we are to make a more meaningful comparison between the incidence of cancer and death between men and women. It cannot be doubted that this is an issue of proper concern.

Of the 10 most common cancers that affect both men and women, nine are more common in men—in many cases, markedly so. Extraordinary as it may seem, men are almost twice as likely to suffer from those nine cancers. When it comes to death rates, the picture is even starker, because men are twice as likely as women to die from one of those cancers. The statistics show that for the one cancer for which the incidence rate is lower in men—malignant melanoma, the most serious form of skin cancer—the death rate is higher for men than for women. If we could reduce the incidence of those most common shared cancers in men to the level experienced by women, we would make a significant impact on cancer rates in the population as a whole and, therefore, make progress towards important targets.

It is worth noting that cancer, in common with all other serious illness and disease, is subject to a social class gradient. The poorer a man is, the more likely he is to develop cancer and to die from it. The very poorest men are no less than twice as likely to develop cancer as men in the highest income brackets. If properly targeted, therefore, any strategy to reduce the incidence of cancer in men would also help to reduce health inequalities. Although tackling such inequalities is, quite properly, already a central objective of health policy, the action that is taken often lacks the necessary awareness of, and focus on, the increased effect of gender on health in such circumstances.

Why are men so much more likely than women to develop cancer? There are no established biological reasons why that should be so. We must therefore look to two other sets of factors: men, their attitudes and behaviour, and, more importantly perhaps, the way in which the NHS and other service providers treat men.

The critical factor is almost certainly to be found in the field of cancer prevention. It is now widely accepted that the majority of cancers are preventable, although risk determinants have been established in only about 50 per cent. of cancers. We know that men in general are more likely than women to drink alcohol at levels that are harmful to health, to eat a poor diet and—this was especially true in the past—to smoke and to do so more heavily. On the face of it, that seems to place the emphasis squarely on the individual man and on the need to change his behaviour. As we all know, however, the real world is rather more complicated.

Putting aside for a moment the relationship between an individual's lifestyle and the intractable structural factors in his environment, as well as the cultural pressures on men to conform to traditional behaviours, we must ask why cancer prevention strategies have been so much more successful with women. The answer is almost certainly that we have not yet got to grips with the need to construct services and deliver advice in a way that is directed specifically at men.

For that reason, I drew attention a few minutes ago to the Haynes cancer manual. The Men's Health Forum has developed considerable expertise in understanding how to communicate with men, and it has supported and encouraged innovative approaches to service delivery. Examples from within the NHS include initiatives to introduce health improvement programmes and basic health checks on men's own turf—in working men's clubs on Tyneside, village halls in Devon, pubs in Wolverhampton and barbers' shops in Bradford. Indeed, Bradford's "Health of Men" project, of which the barbers' shop initiative is part, is an exemplar of good practice in the field. It has just won the northern region health and social care award, and I congratulate it on that achievement.

Most significantly of all perhaps, the workplace has been shown several times in recent years to be a highly effective setting for work directed at improving the health of men. The Royal Mail, for example, which is the largest employer of men in the country, is using national men's health week to deliver health advice to large numbers of its employees and as a springboard for other, longer-term health-improvement strategies.

The success of this year's national men's health week in England and Wales in engaging the support of the England football team's backroom staff leads me to ask whether the Minister will encourage the football authorities, in conjunction with the Men's Health Forum, to consider developing health improvement initiatives at league grounds. Small-scale work along those lines is already going on in the rugby super league, and men's health messages, which have been developed by the Men's Health Forum, will appear on line-side signs at 10 televised matches. That is something that we can learn from, and I would very much like the Minister to tell us whether more could be done at football grounds. As I say, it has already been done at rugby grounds.

I am sure that the Minister is aware that the Scottish Executive are committed to investing substantially in a network of outreach health check services for men in a variety of community-based settings. Fittingly, the Scottish Executive are announcing the winning bids for those new services this week. I hope that she will ensure that the health services for which she has responsibility consider the Scottish initiative so that men south of the border do not get left behind.

I have been able only to touch on cancer prevention: there is much more that could be said. However, it is important to leave enough time to explore another reason for the great disparity in the incidence of cancer in men and in women. It is commonly believed by many experienced clinicians that men are less good at early detection of potential symptoms and are much less likely to seek help when symptoms are present. That has certainly been my experience in my work as a GP.

Although there is limited research to back up that hypothesis, what evidence there is seems to bear out the perception. One study in Oxford in 2002 found that, of 45 men diagnosed with testicular cancer, some had put off seeking help for weeks or even months after first becoming aware of the symptoms. At a recent meeting in this House of the all-party men's health group, which I chair, a patient who had suffered from cancer very bravely told us that he left it 10 months after he developed rectal bleeding before he saw his GP. He kept putting it off by saying, "It's only a bit of bleeding. It's probably piles. I've been working too hard: it's just stress." He kept on rationalising why he did not need to see a doctor, and it took him 10 months before he received the treatment that he needed. I am quite sure that a woman in that situation would have taken action much more quickly.

At the beginning of the debate, I drew hon. Members' attention to the fact that men have higher incidence rates for nine of the 10 most common cancers that can affect both sexes and higher death rates for all 10. It seems extraordinary that in the case of malignant melanoma, of which there are fewer male than female cases, men are still more likely to die. The reason may well relate to the failure to act soon enough to early signs of disease. Malignant melanoma is an aggressive disease and even a short delay can prove fatal. The cancer tsar, Professor Mike Richards, interviewed in the current Men's Health Forum magazine suggests that the explanation of the paradox is

"almost certainly due to women coming forward more quickly."

Forgive me for returning one last time to the Haynes cancer manual, but the function of helping men to recognise the importance of acting in good time is one that it fulfils admirably. One of the predecessors of the book was the generalist Haynes "Man" manual, which was published in 2002 and has sold more than 80,000 copies in mainstream retail outlets, including car spares shops. That proves that men will take an interest in their own health provided that the issues are addressed in the right way—in a way that is appropriate to them.

For last year's national men's health week, the advice on sexual health in the "Man" manual was reproduced in a pamphlet—a mini-manual—for free distribution to men in a wide range of settings. Some 40,000 copies were given away to punters in Ladbrokes betting shops around the country. That is another good example of how to get health information into the right hands. The mini-manual was extremely well received.

I would like the cancer manual to be made available in a similar format for distribution by national cancer charities and in the NHS. A significant number of cancer charities have been partners in writing the manual,

[Dr. Howard Stoate]

including CancerBACUP, the Prostate Cancer Charity, Beating Bowel Cancer and the Orchid Cancer Appeal. The content is therefore reliable and up to date, as well as being delivered in a suitably blokeish style. I urge the Minister to continue to support the production of such a version of the manual and I would like to see whether that can be progressed.

The policy document prepared by the Men's Health Forum to inform the public debate about men and cancer during national men's health week proposes a five-point action plan to improve what is a most unsatisfactory situation by any standards. I do not have time to deal with all the points here and now, but I encourage all hon. Members who are interested in the issue to read the copies sent to their offices.

I endorse all the recommendations, but the one that stands out as deserving the most serious consideration by the Government is the proposal that we set targets for the reduction of cancer in men that are separate from the targets for the population as a whole. That proposal seems well worth trying, at least at a local level, and I would like to see some primary care trusts encouraged to pick up the baton and run with it.

We require medium-term targets for the reduction of risk behaviour in men and longer-term targets aimed at reducing the incidence of cancer. I concur with the view of the Men's Health Forum that it is only by setting male-specific targets that minds will be concentrated on the delivery of male-friendly services and prevention strategies predicated on the recognition of men's health concerns and sensibilities. Such an approach would be challenging and would require innovation, but it would also be hard-hearted and practical.

The recommendations have already been endorsed by 10 cancer and other charities and by the Royal College of Nursing, and I urge the Minister to act on them. I hope that she agrees that closing the gap between men and women in terms of the incidence of cancer and rates of mortality would be a realistic, achievable and measurable objective that could be pursued without any detriment to women.

A successful outcome would be an important contribution to the achievement of gender equality in health, and a leap forward in the pursuit of population-wide targets. I hope, too, that the Minister will take forward an awareness of the importance of men's health in her discussions on the forthcoming White Paper on public health. It is my firm view that we cannot improve the health of all unless we take action to improve the health of men.

11.15 am

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): I congratulate my hon. Friend the Member for Dartford (Dr. Stoate) on securing the debate. It is particularly timely, as he said, because we are in the middle of national men's health week. The theme of this week is male cancers, and I would like to take this opportunity—the second I have had this week—to congratulate the Men's Health Forum for its efforts in raising important issues about men and cancer. I am delighted to say that it does an extremely good job.

I turn first, as did my hon. Friend, to the excellent Haynes cancer manual. Despite its blokeish style, I enjoyed reading much of it. As my hon. Friend says, the Department of Health has contributed £30,000 to the publication of the excellent manual "Cancer: any age, any time". It is written in a way that is accessible and appealing to men. Our funding has enabled the publication of the manual, and 20,000 copies are to be distributed free of charge by voluntary organisations. Of course, I will be delighted if it meets the target of 80,000 copies set by its predecessor volume. I join him in welcoming the Football Association's support for the manual and its involvement in raising important issues about men and cancer. I hope that the FA will seek further involvement in such public health issues.

I also welcome my hon. Friend's support and congratulation for the work being done under the cancer plan. We have taken great strides, and they can be recognised not least through the fact that there has been a 10 per cent. cut in deaths from cancer in the period from 1996 to 2002–03. There is much more to do—we need to make continued progress—but we can be pleased by the progress that we have made so far.

I agree strongly with my hon. Friend that action is required on all cancers and on improving health and preventing disease. It is therefore important that we raise awareness of cancer and its early symptoms in men of all ages; that is important. I also agree strongly that men need to seek medical advice sooner; earlier diagnosis leads to better outcomes. It is indeed worrying that there are such differences between the outcomes for the two sexes when it comes to cancers, and both the incidence and mortality rates are bound to give people pause for thought.

Of course, most Department of Health campaigns are designed to address a mass-market audience, with special emphasis on socially disadvantaged groups that risk exclusion. The inclusiveness in which we believe is reflected in the creative development progress. We actively seek the views of men in a bid to move beyond having women as the only family health gatekeepers.

Where certain audiences need to be addressed separately or specifically, we have developed bespoke strands. The current tobacco campaign includes a testimonial from a male lung cancer sufferer. The advertisement is aimed at both sexes, and has performed well for both male and female audiences. We also address men via public relations activity—for example, via our recent tobacco campaign pull-out in the "Goals" supplement of *The Sun*. Most of our campaigns are developed according to an understanding of how men consume media differently from women. Radio, tabloid newspapers and online are key environments to reach the male audience. We know that men prefer to access health information directly, rather than to go to doctor's surgeries or a health centre, and that has resulted in the introduction of dedicated websites and telephone helplines, both from the NHS and a number of the key charities. That has increased men's access to health information and the general knowledge of health issues.

As my hon. Friend said, we must do more to reach men in their own settings. I have seen innovative work, and he mentioned some examples, including the work being done by Royal Mail, which we are pleased to learn about. I have also seen more local work done in a

number of community settings. People have developed materials to distribute in local communities to alert men to the importance of getting checked out for prostate cancer and so on.

We will continue to scope our health campaigning around key target groups, adapting messages and creative work where need be. We will also continue to make our centrally driven campaigns relevant to health promotion at primary care trust level, and complete the circle by obtaining feedback on the efficacy of our approach and its relevance to the target groups.

For example, in my hon. Friend's constituency, partnership work with the local councils is under way through health action teams. During national men's health week this year, the teams are engaging with workmen at Springfield industrial estate to raise the issue of men's cancers and preventive health issues, such as those relating to physical activity, alcohol consumption, drugs, smoking, nutrition and sun safety. Those are all very important.

The issue of giving health information in the workplace is important. I would like to ensure that hon. Members are aware of the home page of the Department of Health's internal website for staff, which has a direct link to the Men's Health Forum's men's national health week website.

My hon. Friend mentioned prevention, which is very important. It is particularly close to my heart because of my wider role in respect of public health. The five-a-day programme is an important strand of that. The aim is to raise awareness of the importance of eating at least five portions of fruit and vegetables a day. The programme recognises that attitudes and awareness differ greatly by age and gender. Over the next year, the Department will develop detailed plans to convey the five-a-day message to teenage boys and young men, who consume less fruit and vegetables than older men or women.

I agree with my hon. Friend that all such work will help to tackle health inequalities, which is a big priority for the Government. We share his concern about closing that gap. He also mentioned the gap between men and women. It is important to recognise that some programmes will simultaneously address the latter as well as the former. If we implement the programmes effectively, we will inevitably be targeting and working with those who are most in need of the messages and of the change.

My hon. Friend spoke about football match and line-side information. I visited Middlesbrough. Just before no smoking day, people were planning to put no smoking messages for supporters on the screens at its stadium at the start of a match and in the break. It is important to recognise that there are many avenues for getting the messages across. Some of those people who are highly respected and in leadership roles in their communities have a key role, particularly with younger people. They are important vehicles for us to use for these purposes. The initiative that I have described was entirely a Middlesbrough-based initiative, but a number of clubs have been working on helpful initiatives. Any further suggestions or ideas that we can encourage them to take up will be welcome.

I also agree with my hon. Friend's comments about the delays in men seeking treatment and in men getting to treatment fast enough. That is another area in which the cancer manual will prove helpful in alerting people to the need to come forward quickly.

It may be useful if I mention some of the work that is being done in some of the major areas. Some of them are the sex-specific cancers, such as prostate cancer. We spent £4.2 million on research into that cancer in 2003–04, and that investment is beginning to pay off. Only last week, Professor Colin Cooper—director of the southern prostate cancer research collaborative and a member of the prostate cancer advisory group—announced that his team had found a significant gene in the battle against prostate cancer. The gene, E2F3, will help clinicians to decide whether a prostate cancer is aggressive or very slow-growing. It is hoped that a test could be developed within the next two years.

Much of the work has been funded through the prostate cancer collaborative. Of the £7.7 million funding over five years, the Department of Health is contributing £4.2 million, and the Government-funded Medical Research Council a further £1.3 million. The remaining £2.3 million is provided by the key partner, Cancer Research UK. As part of the cancer risk management programme, evidence-based primary care resource packs were sent to all general practitioners in England in September 2002 to aid them in counselling men who are worried about prostate cancer. From earlier debates that my hon. Friend has secured on this subject, I know that he takes it very seriously.

Some 98.8 per cent. of patients with suspected urological cancers, including prostate, are seen for their first out-patient appointment within two weeks of their GP deciding that they should be urgently referred. Since 1997, there has been a 40 per cent. increase—from 343 to 473—in the number of consultant urologists. All that, as well as efforts on public awareness and the national prostate cancer website, indicates the Government's commitment to a very important issue, and one in which there is still considerable uncertainty for men receiving the diagnosis.

Earlier detection is particularly important for testicular cancer, which is why we have collaborated with Cancer Research UK in the production of a testicular self-awareness leaflet, "Testicular cancer: spot the symptoms early". That echoes the points that my hon. Friend has been making throughout the debate.

I shall move on to something that is not gender specific: bowel cancer. That accounts for the lives of around 7,500 men a year. My hon. Friend has already given us the sad, but graphic description of the difficulty that people have in coming forward with that cancer. We are developing a programme in partnership with all the key stakeholders, and Professor Mike Richards, the national cancer director, has set up an advisory group, supported by four working groups, on the key strands of the programme: screening, patient pathway, treatment and endoscopy.

That programme is developing a national screening programme for bowel cancer for both men and women. The methodology is not clear cut, and there are some difficult issues to be addressed, but we are striving to improve services for people with bowel cancer symptoms, and work is under way on making the

[Miss Melanie Johnson]

patient pathway more streamlined. We have also made a major investment in training, which is vital to the diagnosis of bowel cancer, and have established three national and seven regional centres to train more staff in endoscopy.

Finally on bowel cancer, we are developing a communications strategy, and consulting key stakeholders on what the key messages are about bowel cancer for the general public. I would welcome in particular the views of the Men's Health Forum; it might think that certain angles should be pursued in order to reach men early.

I do not have time to say much about lung cancer—another cancer that affects both men and women. It is killing around 17,000 men a year in England and Wales. We have a comprehensive service for smokers who want to quit, and have announced a deal on products: manufacturers are giving away free NHS stop smoking products, such as nicotine patches and gum. We have obviously done a lot: 99 per cent. of suspected lung cancer patients are now seen by a specialist within two weeks of being urgently referred, and we established an advisory group in November last year to support the development and delivery of high-quality services for lung cancer patients. The National Institute for Clinical Excellence will produce clinical guidelines later this year.

I hope that my hon. Friend agrees that we are not complacent when it comes to men and cancer. The consultation on the public health White Paper ends on 28 June, and I urge him and others with whom he is working to feed in their comments on men's health. We are determined that professionals and managers should have the freedom to innovate, including on service delivery—another point that he made. We will make sure that we continue to make significant progress on cancer for both men and women, while recognising that there is a lot more to do in engaging key stakeholders in making that progress.

11.30 am

Sitting suspended until Two o'clock.

Regional Government

2 pm

Ann Winterton (Congleton) (Con): After many weeks of applying for this debate, it is sod's law to have secured it while there is a debate in the main Chamber on EU finance; indeed, there was another one yesterday afternoon. That's life, but I am nevertheless delighted to open this debate, especially now that super Thursday is over. The next political event for my constituents and others in the north-west—which stretches from my constituency to the Scottish border—and for those who live in the north-east and in the Yorkshire and Humber region, is the regional assembly referendum.

I hope that the Minister will be able to lift the veil and tell us when these long-awaited referendums will take place. It is rumoured that they will now be held in early November, and we are waiting with bated breath to hear what the plans are. In such a short debate, I can touch on only the tip of the iceberg, so I shall concentrate on the financial side of regional policy and the implications of what might lie ahead.

First, we have to understand some of the past, which warrants a debate on its own. Regional government is not a new concept. There was a Labour manifesto commitment in 1929 to supporting the creation of separate legislative assemblies in Scotland, Wales and England. Regional policy emerged in response to unemployment between 1934 and 1937, and during the second world war we had nine civil defence regions. The Wilson Government set up regional economic planning councils, and a royal commission on the constitution was established in 1969. It reported in 1973, and that report was known as the Kilbrandon report. Further changes have continued to be made to the present day.

Contrary to what many believe, there is no unique European treaty obligation to have regions, but they have been introduced—bit by bit—with the objective of moving finance from richer to poorer areas on a Europe-wide basis until there is level pegging. Lady Thatcher's first Government were forced to maintain a basic regional policy in order to access European Community structural funds. In 1986, the Single European Act transformed regionalisation into a central policy of the European Community, formally established the European regional development fund and gave its objective a more precise definition:

"to help redress the principal regional balances in the Community, in regions where development is lagging behind and in declining industrial regions".

In 1988 regional funding substantially increased. Interreg and PHARE—the programmes for temporary aid in a transitional period—began in 1989 and started cross-border schemes under unified operational control, bringing in regional and local authority involvement. The Maastricht treaty—I remember it well—which was ratified in 1992, created the Committee of the Regions. In 1994, regional government offices were created that took on the functions of the previously separate regional offices of the Departments of the Environment, Transport, Employment and Trade and Industry. Their remit was to manage regional programmes and to foster the development of policy areas, becoming the voice of the Government in the regions in order to apply for European Union structural funds. They were also permitted to raise loans.

The regional development agencies were created by legislation in 1998. They work with chambers, and many of those chambers have taken the title of "assembly", which causes confusion. They each have an allocation of £600,000 per annum to develop their capacity, specifically including their ability to undertake scrutiny of the RDAs. Most of the issues to be dealt with by the RDAs are core European Union legislative competencies.

Over a long period, various functions and responsibilities have been gradually removed from local government and given to quangos. There are 19 such quangos in the north-west, 21 in the north-east and 20 in Yorkshire and Humber. Those figures do not include Departments and agencies with regional or local offices in northern England, which are now proclaimed to require the so-called "democracy capping" of a regional assembly.

The Planning and Compulsory Purchase Act 2004 is one example of the removal of major planning powers from local authorities. Other proposed changes relate to tourism and transport, and they will also have major effects.

Matthew Green (Ludlow) (LD): Does the hon. Lady share my dismay at the fact that Conservative peers in the House of Lords caved in to pressure by the Government and allowed those powers to be transferred—after several attempts at ping-pong—whereas the Liberal Democrats held firm in trying to prevent their being transferred?

Ann Winterton: The hon. Gentleman can probably read my mind on that matter. I do not want any powers to be transferred, as I have just indicated.

No doubt other Members will dwell on the apparent squandering of unlimited public funding on propaganda for the assemblies, but let us look at the contents of the "Your Say" booklet. A proposed regional assembly in the north-west would have "influence"—the phrase used in the booklet—over £1.6 billion. Some 61 per cent. of that influence would be allocated to the learning and skills councils. The proposed regional assembly would have two votes out of the maximum of 16 serving on the board of a learning and skills council. One is rather reminded of the "influence" that we are alleged to have by being at the heart of the European Union. If my arithmetic is correct, that influence currently stands at just 10 votes out of a total of 114, so one can see that there is little hope of changing anything of importance. Influence is one thing, but control is quite another.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): My hon. Friend is absolutely right. I am sure that she will be aware that Ministers are currently fighting each other over the question of learning and skills councils. The Deputy Prime Minister says as he goes around the country that he will transfer powers relating to learning and skills councils to elected regional assemblies, and the Secretary of State for Education follows him around the country saying, "Over my dead body." We need to clear up such confusion within the Government, so that when my hon. Friend's constituents vote in October or November, they will have a clear picture of what they are voting for.

Ann Winterton: My hon. Friend makes a very valid comment and we have been following those matters in the local newspapers. He highlights one of the problems facing people who will vote in the referendum—if one is eventually held. There is so much confusion about what might or might not happen that it switches people off; they like to know precisely where they stand.

The Government annual grant is £780 million for the north-west, £350 million for the north-east and £570 million for Yorkshire and Humber. That is, on average, only 11.5 per cent. of the central Government grant provided to local authorities, based on 2002–03 figures. I am sure that the Minister will agree that no guarantee could be given as to what a regional assembly might receive. In yesterday's debate, the Minister for Industry and the Regions said that the level of domestic regional funding might have to be reassessed.

Of those figures, the following amounts come from European Union funding: £250 million for the north-west, £88 million for the north-east and £185 million for Yorkshire and Humber. The UK pays £1 into the EU budget, and gets back approximately 50p—or €1.6. On top of that, we have to match-fund a further 40 to 60 per cent. There are strict criteria governing how, and on what, that funding is to be spent, which often produces no end-product, such as wealth creation. All too often, projects are left high and dry when the funding ceases. However, the Government have given a financial guarantee for that level of funding, which is to be based on certain European Union reforms that they believe fall within the terms of the current EU treaties.

It is important to know from the Minister how the process is progressing, whether the reforms that the Government support will be achieved and whether the financial guarantee will be honoured. If so, from which public funding source or Department will the money come? Will the Government stick to their proposal of a 1 per cent. contribution to the EU budget, rather than the 1.24 per cent. requested by the Commission, to meet the needs of the enlarged Union? If the Government are successful, but have already budgeted for 1.24 per cent., will they use the difference to give assistance to areas in the United Kingdom, subject to the state aid rules by which we are bound? I understand that yet another consultation is to take place on the Commission's newest proposals on regional state aid rules. If the reforms fail, the amounts available, which are mentioned in the booklet, will be substantially reduced.

I hope that I get a better reply than I got when I asked the Prime Minister on 11 February whether the Government intended to supplement the shortfall in respect of the £3 billion in regional funding between 2007 and 2013 that the United Kingdom is set to lose. Indeed, the Minister for Industry and the Regions touched on that subject yesterday.

The reason for the difficulty is enlargement. It is fair to say that the House of Commons has supported enlargement of the European Union across the board, but the consequences mean that from 2007 we will lose objective 1 funding for Merseyside and south Yorkshire of €893 million and €785 million respectively, in addition to reduced objective 2 and 3 funding, based on the 2000–2006 figures. I hope that the Minister will use this opportunity to update us on EU regional funding post-2006, because agreement to it will require unanimity. That is not an easy task when 25 member states are involved.

[Ann Winterton]

There is no doubting the priority of the Department of Trade and Industry when it states that spending on regional policy will be targeted on areas of high unemployment, just as it was 60 years ago. However, today we are interwoven with EU regional policy and have to contend with EU state aid in competition rules; the UK is no longer a free agent. It is also fair to say that EU regional policy plays an important role in the function of the euro, as regions in the eurozone have a one-size-fits-all interest rate.

The system in the regions of the European Union is triangular, operating between the Commission, the region and national Government. If England is ever burdened with regional assemblies, I foresee a constant battle between the Office of the Deputy Prime Minister and the Commission, because the ODPM intends to retain the Government offices for the regions. However, I would put my money on the Commission winning, as it has the final say. So Westminster will, as usual, lose out and will once again be sidelined.

Over time, the proposed 35 assembly members for the north-west will progressively deal directly with the Commission, leaving out Westminster and thereby leaving the north-west's 76 Members of Parliament in isolation. What kind of local representation or democracy is that, given that the rural areas especially will be overshadowed by the great cities?

To those who say that United Kingdom local government by regional assemblies has no European Union involvement, my reply is that the answer lies in the Department of Trade and Industry document entitled "A Modern Regional Policy for the United Kingdom", which states:

"There is an important European Union dimension to regional policy."

It continues:

"These EU regional policy objectives clearly complement the UK Government's regional policy goal."

The latter quote should surely be the other way round, as the Government's regional policy is determined by European Union policy, and Westminster continues to lose control and to have its powers eroded. It could be described as rapidly becoming a middle tier of management, complying with orders from Brussels. How often do we hear the word "flexibility"? The desire is often expressed to have devolved regional policy to ensure the necessary flexible environment at national, regional and local levels. However, as Parliament has relinquished so many of its responsibilities, what the Government ideally might like is not what they can necessarily have within the constraints of current EU policy.

No doubt the issue of subsidiarity will be thrown into the debate. However, it is clear from the Amsterdam treaty that the subsidiarity principle will not be allowed to bring about any devolution of powers from Brussels, even in those sectors in which national or local authorities could perfectly well act on their own. Instead, there will be a constant one-way centralisation of authority. Those who control the direction of finance control virtually everything. One of the major problems with the EU is its rigidity, which can be changed only through a unanimous vote.

Why do we need regional assemblies, which are being foisted on us? Why should additional money for the proposed assemblies come from a precept on the council tax and be left to local authorities to collect? Sixty years ago, regional policy was entirely and rightly focused on alleviating problems in some of the most disadvantaged areas in the United Kingdom. Regional policy now operates on a Europe-wide basis, and our country and its people will be disadvantaged by the movement of resources from the west to the east. Although successive Governments have tried to airbrush the EU out of its pivotal role in regional policy, the truth should be told. There is no doubt that regionalisation is a device for furthering political integration. *[Interruption.]* The Minister and his Parliamentary Private Secretary laugh, but it is no laughing matter.

The Minister for Local and Regional Government (Mr. Nick Raynsford): We are laughing at the hon. Lady's proposition.

Ann Winterton: Well, the Minister and his PPS may laugh at my proposition, but in due course people in this country may laugh at the Minister and the Government for leading them down that path. I trust that the people of the three regions involved in the referendums—the north-west, the north-east, and Yorkshire and Humber—will decisively vote no and reject regional government, with all its adverse financial repercussions.

2.18 pm

Mr. Michael Foster (Worcester) (Lab): I attended the debate intending to make only a brief contribution. I hoped that many hon. Members from all parties would be present to talk about the financial implications of regional government. I did not realise that we were here to talk more about its European dimension. The hon. Member for Congleton (Ann Winterton) has very anti-European views.

Ann Winterton: They are all fact.

Mr. Foster: I have no reason to dispute that one way or the other. I am here to talk about the financial implications of regional government.

Mr. Deputy Speaker (Mr. John McWilliam): Order. Sedentary interventions are not helpful in debate. For the guidance of the hon. Gentleman, I point out that we are debating that the sitting be adjourned, so the debate can be quite wide ranging.

Mr. Foster: Thank you, Mr. Deputy Speaker.

I represent a region that will not have a referendum and where there is perhaps not the strongest affinity with the idea of a regional assembly, although that may change over time. One aspect of the financial implications of regional government that I want to consider is the nature of local government under the regional government umbrella. I understand that, if an area agrees in a referendum to have a regional government, it must cease to have two tiers of local government. Substantial savings could therefore result from regional government. I say to the Minister that the Government should not exclude areas that do not vote

for a regional assembly. They, too, could consider the financial implications of having two tiers of local government.

I shall explain the situation in Worcestershire, which forms part of the west midlands region. There is a county council, six district councils and a considerable number of parish councils, which are predominantly in the shire parts of the county. Those district councils each have a chief executive, a treasurer, a solicitor and a host of teams that duplicate service provision in a relatively small area, with a population of about 100,000 in each district.

The district where I live and that I represent is governed by City of Worcester council. It has 35 councillors, who together are responsible for a budget of about £11 million. Responsibility for council housing has been transferred to a housing authority. The nine county councillors who are elected to represent my constituents in Worcester are responsible for spending about £400 million. They are responsible for the major services supplied by local government such as education and social services. I am concerned that, if the Government limit the change in the structure of local government to those areas that have a regional assembly, they will miss an opportunity to make considerable financial savings in local government.

Mr. Graham Stringer (Manchester, Blackley) (Lab): I am following my hon. Friend's argument in favour of unitary authorities with interest. I come from an area that has the benefit of a unitary local authority and, by and large, I agree with him. Does he accept that, were his area to achieve the status of a unitary authority, to impose an elected regional assembly would create an extra tier of local government? It would spend what was originally local government finance—the hon. Member for Congleton (Ann Winterton) mentioned the figure of £1.6 billion. Therefore, all the current inefficiencies that he describes in local government would be recreated.

Mr. Foster: I fully understand my hon. Friend's arguments about the imposition of regional government on the west midlands. My argument is that the structure of local government should change, with or without a referendum on the question of a regional assembly in the west midlands.

Apart from financial savings that can be made, the important issue of democratic accountability, which should not be underestimated, is also at stake. The bulk of my constituents probably do not have the foggiest idea which local authority delivers which service. At local elections, many vote for the party that they have always supported and they do not necessarily take into account the delivery of service by the relevant local authority. If we are serious about improving local government and the services that it provides, having a direct democratic link is important, so that, by their vote, people can reward, or penalise, elected members who have delivered, or failed to deliver, improvements in public services. To have that enhanced democratic accountability with a backdrop of substantial cost savings represents the right way forward.

There is further evidence of the tendency to drift towards unitary authorities in Worcestershire. With some local government services, the question of who is providing the services is already being blurred. In effect, local authorities are realising that two-tier systems do not work for them, so partnerships are being created between district councils and county councils. For example, the City of Worcester transportation partnership helps to deliver a county council service under the remit of city council officers. Although that is a great concept for taking democratic accountability to a smaller level, it still does not enable voters to make the distinction between who provides the cash and who provides the service. The Government should recognise that and take a leading role in speeding up the movement towards a unitary authority.

Matthew Green: I am following the hon. Gentleman's train of thought and I agree. Does he agree that, if Worcestershire were to move to a unitary authority, one could achieve the same effect through area committees? One would obtain the saving that he talks about, but still have the local democracy taking decisions for Worcester.

Mr. Foster: I agree. I have two parish councils in my constituency, even though it is an urban constituency, which provide a forum for a very local democratic role. One of the election pledges of the Worcester Labour party at the local elections last Thursday was to create area forums as a way of enhancing the local role in decision making in the city for areas without parish councils. I am delighted to let hon. Members know how pleased we were with our local election results. We held our seats and the Conservatives lost one to the Liberal Democrats.

Mr. Hammond: I am pleased to tell the hon. Gentleman that to compensate for whatever happened in Worcester the Conservatives won one of the only four Labour seats on the council in Runnymede. Before the hon. Member for Ludlow (Matthew Green) intervened, he seemed to be urging the Minister to take powers for the greater use of unitary authorities. Is he aware that the Government have those powers within existing primary legislation? It is within the Minister's gift. Is he urging the Minister to use his powers under Local Government Acts to accede to requests from local authorities for reorganisation along unitary lines?

Mr. Foster: Since 1997, I have increasingly held the view as a Member of Parliament that two-tier local authority systems do not deliver the best possible service to the electorate. Where there is agreement over the nature of the unitary authority to replace the two tiers, I am looking for the Government to facilitate movement in that direction as soon as possible.

Mr. Hammond: Is the hon. Gentleman aware of research by Professor Michael Chisholm at Cambridge university that suggests that the one-off costs of reorganisation would be about £90 per capita in two-tier areas, were they to be reorganised into unitary structures, and that the long-term savings from unitary local government are clear only where unitary local government is organised on a county-wide basis?

Mr. Foster: I am not aware of the research to which the hon. Gentleman refers. I make no judgment about

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the nature of the unitary authority that I wish to see replace the two-tier system in the county, be it a unitary Worcestershire or a north and south Worcestershire authority. I make no judgment about what would be best. We are considering the cost savings as part of any decision made. Democratic accountability for the delivery of service and the clear relationship between the voter and those who are elected to manage the service are also important.

Another example of the blurring of the two-tier system is the crime and safety partnerships. Initially, a partnership was set up for Worcester city—the Worcester safer partnership. That was not progressing as quickly as those who worked in the system wanted, so there was a new creation—the South Worcestershire safer communities partnership, which covers the city of Worcester and the Malvern Hills and Wychaven districts. That exactly mirrors the West Mercia constabulary's division of the police. It makes for a sensible organisation of resources.

Other agencies that are showing the lead in the movement away from a two-tier system include the South Worcestershire primary care trust, which covers the three districts I mentioned, the Worcestershire Acute Hospitals NHS Trust, which covers the whole county, Hereford and Worcester combined fire authority, which the Minister knows all too well, and the West Mercia constabulary. All those agencies believe that there are economies to be gained from the service covering a greater population. I agree that cost savings could be made.

While I have the Minister's attention, it would be remiss of me not to mention that local government funding will have to be examined clearly. He will know of my desire for the area cost adjustment—the three magic words for Worcestershire—to be reconsidered, as it is a long-running problem for my county. If we move to a regional dimension, that will have financial implications for the services that are delivered.

The important point that I make in conclusion is that I want the Government to be more proactive in engaging with local government and encouraging it to move towards unitary authority status where two tiers exist—with or without regional referendums and regional assemblies—as a way of delivering better services for constituents and cost-savings for taxpayers as a whole.

2.32 pm

Mr. Gordon Prentice (Pendle) (Lab): Like my hon. Friend the Member for Worcester (Mr. Foster), I had not intended to make a contribution, but I am driven to make one to put my views on the record. I think that we need regional government like we need a hole in the head. We just do not need it; it is a distraction.

I am not sure whether the referendums at the end of October will be held as promised. I say candidly to my colleagues in the parliamentary Labour party that there is no guarantee whatsoever that, if we hold the referendums in the three northern regions at the end of October, we will win them. There is a real possibility that we would lose all three. I do not think that the ground has been adequately prepared for those advocates of regionalism. There are advocates, but the work has not been done.

My plea to the Minister, to my hon. Friend the Member for Worcester, to the Prime Minister and to others is to put the issue on the back burner. Those who proselytise for regionalism should spend more time speaking to people and winning them over to their point of view, rather than pressing ahead with referendums that we could well lose.

I am fed up with constant reorganisations, whether it is local government reorganisation—the last of which, under the Conservative Government, cost £450 million—or the endless reorganisations of the national health service. As I recall, 18 such reorganisations were listed in the Health Committee report on the issue. If we asked people on the street, "Has all that reorganisation delivered a better service?", I am not sure that they would say yes.

There is a tremendous pressure to reorganise. A kind of Maoism has infected the Government. They believe that to persuade people that things are changing for the better, they just have to change. There is no guarantee that a huge reorganisation, under the mantle of regional government, which is itself a misnomer, is going to produce beneficial change. Why do I say that the term "regional government" is a misnomer? A year or two ago, my right hon. Friend the Secretary of State for Wales described the Welsh Assembly as local government on stilts. A regional assembly would be local government on stilts. It would not have any powers to raise taxes. Many important services, such as health, would not fall within the remit of the regional assemblies; they would have some responsibilities for public health, but that would be all.

How can people be motivated to go out and vote for a tier of government that does not have any real powers? It has powers on planning and infrastructure, but it does not have the kinds of powers that touch people in their everyday lives.

Mr. Hammond: I largely agree with the hon. Gentleman's powerful point on powers, but I would not like him to leave the Chamber with the impression that elected regional assemblies will have no power of taxation because they will have a power of precept with regard to the hard-pressed council tax payer. That is another factor that needs to be taken into account.

Mr. Prentice: Of course I understand that there will be that precept power, but there will not be a regional income tax, for example, which would connect the regional assembly with the elector in the regions.

Some people—including people on my own political side—say that regional assemblies will make a huge difference. However, we know that the areas that vote for a regional assembly will not get any more money than other regions of England—the Government have made that clear. It is disingenuous to give lots of nods and winks, and to hint that if people vote for a regional assembly their housing and their environment will be transformed overnight, because it will not be like that. During a referendum campaign, when Labour MPs like me speak out against the policy advocated by their own Government, it will become as plain as a pikestaff that those benefits of regional assemblies are alleged, not real.

My hon. Friend the Member for Worcester mentioned democratic accountability. If there are these regional assemblies and a move to unitary local

authorities, there will be a huge reduction in the number of councillors. The Electoral Commission has pronounced on the reorganisation of local government in my area. There are 14 district councils in Lancashire, and there is Lancashire county council. The commission's preferred option, which voters can vote on at the end of October if we have the referendums, is for Lancashire county council to be the unitary authority. The second option would be for Pendle council to join with Burnley council, Rossendale council and Ribble valley. That would make a unitary authority for about 250,000 people. That is not very local. A lot of local councillors under the present system will lose their jobs.

Ann Winterton: The hon. Gentleman has been describing how he hates reorganisations and how they cost so much money, and I agree with him. He has also touched on the number of councillors who will no longer represent their people. Has he given a thought to council staff? Because of all this uncertainty about regional assemblies, many good people have left their posts and moved on because they cannot see what the future might hold for them. If we are going to have good local government, we need to have good local government staff. Not much thought has been directed towards them—towards how they are feeling and coping with this situation.

Mr. Prentice: I would respond to that by saying I am against reorganisation for the sake of reorganisation. The case for it must be compelling. It must be set out, and we must be able to convince people that moving to unitary local government from the present two tiers would bring a measurable increase in service levels. I am not entirely sure about that.

I used to be a big fan of unitary local government. To be perfectly honest, I think that I have changed my view on this subject a number of times. *[Interruption.]* Is that an unusual admission? I do not think so.

I share the frustrations that many people have about two-tier local government where the buck can be passed so easily. Lancashire county council is Labour-controlled and now there is a Liberal Democrat-controlled Pendle borough council—that grieves me, but I just have to live with it for the next few years. Huge amounts of responsibility will be passing via the Liberal Democrats and that is frustrating—*[Interruption.]* I can see that Conservative Members are agreeing, because they are nodding vigorously. It is our responsibility to educate the electorate about which tier of government is responsible for what. The county council is responsible for education, which is not difficult to remember, is it? It is responsible for social services and for care homes, which was a big issue in Lancashire a year or two ago, and that is not too difficult to remember. Therefore, the responsibility falls on people, such as myself, who want a system of local government that is based on two tiers to continue, to make that point.

Mr. Michael Foster: What would my hon. Friend say to a constituent in Worcester about the provision of youth services? That is a statutory county council provision, but a discretionary one that is made by the district council. The two bodies work together and the buck passing goes on with considerable gusto.

Mr. Prentice: Well, there are these bear traps—youth services and so on—are there not? We do not fall out of bed in the morning just thinking about where responsibility for local services lies. People do not need to know the minutiae, but they must have an understanding that housing is a district council responsibility and that education is a county one. When people voted in the European elections just a few days ago, they probably did not have the foggiest idea that a huge number of decisions that used to be made in Westminster are now made in Brussels and Strasbourg. What is our response to that? It should be, "Let's educate the public." That is our job as politicians.

I have spoken for longer than I intended, but let me finish on this matter. Our resources should go to front-line services. People in my part of north-east Lancashire are fed up living in rotten, decaying housing that should have been torn down a generation ago. There are 2,000 empty and abandoned properties in my constituency; in neighbouring Burnley, there are 4,500 empty, abandoned, rotten, decaying houses. That needs to be tackled and my right hon. Friend the Minister knows about it, because he is an expert on housing issues. That is what people want to see addressed; they do not want a lot of energy to go into the creation of a regional assembly that will not deliver.

The balkanisation of Britain—the setting up of regional assemblies—will have a damaging effect on service levels across the country, because the whole rationale of regionalism must be to allow services to develop differently in different regions; otherwise, what is the point? If we were to transfer something that is crucially important, such as the health service, to regional assemblies, it would grieve me if in 10 or 15 years' time there were different standards—different service levels—of health provision in the north-west and north-east, which is your area, Mr. Deputy Speaker. I do not want to see that divergence. I want money to go into front-line services across the nation that will benefit all equally.

2.44 pm

Matthew Green (Ludlow) (LD): I start by congratulating the hon. Member for Congleton (Ann Winterton) on securing the debate. I thought that we were going to hear a little more about the cost of regional government and the possible savings, but there we are. I will stick more firmly to the title of the debate, although I appreciate that it is an Adjournment debate, Mr. Deputy Speaker.

I agreed with virtually everything that the hon. Member for Worcester (Mr. Foster) said. It is a delight to speak in a debate on regions and for once have someone from the same region as me in the Chamber. That is probably a first. I was pleased to hear what he had to say, and I might touch on a couple of his points.

One problem with any reorganisation is that it is easy to see the costs of it. When a level of government is set up—local, regional or national level—there are running costs, and it is easy to trot them out. I acknowledge that there will be costs; inevitably the structure to support regional government will cost something. However, there are also savings; it is fallacious to argue that there are only costs.

Those savings can come from two areas. The first, as we heard from the hon. Member for Worcester, is from the reorganisation of local government. I have some

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figures, which I am sure the Conservatives would claim are biased, from the Yes4theNorthEast campaign. It has produced some figures, which I am sure are based on good information. The Minister may be able to provide more information. The campaign estimates that changing to a unitary government would save about £21 million a year in Durham, and £8 million a year in Northumberland. There is a saving of £29 million. The estimated annual costs of an elected north-east assembly are £25 million. Clearly, there is a potential saving. We can argue about whether the figures are accurate, but there is a case that savings can be made as a result of change.

Mr. Hammond: The hon. Gentleman has just tried to make the case, as did the hon. Member for Worcester, that the reorganisation of local government to a unitary structure may produce savings. That is contentious, but it has absolutely nothing to do with the case for elected regional assemblies.

Matthew Green: I agree; the reorganisation of local government does not have to have anything to do with regional assemblies, and could be done anyway. Nevertheless, the Government have chosen to do the two things at the same time and are linking them. Whether that is the route that I would have chosen or not, the two are happening together and I am raising the issue. I would happily have a unitary Shropshire tomorrow, as would the Conservatives and Labour. All three main parties in Shropshire want a unitary Shropshire. I have been asking the Minister about that since I have been in Parliament, and he keeps saying, "Wait until you have an elected regional assembly." I do not want to wait that long.

The fact is that there are cost savings to be made from the change in local government. As the hon. Member for Worcester has already said, in Shropshire there are five districts or boroughs and a county council. There are six chief executives, and merely getting down to one chief executive and the attendant secretaries would save well over £1 million a year for Shropshire, which is quite a small county.

I want to talk about the other main area for savings, where the Government could do more. They are going at regional government a little too gently; they are not trying hard enough. In doing so, they are in danger of throwing the baby out with the bath water. The Minister will know that Liberal Democrat support for regional government in the forthcoming referendums in the north is based on the fact that we see that as a starting block, certainly not the finishing point. If it were the finishing point, it would be a poor point to be campaigning for. The savings would come from the devolution of power and services from Westminster to regional government.

Mr. Hammond: Which?

Matthew Green: I will come to exactly which ones we would like to be devolved. If the hon. Gentleman had listened to earlier debates on regional government, he would have heard us speak about that before.

The Minister still has a chance to convince his colleagues; perhaps the Deputy Prime Minister will win his arguments with his Cabinet colleagues. As the Minister knows, there are areas that we would like to be pushed down more. The hon. Member for Congleton was right to point out that the learning and skills councils are not truly devolved to the elected regional assemblies—they should be. On transport, the ability to decide on the priorities is to be devolved to elected regional assemblies, but the funding will still come from central Government. The North West regional assembly, for example, could decide that its priorities are 1, 2, 3, 4 and 5, but the Department for Transport could agree to fund only No. 5. The Minister will say that that will not happen, but he cannot be sure that there will be a Labour Government forever—he might not be the Minister and there may not be a favourable Minister in the Department for Transport. The system must be set up so such things cannot happen and we get proper decision making at a regional level.

Mr. Hammond: I said a moment ago that responsibilities for learning and skills councils will not truly be devolved to elected regional assemblies. In a written answer to my hon. Friend the Member for North Essex (Mr. Jenkin), the Minister for Lifelong Learning, Further and Higher Education put it more starkly. When asked:

"what plans he has to transfer powers and responsibilities held by Learning and Skills Councils to elected regional assemblies where they are introduced"—[*Official Report*, 3 February 2004; Vol. 417, c. 763W.]

he replied:

"None."

Matthew Green: That is even more helpful to my case, because they should be devolved. If the Minister took regional government seriously and believed in it, he would seek to devolve more functions, and Departments in Westminster could be abolished because they would no longer be necessary. The Department of Trade and Industry is an obvious candidate for abolition. At a regional level it acts as a dead hand; it restricts the ability of regional development agencies to exercise their function. Too often, they are told that they cannot fund a project because it does not fit the DTI's tick boxes. Allowing funding to decrease but getting rid of the DTI would make considerable national cost savings and would enable effective regional economic regeneration.

If we achieve regional government throughout England—I will come to how that should happen—there would not be much need for the Office of the Deputy Prime Minister. It would be a brave Minister who abolished his own job, but that should be the Minister's priority. If I were in his shoes, I would be seeking to create the conditions to abolish the job. Much of the ODPM's functions can be sent down to the regions. Such devolution of power allows considerable cost savings at the centre and can lead to considerable savings overall.

I do not want hon. Members to think that I would like the system to be rolled out along the current boundaries, because there are difficulties. For elected regions to work, the public must believe that they belong to a region. People in the north-east believe that they belong

to the north-east. The Yorkshire and Humber assembly effectively recreates Yorkshire—the people believe that they are in Yorkshire.

Mr. Hammond: When did the hon. Gentleman last visit Humberside to see whether that is the view there?

Matthew Green: I realise that part of Humberside was historically Lincolnshire, but that is not as significant a problem as the hon. Gentleman would like to pretend.

In the north-west, there is a reasonable sense of regional identity, although there are differences. *[Interruption.]* There is not the same degree of support among Labour Members in the north-west as in other regions—perhaps that was too dangerous a course to go down. I knew that it would spark a reaction, so I will not go into too much detail on the north-west.

Mr. Prentice: Will the hon. Gentleman give way?

Matthew Green: Go on then.

Mr. Prentice: Part of my constituency—West Craven—used to be in Yorkshire, and many people still feel a great affinity to Yorkshire. However, are there any divisions among the Liberal Democrats about this plan for regionalism? Will he tell the Chamber what Lord Greaves thinks about the proposals?

Matthew Green: Lord Greaves is not actively backing the yes campaign for the main reason that not enough powers are to be devolved to the regional assemblies. Where I disagree with Lord Greaves is that I think that the proposals are a starting block. We support the campaign so that we can build on it, whereas he thinks that it is not worth supporting because not enough powers are to be devolved. I hope that he is persuaded otherwise if the draft Bill proposes more powers.

I want to deal with the rest of England. The Minister has an opportunity, when the three referendums in the north are out of the way, to look long and hard at a boundary review of the remaining regions. The current boundaries were set up by the Conservatives for the administrative purposes of Westminster, not to reflect where people feel that they belong. I am firmly of the view that Shropshire, Herefordshire, Worcestershire and Gloucestershire, which is currently in the south-west, should form a marches region, as we did historically. We were a region and we share a lot of commonality with West Mercia. The area is about the same size as the north-east, so if that region is viable, we must be too. Such a region would command a huge amount of support among local people.

Mr. Michael Foster: May I say how delighted I am for the hon. Gentleman that he is present for a debate with Members from the same region? He is of course the only elected Liberal Democrat in the region of the west midlands.

Matthew Green: Hereford.

Mr. Foster: Has he had any discussions with local government representatives in the west midlands on whether Shropshire, Gloucestershire and Worcestershire should form a marches region? Has he discussed that with constituents in the north of Worcestershire, who see no distinction between themselves and people in Birmingham, because the boundary is not clear and, indeed, moves occasionally as a result of local government reorganisation?

Matthew Green: I have certainly not done the latter. It would be a huge task to travel round the region that I have proposed asking people that. We may have to do that if there is a boundary review. I hope that we can consider the proposal and that the hon. Gentleman is not ruling out the possibility, because I believe that there is support for it. I have discussed the matter with councillors and officers in at least one Worcestershire council—Malvern Hills—and in Shropshire and Herefordshire, and there is broad support for it: I have even done some survey work in Shropshire showing that the public overwhelming back that idea in preference to a west midlands region.

The point is that to win referendums in other parts of the country and to get to the position where we can make cost savings by abolishing Departments as a result of having elected regional assemblies, such assemblies are needed throughout Britain. In order to do that, they must be based on areas that the public would support. There is no reason, for instance, why Kent could not be its own region. It is large enough; its population is bigger than that of the north-east. That would solve many of the problems of Conservative councillors in Kent. If they discovered that they could have an elected regional assembly, referendums might be much more likely to be won. Huge savings can be made.

Ann Winterton: The hon. Gentleman has built so much of his case on cost savings. Having lived through a local government reorganisation in 1974 and seen the establishment of the Scottish Parliament, and so on, I am not so sure that there will be any cost savings at all. If he can cite one such case, I should be delighted to learn about it, because usually savings are soaked up by new, expensive offices and equipment, and the money just goes.

Matthew Green: I suspect that whatever I said, I would not convince the hon. Lady. I thought that I had given some examples of where savings can be made.

Many local government reorganisations have been botched. Let us take Shropshire, which was reorganised under the Conservative Government. After the county had made it clear that it wanted to retain two-tier government, the Government said, "No, we do not like that answer; do the exercise again." They then came back, took Telford and made it a unitary council, leaving the rest of Shropshire virtually unviable, as a much smaller two-tier area. That was a botched reorganisation, and it is botched reorganisations under the Conservative Government that have cost money. If they had done things properly and offered us two unitaries, there would have been a lot more support for their proposals, and cost savings, too.

Finally, I return to a theme that the hon. Member for Worcester mentioned: democratic accountability. One major reason why we should have regional government is that we have it at the moment. The most powerful person in my constituency in terms of getting a

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chequebook out and allocating money to something is not anyone on the district, county or town council, or the local MP or MEP; it is the chief executive of the regional development agency Advantage West Midlands, John Edwards. I believe that he is able to support a scheme to the tune of £3 million without seeking broad approval. He does an excellent job, and I have no qualms at all about his work; but he is essentially accountable only to Ministers in London—

Mr. Hammond: Who are accountable to Parliament.

Matthew Green: Yes, but in a very long-winded, involved way.

The present tier of regional government was largely set up by the Conservatives; they set up Government offices. The result is that we now need accountability at that level, and democracy costs money.

Ann Winterton: Will the hon. Gentleman give way?

Matthew Green: No, not any more, because I am sure that the Conservative Front-Bench spokesman would like to speak.

Democracy can cost money, but the argument for not having a democratic tier when powers are already exercised at that level is an argument for doing away with MPs. People might say that it must cost a lot to have MPs in Westminster. It is also an argument for doing away with councillors. One might say, "Let the officers run councils; it's far cheaper if we get rid of all the councillors." That is the argument being deployed. There could be much greater cost savings if only the Government were really enthusiastic about regional government and used it to its full potential, instead of making their rather half-hearted efforts. The case is that regional government can save money. However, for the sake of democratic accountability, it should go ahead even if it is cost-neutral.

3.2 pm

Mr. Philip Hammond (Runnymede and Weybridge) (Con): I congratulate my hon. Friend the Member for Congleton (Ann Winterton) on securing this important debate. She is right to raise these issues. There are deep concerns about the Government's intentions as regards regional government. Conservative Members certainly recognise the particular needs of those regions that have suffered from major structural economic change. My hon. Friend dealt with some of the real regional issues relating to funding. She talked about the European Union funding available and issues that impact directly on the lives and success of people in the regions.

I want to focus on the direct financial implications of the Government's plans—that is, to the extent that we know about them—and focus Members' attention on the large and unacceptable degree of uncertainty that still surrounds a project that, unless something has changed, is to be put to the electorate in just a few months.

There is a widespread and growing feeling in all three northern regions, particularly in Yorkshire and Humber and the north-west region, that the imposition of an extra tier of government is simply not the answer to the region's problems. The Government's preferred option reflects Labour's rather tired approach, which is that more government equals better government, and that constant change equals progress. It also reflects Labour's disillusionment with local government, which will be the big loser from the imposition of elected regional assemblies, as powers will be sucked from local government and will go to the regional tier.

The needs of the regions, particularly the three northern regions, are for economic regeneration, investment, skills and—in some cases—a change to a more entrepreneurial culture that will allow businesses to flourish and that will attract investment and lead to reform of the public services. Public services provide a larger percentage of total employment and economic activity in the northern regions than in other regions. Some of those issues are being addressed by the regional development agencies in the three northern regions, but I can tell the Minister and the hon. Member for Ludlow (Matthew Green) that the last thing that the regions want—someone who is not a Government figure would say this privately—is for their business-led focus to be diluted by being subordinated to a politically motivated regional assembly. The truth is that elected regional assemblies will not deliver on any of the key issues for the three northern regions. My hon. Friend the Member for Congleton is quite right to draw attention to the issue.

I want to talk about the financial implications of imposing an additional tier. I will focus on elected regional assemblies, but I do not want the Chamber to miss the point that the Deputy Prime Minister's agenda for regionalisation has already kicked in, with or without elected assemblies. Additional costs are already being imposed. In the fire service, there are regional management boards, and fire authorities up and down the country tell me that the boards are already out of control in terms of the costs that they are incurring. There is the Learning and Skills Council, in which we can see the creation of a regional structure in response to a clear steer from central Government. There is also the cost of the unelected regional chambers.

Interestingly, while this trend is developing in response to a steer from central Government, English Heritage, which is a quango answerable to the Minister's Department, has just scrapped its regional structure because it found it too bureaucratic and inefficient. It has returned to a different structure and has moved away from having nine regional directors.

I come to the financial implications of elected regional assemblies. We ought not to be having this debate. We ought to be quite relaxed about the issue because hon. Members will remember that, in 1997, the Labour party manifesto pledged that the establishment of regional assemblies would require

"confirmation by independent auditors that no additional public expenditure overall would be involved."

I do not know whether the Minister is prepared to repeat the manifesto pledge that no elected regional assembly will be created unless an independent auditor has certified that no additional public expenditure overall will be involved. I suspect that he is not prepared to do so, therefore we must look at the costs that we believe will be involved.

So far, the Government have spent more than £5 million on what they laughingly call an information campaign: that is to say, on propaganda for the yes campaign in the three regions. The referendums themselves will cost £16 million to conduct. The Government estimate that, if elected regional assemblies go ahead in the three regions, they will cost £30 million in each region simply to set up. We are talking about the one-off start-up cost. That means a cost of more than £120 million, including the referendums, the information campaign and the start-up costs in the three northern regions. That is before taking into account the direct and indirect costs of local government reorganisation.

My hon. Friend the Member for Congleton has already referred to one of the important indirect costs, which arises from the uncertainty that has been introduced into the local government community and the additional difficulty that that creates in recruiting and retaining good quality staff to carry out the main function of local authorities, and what should be main purpose of elected politicians: the delivery of ever-improving public services.

There are also direct costs. As I have already explained, Professor Michael Chisholm of Cambridge university has estimated the one-off costs to be more than £90 per head. That is £350 million for the three northern regions, if all the two-tier authorities are transformed into unitaries. Contrary to what the hon. Member for Worcester (Mr. Foster) has asserted, the evidence suggests that, except where unitary counties are created, there will be few if any ongoing savings from unitary structures.

All that is before we look at the running costs. The Government estimate that each elected regional assembly will cost £25 million per annum to run. However, working on the basis of the one elected regional assembly that we have as an example—the London assembly—and extrapolating on the cost per capita, it is likely that the regional assemblies would cost three times the Government's estimate. If anybody doubts that it is possible for the Government to get their estimate of the cost of regional government so wrong, they need only look at the estimates for the cost of the Scottish Parliament's new building at Holyrood. The overrun is standing at 12 times the original estimate. We cannot even begin to quantify the potential cost if all these elected regional assemblies were to embark upon such a folie de grandeur as the Scottish Parliament in Edinburgh.

Mr. Raynsford: As always, the hon. Gentleman is selective in his choice of examples. Would he like to tell the Chamber about the Greater London authority headquarters building, City hall, which was delivered on time and in budget? It is an extremely good value-for-money procurement.

Mr. Hammond: I would like to tell the Chamber that the Government's estimate of the impact on London council taxpayers of the Greater London authority—*[Interruption.]* That was not the right hon. Gentleman's question, but if he wants to accuse me of selective quoting, I must draw attention to the facts that he wants to ignore: the massive cost of the elected regional government in London that is in excess of what the Government told us it would be when it pushed through the Greater London Authority Act 1999.

Significant indirect costs are already occurring. An article from *The Guardian* yesterday tells us that, in Ribble Valley, one of the reasons for turning down a PFI project was the uncertainty over the district council's future. Already, local authorities' activities are being blighted in areas where referendums will be held.

Where will the money for all these costs come from? Some of it will come in the form of central Government grants—more wasted taxpayers' money—but regional assemblies will also have the power to impose a precept to raise additional funds, which will be an additional burden on the already hard-pressed council taxpayer. The White Paper makes it clear that they will be expected to make a contribution to their administrative costs through a precept on the council tax. We do not know whether the Government propose to impose any limits on the powers of elected regional assemblies to set a precept. Perhaps the Minister will clarify that.

The publicity campaign, the referendums, the reorganisation of local government, the administration cost of elected assemblies and the buildings are all going to cost us hundreds of millions of pounds, and for what? For the answer, I turn to the Minister's colleague in the other place, Lord Rooker, the Minister responsible for matters involving the Office of the Deputy Prime Minister. He assured the other House that there would be no new money and no new powers for elected regional assemblies. From what we have seen so far, it is clear that the powers that elected regional assemblies will have will largely be taken from local government: fire, planning, housing and so on.

Our problem with scrutinising cost is that we simply do not know the extent of the assemblies' powers and functions, and thus the cost that will be imposed. The White Paper set out the powers that the Government propose to give elected regional assemblies. The Deputy Prime Minister has then run around the country talking up those powers, telling a closed meeting in the north-west that an elected regional assembly will be an opportunity to reopen the Barnett formula, and telling others that transport, the police and learning and skills councils will be transferred to elected regional assemblies—all in a desperate attempt to shore up a rather flagging Government policy agenda.

Tony Flynn, the ousted leader of Newcastle city council, asserted that the closure of the Swan Hunter yard would never have happened if there had been an elected regional assembly. We were also told a few weeks ago that the trans-Pennine rail link would be safe if only there were an elected regional assembly.

Conservative Members have serious concerns about the time scale involved. The Government have reluctantly indicated that they will try to publish a draft Bill setting out the powers of regional assemblies before the referendums. That is an absolute requirement, and I hope that the Minister will be able to tell us in more detail today when that Bill will be published and how much detail it will contain. It will be of no use to anyone if it simply contains enabling powers that provide for Ministers to set out the powers in secondary legislation later.

[Mr. Hammond]

When my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) was a shadow Secretary of State, he wrote to the Deputy Prime Minister—

Mr. Raynsford: A wise man.

Mr. Hammond: Indeed. My right hon. Friend set out our concerns and asked the Deputy Prime Minister for the assurance that the Bill would be published in draft form so that we would know precisely what the powers would be. Eventually, a couple of months later, my hon. Friend the Member for Meriden (Mrs. Spelman), being a persistent sort of a person, managed to get a reply from the Under-Secretary in the Office of the Deputy Prime Minister who said:

"We have already published the White Paper, *Your Region, Your Choice*. This set out the powers that the Government intends for elected regional assemblies . . . The draft Bill will reflect the proposals outlined in the White Paper."

That is pretty clear. We put out a press release saying that the ODPM confirms that there will be no additional powers for elected regional assemblies.

The ODPM countered with its own press release in which the Deputy Prime Minister's spokeswoman, an official in the Department in which the Under-Secretary resides, said that the Government had already added to the powers originally set out in the White Paper and that discussions on other issues were continuing. In other words, the official spokeswoman directly contradicted what the Under-Secretary said in his letter to my hon. Friend. Ministers are fighting like ferrets in a sack over what powers will be transferred to these elected regional assemblies.

The hon. Member for Pendle (Mr. Prentice) is absolutely right about the nods and winks. We know exactly what is going on. We know exactly why the Minister and the ODPM were so coy about the precise powers that elected regional assemblies would have until after last Thursday. The Deputy Prime Minister, probably even now, is in Downing street warning the Prime Minister that unless he gives more powers to the elected regional assemblies, he faces another rout in October on the scale of the rout he suffered last Thursday.

I do not know who will win that battle within the Government, but I know that the people of the three northern regions when they go to the ballot box in October—if the Minister will confirm that these referendums are still on—have a right to know what powers they are being asked to vote for the assembly to be given so that they can calculate the precise costs and benefits of going down the Government's preferred route. It is simply not acceptable to ask the electorate to vote for a pig in a poke.

I will not be quite as ambitious as the hon. Member for Pendle who asked the Minister to confirm that the whole thing was off the agenda and would not be going ahead. I will simply ask the Minister this: if it is going ahead in October, will he at least give us the assurance that a draft Bill, clearly setting out the powers that elected regional assemblies will have, will be published before the summer recess and that Parliament will be given an opportunity to debate it so that we can tease out the questions that will undoubtedly arise before the people of those three northern regions go to the polls?

3.18 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): This has been a curious and in some ways intriguing debate on an important subject. I congratulate the hon. Member for Congleton (Ann Winterton) on securing this opportunity to discuss regional government. As hon. Members know, the Government are committed to a far-reaching and radical programme of constitutional change and devolution, transforming what was one of the most highly centralised countries in the western world in 1997 into one in which there is far greater and more appropriate devolution of powers to different levels.

We are taking substantial steps to reverse the trend of excessive centralisation that characterised the Conservatives in government. They now seem to be trying to distance themselves from their record. Our record, by contrast, is strong and demonstrates how seriously we have addressed the need for devolution of power from Westminster and Whitehall. We have devolved power to Scotland and Wales and restored city-wide government in London; now, we are offering the English regions the chance of devolved power.

That poses a problem for the Conservatives. They are trying to present themselves in a new light, and not as the ultra-centralists who took power away from local authorities and abolished whole tiers of devolved government, such as the Greater London council and various county councils. They present themselves as the friends of the county councils, yet they seem to forget that they abolished Berkshire when they were in government. Instead, they are trying to present themselves as the party of devolution.

The problem is that the Conservatives cannot bring themselves to follow this devolutionary logic. They have put themselves in the absurd position of opposing devolution to Scotland, Wales and London, and now to the English regions. Despite mouthing the rhetoric of devolution, in practice they have vehemently opposed it whenever they have had the opportunity to do so in the past seven years.

There is one notable exception to that trend, and he was referred to by the hon. Member for Runnymede and Weybridge (Mr. Hammond). I am very happy to pay tribute to the right hon. Member for Skipton and Ripon (Mr. Curry), and I would like to quote what he said on this subject less than three years ago:

"There is actually a case for regional devolution, and it is silly to pretend that that case does not exist. There are two arguments in favour of regional devolution. One is that there is a serious problem with representative democracy in Britain today. We have passed power out of the hands of people who are accountable."—[*Official Report*, 26 November 2002; Vol. 395, c. 218.]

That is a fair criticism, and it has been echoed by my hon. Friend the Member for Worcester (Mr. Foster), the hon. Member for Ludlow (Matthew Green) and many other Members who recognise that the extension of regional government under the previous Conservative Government—the hon. Member for Congleton referred

to it—involved devolution of power to non-elected bodies and unrepresentative quangos, or to the government offices that were created.

Ann Winterton: Can the Minister answer a simple question? Why did the then Government act in that way? If he recalls what I said, he will have the answer to hand.

Mr. Raynsford: I do recall why they did it, and the right hon. Member for Suffolk, Coastal (Mr. Gummer)—the then Secretary of State with responsibility for such matters—frequently talked about it. It was recognised that an increasing number of Government issues needed to be handled at regional level, and that there had to be greater coherence among different Government Departments, which had been acting separately. That was a perfectly logical and sensible approach, and the only criticism that I make is that it did not take account of the democratic deficit that the right hon. Member for Skipton and Ripon rightly highlighted.

I must tell the hon. Member for Congleton that the right hon. Member for Suffolk, Coastal does not share her Eurosceptic views about the origins of regional government in Britain. It did not owe its origins to Brussels, as she likes to assume, any more than our proposals do. It resulted from a proper analysis of the importance of good, efficient administration, and from ensuring the pulling together of different strands out of their separate silos, which I entirely endorse as an objective.

Ann Winterton: The Minister can stop calling me a Eurosceptic because I am a Euro-realist, and there are a growing number of Euro-realists in this country. I suggest that the Minister goes back a bit further in my speech. Most of the provisions introduced by the Conservative Government and the current Government are based on the European Union. It is about time that we recognised that fact and stopped trying to fool the British people about the origins of matters such as regionalisation.

Mr. Raynsford: Well, we can tell that the hon. Lady is a bit rattled by the success of the United Kingdom Independence party in her constituency in the recent elections. However, there is no substance to her allegations that our proposals for elected regional government in the English regions are the product of Brussels. They are not, and I can tell her that with some authority because I have been involved in this right from the beginning. In 1997, I was the Minister responsible for developing proposals for the Greater London Authority, which was the first of the English regions to have a devolved governmental structure. And since 2001, when I took up my current post, I have been involved in the development of proposals for the devolution of power to the English regions.

Those proposals and developments have been worked up here in London by the British Government. Obviously, we have taken advice from people overseas—in America, Australia and Asia, as well as in Europe—and we have looked at overseas examples; that is proper, and any sensible and prudent Government would do so. However, we have developed our own proposals for the benefit of the English regions. They are not beholden to Brussels, and it is a monstrous travesty of the truth to suggest otherwise.

With the honourable exception of the right hon. Member for Skipton and Ripon, the Conservatives have been totally misguided on the issue of the regions. They were wrong on Scotland. They voted against regional government there, but had to change their minds and accept it. They were wrong on Wales, and had to change their minds and accept it. They were wrong on London, and had to change their minds and accept it. They will be wrong on the English regions, too, and they will have to change their minds and grovel once again. Sadly, they fail to learn any lessons from history. As I commented in a previous debate, their inability to learn reminds me of the Bourbons. So let us have a few facts from them, rather than scaremongering and nonsense.

This debate is about costs, and it is important to know the reality of those costs. The set-up costs for elected regional assemblies will be about £30 million in each region, as we have made clear. The expected running costs will be about £25 million a year, because the authorities will be small and streamlined, with 25 to 35 members. When we produced our initial proposals for London and the English regions, many people criticised us and said that there would not be enough councillors. Now, most people recognise that this is a sensible provision that provides adequate representation to ensure that we focus on the matters that must be handled at regional level, without excessive proliferation and certainly without duplicating the work of local government.

We recognise that there will be some initial local government reorganisation costs, but there is also the potential for significant savings down the line. We have received the report from the boundary committee and its final recommendations. It would not be right for me to comment on the recommendations at this stage, as Members will understand, but it is perfectly fair to highlight their implications in terms of the costings set out by the committee.

Under the recommendations, the number of local authorities in the two-tier areas in the three northern regions would be reduced from the current figure of 50 to between seven and 19 unitary authorities. That would be very different from the reorganisation of local government by the Conservative party in the 1990s, when it simply turned existing district councils into unitaries. That created a lot of additional cost and achieved no savings. Our approach is entirely different, involving a significant reduction in the number of authorities and scope for substantial savings.

Mr. Hammond: Will the Minister confirm that electors will not be offered only the choice of county-wide unitaries?

Mr. Raynsford: As I said, there will be between seven and 19 councils in total in the three northern regions, rather than the existing 50. There will be seven if people vote for a wholly unitary county, and 19 if they opt for the more extensive arrangements. As my hon. Friend the Member for Worcester and the hon. Member for Ludlow pointed out, there will be significant scope for reductions in unnecessary administration. I am

[Mr. Raynsford]

astonished that the Conservative party seems to be pooh-poohing attempts to achieve efficiency and better value for money in public services. We shall remember that in future debates on this subject.

Mr. Hammond: Will the Minister give way?

Mr. Raynsford: I cannot because time is short, as the hon. Gentleman will recognise.

The debate is about the implications of regional assemblies. Assemblies will exist to bring financial benefits to the regions. They are part of our framework for the continued improvement of regional economies. Their functions will be focused on the twin pillars of economic development and improving the quality of life. The way to address regional disparities is to give the regions the tools to improve their economic performance, rather than seeking to constrain growth in better performing regions. Economic development will be a prime function and responsibility of elected regional assemblies. They will also improve the co-ordination of policy and services by bringing together regional strategies on a range of issues—including planning, housing, transport, employment and training and skills—all of which support the economic development agenda.

Through elected assemblies, people will have control over how significant proportions of central Government money are spent in their region. According to figures for 2002–03, an assembly in the north-west would have direct responsibility for programmes to the value of more than £1 billion, and it would have an important influence on other budgets totalling a further £1.6 billion. Such an assembly would thus take, or be involved with, decisions on some £2.6 billion of funding.

For almost a century, there has been economic division between the regions of our country. Development and prosperity have been disproportionately focused in the south, while the northern regions have faced the severe problems of industrial decline, unemployment and disadvantage. The Government are committed to an agenda to promote economic success and prosperity in all our regions, and we have already taken important steps in that direction. Regional development agencies—the Opposition opposed them, too, before they were set up, but they have had to eat their words—are helping that process. The next stage is to allow the people in each of the northern regions the opportunity to have a greater say in the future of their regions through democratically elected assemblies.

School Nursing Service (South-West Norfolk)

3.30 pm

Mrs. Gillian Shephard (South-West Norfolk) (Con): I am delighted to have the chance to raise some important issues about an unsung, yet vital part of the health service—the school nursing service. When Minister for Health, the hon. Member for Pontefract and Castleford (Yvette Cooper) said:

> "School nurses clearly provide an extremely valuable service to children. They have been looking after children's health for more than 100 years—the first was appointed in 1894—and they are often the first point of contact for teachers, parents and children requiring health advice in school. They often work closely with general practitioners, with primary care and sometimes with specialist paediatricians, when the need arises. They also play an important part in providing a safety net for children who have perhaps slipped past the routine development checks or immunisations offered under primary care in the early years".—[*Official Report*, 20 April 2000; Vol. 348, c. 1128.]

It was that role of

> "providing a safety net for children who have perhaps slipped past the routine development checks" —

or rather the lack of such a role in the case of six-year-old Lauren Wright, a constituent who died from abuse in May 2000—that alerted me to the present day work of school health advisers, as they are now called, and that led me to raise issues concerning the school nursing service today.

I do not intend to revisit the case of Lauren Wright, not least because I have been able to pursue it on many occasions in the House. However, it is worth pointing out that the independent NHS review of Lauren's case produced by the then Norfolk health authority concluded:

> "The health agencies did not give Lauren Wright the best service. If they had, despite all the faults identified by social services, it is most likely that she would have been protected."

That general criticism of the role of the health service was repeated in the review's detailed criticism of the working arrangements for the school nurse in the case. There were substantial criticisms of the other agencies involved, namely education and social services, following the case. I had the opportunity to present evidence about it to the Victoria Climbié inquiry. As became all too common in such cases, there was a lack of liaison and communication between the professionals involved, but I am glad to say that a great deal has been done locally to tighten up procedures.

Some time after the Lauren Wright NHS review was published, I was contacted by Mrs. Jenny Atterwell, a school health adviser now working in the Southern Norfolk primary care trust. She wrote to me very fully in the spring of 2003, and I will read some extracts from her letter. Among other things, she said:

> "I became aware that your understanding of the current school nursing service was slightly out of date."

That was the case, but she put me right, as have subsequent things that I have done. She explained the work done by the school nursing service and said that

the advisers and members of the team in her area consist of school health advisers, a staff nurse and a school health assistant. The school health adviser's role

"mainly consists of child protection work . . . working with school aged children/young people and their parents who are experiencing health or social problems and managing the day-to-day running of the team. Staff nurses mainly provide health care plans for conditions such as diabetes, epilepsy, allergies etc . . . reviewing of child health records moving in and out of the area and providing advice and support to parents on issues such as bed wetting and behavioural problems. The School Health Assistants, who are nursery nurse trained, provide a screening service of vision, hearing and height to 5 year olds in school. The Staff Nurse and assistant work independently but under the guidance of the School Health Advisor."

Mrs. Atterwell gave further details of the child protection role of school health advisers. She went into detail about what was required when there were case conferences from the health service, what was required in reports and in working with child health records. I think it significant that she added:

"The child protection role of the School Health Advisor has increased dramatically over the last 2–3 years . . . I have no reservations whatsoever in saying that child protection has to be of the utmost priority . . . However I would also say that I did not enter the school nursing profession to deal almost exclusively with child protection and at times I almost feel like a glorified social worker. The public health role of the school nursing service has almost disappeared. This role includes a lot of preventative and supportive work with children and young people, e.g. health promotion and drop-in services in high schools. I feel strongly that if there is a lack of preventative work by a number of agencies, then we will see, and I believe already are seeing, a significant rise in children and families experiencing increasing difficulties with health and social problems."

She concluded with concerns about what she described as the need to address the current serious under-resourcing of school nursing services in central Norfolk. I shall raise with the Minister later the implications of that last remark. What is clear from Mrs. Atterwell's letter is that we cannot do without the essential role played by the school health advisory service, not only in child protection work but in preventive public health work with children, young people and their parents and other agencies. There will be increased demands on the service as a result of the Green Paper on children, and no doubt the forthcoming public health White Paper, which I believe will be published this summer.

The demands on a service that I already perceived as being overstretched were clarified further in two excellent meetings that I had recently with the school health advisory teams in the Southern Norfolk and West Norfolk primary care trusts. Both meetings revealed teams of enthusiastic and committed professionals. They were brimming with ideas about what their service should do, how it could be improved, how it might be expanded and so on. At present, the Southern Norfolk team is in the throes of reorganisation and there are problems about access to files and other information, but it has not diminished the team's appetite for the job and it is time-limited—the reorganisation will one day be completed.

Both teams defined their areas of responsibility in a similar way and had similar views on the way in which the skills of differently qualified members of the teams should be used. I should be interested to hear the Minister's view of the career path in the school health advisory service, what kind of qualifications people should have at different stages in their career and how easy it is to progress from one set of qualifications, and therefore the duties and responsibilities, to another.

In the two teams, the lead school health adviser takes responsibility for organising the service, for service development and for professional development. The lead adviser also has an important child protection role to ensure that there is an extremely prompt response to child protection cases, for which everything must be dropped, and to other crises.

Newly qualified school health advisers are the major case load holders, setting up and running clinics and drop-in centres, care planning for children's complex health needs in schools—the cases are increasing all the time—dealing with child protection involving health assessments, conference attendance and working with a core group of the other professional agencies in health, education, social services and so on. They also undertake health education, facilitating the training of school staff, curriculum development and responsibility for looked-after children. Team members at staff-nurse grade share that work and review the movement of health records in and out. The importance of that responsibility cannot be over-emphasised, given the mobility of the population and the fact that so many child abuse cases eventually reveal a defective sharing of information.

School nursing support workers, who perhaps have an NNEB qualification, organise and run screening for five-year-olds. They refer children as appropriate to GPs, audiology, ophthalmic services and so on.

The Minister will be familiar with the main message from my meetings with the teams: overstretch. In the West Norfolk PCT team, in order for staff numbers and grades to come into line with the national case load size, as outlined by Dobell and Jackson, there needs to be an additional 157 hours a week, or to put it another way, the team is running with 42 per cent. of its appropriate staff quota. The staff nurse role has 38 per cent. of its required capacity, and the nursery nurse role only 22 per cent. On the other hand, a specialist school adviser, who works in the two special education schools in the area, provides 115 per cent. of the required capacity. That is an organisational difficulty, but it does not help much in the other areas of the work.

The Southern Norfolk PCT team describes itself as "seriously depleted", adding that its

"lack of numbers is not reflected in our enthusiasm, dedication to our client group, and our professional standards which remain high."

However, all team members

"agree that the level of activity in some areas of practice has increased significantly leading to a reduction in overall service, increased invisibility of the service to schools and raised levels of stress amongst team members that borders on being unhealthy. The School Nursing Team agree that this situation cannot continue."

The Minister should be concerned about that evidence. It is not that the Government have not put more resources into the NHS, but the members of the teams, and my perception, point to a lack of policy priority for this area of work relative to other parts of the health service. That was probably always so. There are more glamorous and high-profile areas, and areas to do with the Government meeting targets, reducing deaths from

[Mrs. Gillian Shephard]

cancer and heart disease. All of us understand that, but the requirements of the Children Bill and the public health White Paper can only put more emphasis on the role of school health advisers.

Now is not too soon for the Minister to be clear about her strategy for the future of school health advisers. She is bound to say that a review is going on under the chief nursing officer, but I am sure that she has her own views about what that review should say. I cannot believe that, if she has had any exposure to these professionals in the health service, she will not agree that those groups of people could do much by way of early intervention to prevent escalations of health problems and behavioural difficulties in children as they become young people.

From my experience in public service over a long period, I know that the school nursing service plays an invaluable part in helping and supporting young carers, for example. That is particularly apposite, because it is national carers week. It provides a discrete, confidential service for young people with health or emotional difficulties in school. In our county, it backs work in schools through projects such as the healthy Norfolk schools initiative and it provides the necessary professional expertise in child protection. It would like to be able to provide a full screening service for all five-year-olds. Not so long ago, it was possible for it to do that in our area, but now it does not have the resources.

The Minister might like to give us her views on how valuable she thinks such a screening service would be. There may be professional differences of opinion. Some may say, "What's the good? It is a snapshot. Once you have done it, all kinds of other things can emerge, and you are not going to go back and revisit it." I understand that, but I am breaking my promise to the Minister somewhat in saying that, in the case of Lauren Wright, such a screening might have been enough to avoid her death. We cannot say whether there were many other factors. There is no doubt that, had there been a routine screening of five-year-olds in that school, the bruising that that child was suffering over 18 months—she died when she was six—would have had to be discovered by a professional view.

If school health advisers had the resources, they could give early help and advice to the parents of children with disabilities. Perhaps the Minister will comment on that. I would be glad if she did. Only last week, I visited a marvellous special school, the Chapel Road school in Attleborough, Norfolk, where parents were saying that it provided an immense amount of support, once the children were at school, on how to cope with one member of the family who happens to have disabilities. However, if professional health advisers were involved as well, that would be an extremely useful step. There could be so much more support for those parents.

In "Every Child Matters: The Next Steps", published earlier this year by the Minister for Children, much was made of the need for early intervention, or, to put it another way, for preventive work on the part of all relevant agencies. That document states on page 7 that consultation established that there was a need

"to intervene earlier through better information sharing, a common assessment framework, lead professionals, multi-disciplinary teams, and the co-location of services through extended schools, Sure Start Children's Centres and other community sites."

The Minister will feel that that could be a text for the work of the school health advisory service but, obviously, it needs to be equipped for the job. In a letter that it prepared for my meeting with them, the Southern Norfolk primary care team spoke about the public health role:

"The School Nursing Team agreed that this was an area of practice that had become sadly neglected. We agreed that many of our current areas of practice had a public health link. Many issues regarding Child Protection are related to public health e.g. poor housing and poverty leading to poor health. However all we, as a primary care group, are doing is crisis managing such public health issues and not providing any early intervention or preventive input."

It put forward, as a team of professionals, proposals to improve that situation: helping curriculum development in schools, health focus days, improving access to the school nursing service, up-to-date materials, knowledge, classroom support and so on. The Minister will undoubtedly be familiar with all those things. She is bound to be an enthusiast for this area of her responsibility—she could not have had contact with the service without being an enthusiast for what it does, which is very infectious and very impressive. She is bound to see the curious discrepancy between the aspirations of "Every Child Matters" and what is happening on the ground.

The school health advisory service could do so much to fulfil the promise of intervening earlier through better information sharing and so on, as outlined in "Every Child Matters". It now needs a clear Government strategy for its work. Those in the service need to know more about ministerial thinking on the qualifications framework and on the career paths of those who work in it. I hope that Ministers understand that they have, in that part of their service, a group of dedicated, enthusiastic and committed professionals, whose provision and expertise are entirely in line with the demands of today's children and parents. I know that I shall not be disappointed by what the Minister is going to say.

The resources are in the health service. It is a question of making this part of the service as much of a priority as possible. The school health advisory service needs the resources and that policy priority. I hope that we will hear from the Minister today that she intends to equip it to fulfil its role to the utmost.

3.49 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I congratulate the right hon. Member for South-West Norfolk (Mrs. Shephard) on securing this important debate. I assure her at the outset that the Government recognise and agree with her about the important contribution that school nurses can make to health priorities such as obesity, sexual health, teenage pregnancy, health inequalities and child protection, and in giving support to carers.

The other day, I was talking to my father, who happens now to live in Norfolk, but who used to be a head teacher in Doncaster, in an ex-mining area. He

talked to me about the important role that his school nurse played at that time in tackling some of these issues. That conversation and meetings that I have held with school nurses have given me an understanding of the points that the right hon. Lady makes.

The contribution of school nurses was also highlighted in "Making a Difference", our strategy for nursing, which was published in 1999. Following that, the Government funded a three-year national development programme for school nurses, including the publication of a school nurse practice development resource pack, the establishment of leadership posts and the consideration of funding for specific projects that would support school nurses.

Mrs. Shephard: I wonder whether the Minister understands that although specific projects can be useful in addressing a particular need, they can also be a plague for professionals—whatever profession they are in—because they can distort their local priorities. Such professionals may also sometimes feel threatened by specific initiatives. I am sure that she knows what I mean—I am not sure how much such initiatives help.

Ms Winterton: Particular projects can be of great assistance in, for example, spreading best practice and re-emphasising the particular contribution that can be made. It may sometimes be difficult, but it is right that we should devolve power. Shifting the balance of power is about allowing local primary care trusts to make decisions that suit their local priorities. However, it is often helpful to show how specific projects can contribute towards making a difference in some of the areas that I have outlined.

Mrs. Shephard: May I give the Minister an example?

Ms Winterton: Of course.

Mrs. Shephard: In the West Norfolk primary care team, the school health advisory service has been asked to provide a particular service for the "healthy Norfolk schools" initiative, which has its roots in a national initiative. The criteria that must be applied in identifying the schools to take part in that initiative are based on the numbers of free school meals taken by the pupils. However, the measures of deprivation applied by the team are slightly different, and do not necessarily coincide. I am sure that the Minister can see that although there is much value in such initiatives, they may, on occasion, cut across local judgments.

Ms Winterton: I would be interested to know whether there are particular difficulties in the project that the right hon. Lady mentions. However, I believe it to be important that we use local projects and local initiatives—particularly in the school nursing service—to show some of the benefits that can be brought.

The right hon. Lady mentioned the 2003 Green Paper "Every Child Matters", which highlighted the importance of preventive services for the school-age population, and the need for integrated children's services, including school nurses and health visitors. She drew particular attention to the case, in her own constituency, of Lauren Wright, in which that lack of integration led to tragic results.

The right hon. Lady also said that we were undertaking a review through the chief nursing officer. The review is examining the contribution of all nurses, midwives and health visitors to children's services. However, it has specifically considered how school nurses can be supported in promoting and protecting the health and well-being of vulnerable children as part of their child-focused public health role. The recommendations of that review will be published shortly, but all those different strands point to the need to build the school nursing work force. I also acknowledge that the work force's present small number in relation to the range of important health issues that they have to tackle means that we must take steps to ensure that it is possible to enlarge it. We have undertaken a range of initiatives to support local organisations in the recruitment, retention and return to practice of school nurses and others in nursing disciplines. Most importantly, we have increased the number of nurses by about 67,000. Therefore, there is a larger pool to draw on. In the right hon. Lady's strategic health authority, about 3,000 more nurses and midwives are working in the national health service than there were in 1997.

As we have said, it is up to primary care trusts, which are the cornerstone of the NHS and are best placed to ensure that the local health service reflects the needs of the local community, to examine the changes that need to be undertaken. Between them, the Southern Norfolk and West Norfolk PCTs have been examining how to spend some of the increase of £27 million that they have received this year on improving school health services. A number of actions have been taken and I am sure that the right hon. Lady is well aware of those. I do not have time to address them in enormous detail just now, but I am sure that she will know that only last Friday, a conference was held in Norwich. It examined the services that are currently available, the skill mix in the nursing teams, and future requirements. That means that Norfolk county council and the PCTs are working closely together to ensure that they have a properly integrated service. At a local level, the message is getting through that the issue that we are discussing can play an important part in public health matters.

The right hon. Lady referred to "Choosing Health?", which will be published later this year. I have every expectation that it will receive many responses about school nurses and about what can be done with the school age population, particularly on preventive health, but also on some of the screening to which she referred.

In the time that is left to me, I want to address some of the particular points that were raised, for example, on career paths and training. We are examining the development of core competencies for those working with children, as was set out in the Green Paper, to see how their career development can be improved. As I said, the chief nursing officer review has also considered the training needs of nurses who are working with children—particularly those who are vulnerable.

On examining child protection issues, we are encouraging more proactive work with children who are most vulnerable and examining promoting early intervention, in the way that the right hon. Lady outlined, and offering support to families. Again, that is in keeping with the Green Paper's recommendations.

[Ms Winterton]

She referred to screening—routine weight measurements on school entry. Evidence from several reports is being considered that such screening can lead to improved protection. That consideration is taking place within the overall national framework for children; again, publication will be later this year. There is a range of ways to do things at national and at local level.

We are examining the important points that the right hon. Lady made about the role of schools nurses. I endorse that completely and the Government have been committed over a number of years to examining the role of such nurses and to how we can develop it further. The whole agenda, involving the public health consultation and the examination of the role of nurses and carers and the support that they can be given, means that the role of school nurses will be increased as she has suggested.

Pilots' Flying Times

4 pm

Mr. Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I am very grateful to have secured this debate on the important and topical subject of limits on flying hours for airline pilots. I applied for the debate because I was approached by a number of my constituents who are airline pilots and who were concerned about the proposals under discussion at European level. I have considered the points that they raised and they are very important. They certainly deserve highlighting further in Parliament, so I am glad to be able to do that and I look forward to the response from the Minister.

The issue is topical because, as the Minister knows, Europe has for some time been considering plans to harmonise flight time limitations across the European Union. Only last week, Ministers discussed the proposals at the European Union's Transport Council. Owing to the fact that five countries opposed the proposals, they will be discussed further and I am glad to raise the issue today. I hope that because the Minister will have more chance to pursue the matter through the Council, he will be able to take account of the points made in the debate and the concerns outside the House.

Until now, it has been up to each country to set its limits on flying times. I am not opposed to a framework for the regulation of flying hours across the European Union; indeed I strongly welcome it. There should be Europe-wide regulations and standards to maintain high levels of safety and to ensure fair competition. However, the issue is about the level at which that regulation should be set. The UK currently has the best and strictest system of flight time limitations in Europe. No doubt partly as a result of that, our aviation safety record is the best in Europe, and we must not see a lessening of that. There must be a levelling up of European standards to match the high levels of safety provided for UK passengers and aircrews. If the proposals go forward as they stand, the fear is that the UK's high safety standards will be compromised.

The detailed proposals drafted after amendment are not yet widely available. Having tried to understand some of their complexities, I know that it is difficult to make like-for-like comparisons between current UK and proposed European standards. The bottom line is that the proposals under discussion in Europe would lead to pilots in the UK working longer hours, which concerns my constituents and me.

The bystander may ask, "What's the problem with airline pilots working an extra hour or two? How can that make such an important difference to airline safety?" When it comes to aviation safety, it can make quite a lot of difference. In an extreme case, it can make the difference between safety and a plane crash—between a safe journey and a tragic accident that could, at worst, cost hundreds of lives.

The European Cockpit Association has quoted research carried out in the United States by the Federal Aviation Authority, which points to a greatly increased probability of accidents with an increase in duty time and, in particular, cumulative duty time. The research suggested that the probability of an accident increases

sixfold if the length of a pilot's duty in the air increases to 13 hours from 9 hours. As the European Transport Safety Council pointed out in a recent report:

"The operational demands of the aviation industry"

inevitably entail

"shift work, night work, irregular work schedules, unpredictable work schedules, and time zone changes".

All those factors pose challenges to human physiology. Since they relate to fatigue and performance impairment, they pose a risk to safety.

There has been a considerable degree of data collected over the past two decades on transport accidents and fatigue. In the case of commercial aviation operations, it is suggested that about 70 per cent. of fatal accidents are related to human error. Not all of those will be caused by fatigue, but one reasonable estimate suggests that the risk of fatigue of the operating crew contributed about 15 to 20 per cent. to the overall accident rate in commercial aviation. It is therefore essential that we do not add to that risk through the changes that could come about from harmonisation of rules in Europe.

It is particularly important that flight duty periods are limited in line with scientific research in the area, which has been carried out in this country and elsewhere. It is essential that sufficient minimum rest periods ensuring quality sleep are guaranteed, and that provision is made for time zone transitions so that the effects of jet lag are dealt with.

Unfortunately, according to the advice that I have been given, many expert bodies believe that the current European proposals still do not make a sufficient commitment to limiting flight duty periods or guaranteeing minimum rest periods. Indeed, the case for the regulation of time zone transitions was not even included in the draft regulation of the original proposals. I am told that that is the view of the European Committee for Aircrew Scheduling and Safety, and I have no doubt that the Minister will be aware of its report some months ago. It concluded:

"Based on our current understanding of physiological and psychological factors contributing to fatigue in aviation operations, it is our view that there would be a significant increase in the risk of fatigue-related incidents and accidents if operators were permitted to operate to the limits specified in the EP-proposal."

The committee has not had an opportunity to comment on the most recent amended proposals, but there is still concern that they could have the same results that are highlighted in the above quotation.

I am aware that new regulations would not compel UK airlines to increase the hours operated by their pilots, and I know that several UK airlines have said that the changes will be unlikely to affect them. However, it is naive to assume that commercial pressures will not influence the situation in the UK. As a result, UK pilots could end up flying more hours, even if that is not the intention at this stage. Even if they do not, it is anomalous for other European pilots to continue to fly for longer hours. It would be more reassuring to know that when a plane flies over my constituency, or your constituency in Newcastle, Mr. Deputy Speaker, all pilots are getting appropriate rest rather than just those working for UK airlines.

Mr. Deputy Speaker: Order. My constituency is not in Newcastle; it is in Gateshead and is called Blaydon.

Mr. Lazarowicz: I am grateful for that correction, Mr. Deputy Speaker. I should have known that, and I hope that I have not caused offence to you or your constituents.

In the answer to my parliamentary question given earlier this week, the Minister told me that the Civil Aviation Authority believes that the current proposal, since it has been amended, is acceptable. I respect the expertise of the CAA, but the Minister will be aware that many are still concerned about the proposals—in particular, but not only, the pilots who fly the planes in which millions travel across the UK skies every day.

Will the Minister investigate why the CAA did not consult its own expert body, which is concerned about these issues? I am told that the flight time limitation group, a sub-group of the fixed wing advisory group, set up after the Bader report of 1972, was not consulted when the CAA gave its views on the proposal. I hope that, if nothing else, the Minister tells me why that did not happen, and ensures that the appropriate expert group, which involves pilots' organisations, will be consulted on the details of the revised proposals going through the European institutions.

Given that the consequences of an air crash can be so serious, we cannot afford to have anything less than the highest possible standards of air safety in the UK skies. I know that the Government are committed to aviation safety and concerned about the link between fatigue and transport accidents. Indeed, the Government have an excellent record on introducing measures designed to improve safety, not just in the air but for road, rail and shipping. Last year, I was privileged to serve on the Standing Committee that dealt with one of those measures. As we have such a good record on high safety standards, it is even more important that we maintain them.

Now that the proposal for European regulation has been sent back for more discussion, I hope that the Minister will take the opportunity that it gives him to consider the points that I have made today, listen to the points raised by the pilots' organisations and the many safety experts, and see whether we can make an improved proposal over the next few months. I know that he has been in constructive dialogue with pilots' organisations and other bodies, but I hope that he takes on board my concerns about the need to consult, in particular, the expert group of the CAA.

At a time of considerable competitive pressure on airlines for lower and lower fares, we must never forget that our top priority in air travel must be safety. Longer hours for pilots might well cut airline costs, but that must not be at the expense of the safety of airline passengers and crews.

4.13 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): I know that Blaydon is not in Newcastle, Mr. Deputy Speaker, but that is by the

[Mr. Tony McNulty]

bye. I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mr. Lazarowicz) on securing this timely debate. As he pointed out, flight and duty time limitations—FTL, as they are known—are a very important safety requirement. I am grateful to him for his comments on the safety record not just of this Government but of successive British Governments. Safety is paramount throughout the transport world, not least in aviation. As he suggests, it has long been recognised that fatigue could be a contributory factor in aircraft accidents. The Civil Aviation Authority's current requirements have their origins in a 1973 review of the subject, chaired by Douglas Bader. Since then, they have been subject to continuous development in light of scientific evidence and operational experience.

The current UK legal requirements on flight time limits are contained in the air navigation order. That requires operators to establish an FTL scheme to ensure that no member of the crew of an aircraft will suffer from fatigue while he is flying to the extent that it endangers the safety of the aircraft. Such schemes must be approved by the CAA. In addition, the order sets absolute limits of 100 hours of flight duty in any 28 days, and 900 hours of flight duty in any 12 months.

The preparation and presentation by an operator of any FTL scheme is complex and time consuming. A scheme needs to strike a balance between the needs of the many members of the crew and the operational requirements of providing services to various parts of the world at various times of day. Schemes also need to cover a wide range of issues and eventualities to achieve the goal of maintaining an appropriate level of safety on all flights, as my hon. Friend suggested.

The CAA therefore gives guidelines on how to establish an FTL scheme in its publication "CAP 371: the Avoidance of Fatigue in Aircrews—Guide to Requirements". The limits quoted in CAP 371 are for guidance only, and the CAA can agree variations to the limits if an operator can show that an equivalent level of protection against fatigue can be achieved in another way.

Of course, as my hon. Friend intimated, the air navigation order and the CAA guidance apply to UK airlines only. Foreign airlines operating in the UK have to comply with any FTL requirements established by their national aviation authority. Such FTL requirements need only follow the provisions of annexe 6 to the Chicago convention, which does not set specific limits.

Within Europe, the need for harmonised operational requirements providing a high level of safety has long been recognised, and was highlighted by the creation of the single market in air services in 1991. There have since been a number of attempts to produced harmonised flight and duty time requirements, which we fully supported. However, in view of the different FTL requirements, operational patterns and workplace agreements across Europe, this has been a fraught process. It may be useful to outline efforts made to agree harmonised FTL requirements since 1991.

The European Joint Aviation Authorities, with considerable input from our own CAA, developed standards for the certification of airlines in its "Joint Aviation Requirement on Commercial Air Transportation (Aeroplanes)", known as JAR-OPS 1. A section of that document, known as sub-part Q, dealt with FTL and was not too dissimilar from current UK requirements. The CAA was satisfied that it achieved an acceptable level of safety. However, sub-part Q was not adopted by the JAA with the rest of JAR-OPS 1, as some JAA member states had differing concerns about various aspects of the requirement and its effect on their aviation industries.

After the failure of the JAA to agree on FTL, the European Commission had a go. It held a series of meetings with stakeholders and regulatory authorities, but was unfortunately unable to reach a consensus on a set of requirements with the interested parties. Consequently, when the Commission issued a proposal for the incorporation of the requirements of JAR-OPS 1 into EC law, it did not contain any detailed FTL requirements. When the European Parliament reviewed the proposed regulation adopting JAR-OPS 1, it decided that it was incomplete without any FTL—an understandable viewpoint.

The Parliament's rapporteur on the proposal, Brian Simpson, a UK MEP, put considerable effort into producing, in consultation with the airline and crew representatives, a baseline flight time limitation requirement. It was subsequently adopted by the Parliament in September 2002 as an amendment to the proposed regulation. That formed the basis of the Commission's proposal for flight and duty time requirements.

The CAA reviewed the Commission's proposal on our behalf. Its FTL experts advised that, with a small number of amendments, the proposal could form an acceptable baseline requirement, supported by the additional requirements of individual member states. However, given what my hon. Friend has said, I will check that point and make sure that the FTL group of the CAA was indeed so advised.

During the consideration of the proposal by the Transport Council's aviation working group, we sought to have the proposal amended in line with the advice we had received from the CAA. During those negotiations, held just last week, as my hon. Friend said, we succeeded in having almost all the amendments we proposed incorporated in the text, which was considered by the Council last Friday.

At the Transport Council, it was agreed to defer a decision on the proposal, as some member states still had some outstanding areas of concern. Those related mainly to the differences between the proposal and their current requirements, invariably less than those of the UK, and the effect that they might have on their industry. There was no suggestion by any member state that the proposal was in any way unsafe. Indeed, during negotiations on the proposal, most member states said they believe that operational experience shows their existing FTL requirements are safe. That is the situation today. We await future developments with interest.

As my hon. Friend suggested, I have a good working relationship with British Airline Pilots Association, among others, and intend to speak to it in the time between last week's failure and any subsequent replay of the FTL directive at subsequent Councils. Thanks to the assurance of the CAA about safety considerations and

the acceptance of most of the amendments that the CAA and ourselves put forward in the Council, we were satisfied with, and were one of the countries that supported the passing of, the directive last week.

With any flight limitation scheme, one has to consider the effect of the scheme as a whole and its ability to protect against unsafe levels of fatigue. I do not demur from anything that my hon. Friend suggested in that regard. Therefore, I do not believe that it is necessarily useful to compare individual limits for the EC proposals with the equivalents from CAP 371.

However, it is worth noting that the limits set by the proposal would have been legally binding, rather than just guidance—as CAP 371 is—and could be varied only through a defined process. Furthermore, a key provision of the requirement placed an absolute obligation on operators to ensure that crew have sufficient rest time and that duties are planned to ensure that crew members remain sufficiently free from fatigue to operate to a satisfactory level of efficiency and safety under all circumstances. I assure my hon. Friend that the CAA was confident that the final proposal taken as a whole would have allowed it to ensure an adequate level of safety for UK airlines, but as I said, I am more than happy to meet BALPA, and other interested parties, to allay any concerns.

I congratulate my hon. Friend on securing the debate in such a timely fashion. If all hon. Members managed to secure debates on issues two or three days after those issues had been dealt with in European Councils, we might have a higher degree of topicality in Westminster Hall and parliamentary debates. My hon. Friend will have more to say on the matter, given the time that we have before it comes before the Council again. I am sure that I will spend as much time on the matter between now and when it next comes up in Council.

In conclusion, I emphasise that the CAA has an excellent—I think exemplary and unparalleled—record on safety in civil aviation. It is entirely right and proper that we turn to the CAA for guidance on issues as important as safety. It says that what was on the table last Thursday and Friday was appropriate, as amended. I would need a lot of persuading that someone knew better than the CAA what should prevail. In the gap before the next time that what is on the table is presented to Council, I am more than happy to be engaged with and persuaded that we need to do more and go further in terms of the FTL. I again commend my hon. Friend for raising such an important matter in such a timely fashion.

Question put and agreed to.

Adjourned accordingly at twenty-four minutes past Four o'clock.

Westminster Hall

Thursday 17 June 2004

[SIR NICHOLAS WINTERTON *in the Chair*]

European Social Fund

[Relevant documents: Sixth Report from the Work and Pensions Committee, Session 2002–03, HC 680, and the Government's response thereto, First Special Report, Session 2003-04, HC 228.]

Motion made and Question proposed, That the sitting be now adjourned.—*[Paul Clark.]*

Mr. Deputy Speaker: I call the distinguished Chairman, long serving of this House, of the Work and Pensions Committee to introduce this important debate.

2.30 pm

Sir Archy Kirkwood (Roxburgh and Berwickshire) (LD): It is a signal privilege to introduce this important debate. The House has, understandably, spent a lot of time this week considering matters European at different levels. The political celebrities upstairs have been knocking spots off one another and getting a lot of publicity, whereas we are here in the engine room of the House of Commons dealing with the nitty-gritty of some of those schemes, which have signal and significant effects on our constituents.

The Select Committee on Work and Pensions undertook its inquiry for a variety of reasons. Members of the Committee felt that there had been an increase in complaints from European social fund project managers in our constituencies who were concerned that their applications for ESF funding were, in some locations, unfairly rejected. There was also an evident and mounting feeling of unease about the administrative burden on project and service providers at all stages of the ESF process, from application to delivery. The Committee was also curious to know why the Department for Work and Pensions was in structural fund territory, as that is a slightly arcane, esoteric piece of public policy, which one would think has nothing to do with work and pensions—although I am old enough to know never to be surprised by anything in this place.

The report shed light on all those issues. While gathering evidence for the inquiry, we uncovered deep, but understandable, nervousness about the future and what will happen when the current programme ends. This debate provides us with a valuable, but brief, opportunity to delve further into those matters.

The Committee's recommendations were an attempt to address the issues raised in the evidence, and the Government's response was characteristically constructive and helpful. I want to record my customary, but nevertheless heartfelt, thanks to the Department's professional team, who provided active support, assistance and even encouragement—that might get them into trouble—throughout the inquiry.

Hon. Members now have an opportunity to add to the recent, numerous attempts at mid-term evaluation of the ESF programme. We are in the latter stages of the six-year time frame, so the timing of this debate is apposite. I hope that bureaucracy, which we identified as a problem issue, will be considered. It would also be worth reflecting for a moment or two on the relative merits of direct bidding versus co-financing as a mechanism for applying for ESF projects, because that was a feature of the evidence that we took. Last, but certainly not least, it would be useful to learn all we can at this stage about the situation post-2006.

A basic objective of the European Union is the elimination of economic and social disparities across all 25 of its member states. In March 2000, the European Council in Lisbon set a new 10-year objective:

"to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion."

It would be hard for anyone in the House to contradict those ambitious thoughts and plans, towards which some progress has been made.

One of the principal mechanisms by which the European Commission seeks to achieve those goals is through the deployment of all four structural funds, of which the European social fund is one. Briefly stated, the aim of the ESF is to develop market and human resources in a number of areas, such as lifelong learning, equal opportunities and entrepreneurship.

The focus of the ESF programme to date has rightly been on preventing and combating unemployment, promoting training and integrating hard-to-help groups into the labour market. In short, the ESF seeks to improve the employability of individuals by providing financial support to people and projects throughout the European Union. It is worth noting in passing that the ESF is unique in that regard; it actually helps individual citizens, and I am aware of no other programme run by the European Union that does that.

The programme is also cast over a seven-year period. That gives the programme stability over a longer period than most national Governments can promise because of political cycles and member states' parliamentary schedules. In addition, the ESF provides assistance throughout the newly expanded continent outside objective 1 regions.

For all those reasons, I think that the ESF is a unique, important programme, worthy of careful study. For the 2002 to 2006 programme period, £4.467 billion—a significant sum of money—is available for the ESF in the United Kingdom. The average annual support from the ESF for the UK is about 8.5 per cent. of the EU total, which makes it the sixth largest EU project funded scheme in the current period.

We need to pay careful attention to the remainder of the period through to 2006 and beyond, into the new period of financial planning for the European Union between 2007 and 2013. We should start by spending some time looking at the ways in which we can endeavour to reduce the bureaucracy on organisations. During the inquiry—the Minister, who has read the report, will have noticed this—we heard a number of complaints and criticisms about excessive bureaucracy.

Bureaucracy was considered to exist at every level throughout the system. It starts at EU level with the Commission. The Commission has its own financial audit requirements, which are enshrined in the treaties, and pursues them rigorously. Responsibility for the

[Sir Archy Kirkwood]

implementation and operation of such schemes are then devolved to national Governments. Departments, such as the DWP and the other Whitehall Departments involved, all have their own robust and sometimes gold-plated schemes to make sure that the money that they take charge of is properly accounted for. At a lower level, the devolved and delegated bodies and various intermediary bodies all have their own audit controls and requirements to ensure that public money is properly spent.

Of course, public money needs to be properly accounted for, but the poor people at the bottom of the pile, who run the projects as service providers and beneficiaries, are the ones who seem to carry the can and the weight—disproportionately—of the administrative paper chase and trail. In purely financial terms, some of the costs of supporting the ESF are met from the budget for technical assistance, and that is understood. Some of the other costs are absorbed by organisations such as the co-financing organisations.

At the end of the day, the amount of accounting and record keeping is an issue. The famous example is the need to keep records for 12 years. Of course, if a motorway is being built under objective 2 of the European regional development fund, such a requirement might well be necessary to protect public money. However, if someone is running a little café as an intermediate labour market opportunity for the mentally ill in Aberdeen, as was the case with a project that the Committee visited, the requirement to keep records for 12 years seems bizarre, overdone and unnecessary. I should not like to think that anybody is suggesting that we are slipshod or casual about the way in which we check how the money is spent. We have debated in the Chamber how to eliminate fraud in the European Union, and EU auditors are struggling to certify the accounts as proper. I recognise the need for accountability, but call for a little proportionality in the incidence of the burden.

Within the Government, we heard from Ms Henderson from the Government office for the south-west about the administrative cost of the ESF. She reminded us that £10 million of Department for Work and Pensions and Government offices' running costs were involved in administering ESF in England. That amounts to nearly 2 per cent. of the total yearly value of the programme of £460 million. In addition to those direct costs, there is a substantial indirect opportunity cost involved in staff in front-line service providers and those in positions of authority in local authorities and other organisations spending an inordinate amount of time, much of it wasted because the project applications fail and because of the bureaucratic demands of the system, in making applications for ESF.

We were slightly concerned that we were in danger of smothering some of the best advantages and benefits of an important and valuable scheme in a disproportionate level of administrative control and audit. That raised questions in our minds as to whether that was the best use of resources. We would like to feel that the Department and Ministers are constantly vigilant to ensure that the balance is properly struck.

Some examples of the problem were acknowledged. Ms Minett of the Learning and Skills Council said that there was scope for improving the way in which some of the co-financing organisations were monitored, although she conceded that the DWP needed to do that directly with the European Commission. I am prepared to accept that the Department might have to operate within rules that have been adopted by the European Union.

We heard some interesting ideas on the other side of the argument. They were not exhaustive, but two or three have been proposed to ease the administrative burden on service providers. Mr. Pascoe of the Learning and Skills Council told us that under co-financing, the application form in his area has been reduced from 69 pages and six pages of annexes to a 10-page form. That is very welcome and was greeted with relief by the applicants in his area. When the Committee undertook its inquiry in Scotland, we were told—I do not know whether it has been brought to a successful conclusion—that a new IT project costing upwards of £1 million was expected to reduce significantly the time and effort spent in processing claims for ESF and other structural funds. That was very positive too. Finally, we heard about a telephone hotline that was being made available to provide technical advice and guidance to service providers.

There is evidence that people are aware of the difficulties and are trying to find creative solutions, but they need as much encouragement as Ministers can provide at DWP level. Some things will, I am sure, need to be argued at EU level as well, but I should like that to be taken into account in Ministers' work. Our recommendations reflected that. Our view was that, in the long run, streamlining the bureaucratic demands that are placed on service providers is the best way forward. To that end, we requested an assessment of the total administrative costs, both direct and indirect, that organisations face when dealing with the ESF.

We also recommended that the Department undertake a value-for-money study into the use of technical assistance in the delivery of ESF. To be fair, the recommendations elicited a quite positive response. The Government promised to ensure that the evaluation strategy for the second half of the objective 3 programme in England would include an assessment of organisations' total administrative costs, both direct and indirect. Perhaps the Minister will have a chance to say whether they are on course to deliver that recommendation. We also made recommendations that call on the Government to quantify the potential administrative savings for service providers that could be generated by co-financing, and to identify ways in which those savings could be realised. Perhaps the Minister will say a word about that also.

Two distinct systems of allocating ESF funding are emerging: direct bidding, which is the original historical process of people making bids; and the system of co-financing, which the Government introduced in England in 2001. Under direct bidding, applicants apply directly to Government offices for ESF funding. Those offices manage the process of appraising and selecting the best applications. Selection panels comprising Government office staff and regional partners score applications and recommend lists of projects for

approval by regional committees. Those approved projects are required to find match funding while also bidding for an ESF grant.

The new system of co-financing was introduced in England in September 2001. Under co-financing, the ESF grant and match funding are provided jointly from the co-financing organisations. Such organisations can have several distinguishing features, such as being public bodies—Jobcentre Plus, for example—with their own budgets that can be used for the purpose of match funding. They have a remit to support ESF-funded activities and enter into contracts with third parties.

Co-financing emerged as one of the biggest, most controversial issues of our inquiry. During the inquiry, several witnesses, especially from the community and voluntary sectors, were critical of co-financing. They identified various disadvantages that they contrasted with the reported strengths of direct bidding—although it must be said that some witnesses identified several strong arguments in favour of co-financing, so the argument was not all one way.

We considered the evidence as dispassionately as we could. Co-financing has several obvious advantages, including removing the need for service providers to undertake the onerous task of producing match funding. It also simplifies the application procedure, encourages organisations to take a big-picture view—the strategic approach is important—and means that funds can be apportioned to meet need, rather than being driven by projects and administrative expediency. Under co-financing, a single funding stream means that service providers account to a single funding body. All those things are positives and are welcome improvements over the direct bidding system.

Sustained and substantial criticisms of co-financing came mostly from the voluntary and community sector groups. They felt that consultation on the introduction of the policy was politically driven, hurried and incomplete. That attacked their confidence in the system. They felt that the tendering process, favoured by CFOs, was a move towards competitive tendering, which they were unhappy about. They believed that co-financing was symptomatic of a system that was driven by a top-down approach, rather than a project-driven bottom-up approach—they obviously supported the latter. They thought that co-financing tended to favour large high-impact projects, whereas direct bidding favoured small-scale projects. Finally, they believed that co-financing had increased centralisation and delivery by Government bodies.

All the evidence from the community and voluntary groups was in that direction. I came to the conclusion that there was an issue of scale. Although the evaluation of the ESF programme so far suggests a big proportion of funding is going to the voluntary, community and charity sectors, I suspect that a lot of that percentage spend is going to the bigger national charities—Age Concern and the like—rather than to the individual little community projects that are one-offs designed to help people with mental illness or learning disabilities. I anticipate that the Minister will say that the evaluation process demonstrates that the community and voluntary sectors have not missed out through co-financing, and I accept that the evaluation evidence shows that, but I exhort him to look beyond that and study carefully what exactly is going on. There are residual complaints that the co-financing system tends to centralise, and we need to look into that.

The first evaluation report into co-financing was published in July 2002. I do not know whether the Minister has read all of it; I am on page 6 myself. However, there is an important point to be made. If ever one needed a demonstration of the fact that there is overkill in the programme's bureaucracy, it is in this part of the evaluation proeess. As I say, I am on page 6, and am working through the report slowly. Some assurances from the Minister on that point would be useful.

On mid-term evaluation, the official documents reviewing the success were substantially more positive than the evidence that we found on the ground. All the projects that we visited had something negative to say, although they were committed to what they were doing. They felt that they were struggling uphill against a tide of administrative difficulties, although that was not for want of individual personal help through co-financers or direct bidders. Our evidence was slightly at odds with the evaluations that have been published.

To be perfectly realistic, there may be an element of fear of being critical, and we need to take that into account. In a situation in which there is a project with a six-year span, and there are applications to be made for a couple of two or three-year projects, people think that if they go out of their way to be rigorously honest in evaluating their experience, their name might go to the bottom of the list. I do not think that that is necessarily the case, but that is how people perceive such things. I do not lodge it as a complaint of which Ministers need to take account, but it is a psychological perception that is real for some people. That perception may well be one of the reasons why the evaluation information coming through the formal channels is more positive than that coming through from our experience on the ground.

There are two and a half or three years left of the programme to run. Obviously, economic and social circumstances have changed since the Lisbon agenda was cast in 2000. The labour market in our sister European countries has certainly taken a turn for the worse since then, and circumstances have changed in the UK, too. I encourage the Minister to refocus attention on the programme, and that is what the mid-term evaluation gives us the opportunity to do. I hope that, for the rest of the programme, he will look into a couple of things to do with labour market issues—they go with the grain of the Government's policy on labour market reform, anyway. Helping economically inactive people into work is a substantial problem and always has been. There are still economic inactivity rates of nearly 20 per cent. in some parts of our communities up and down the country. The social fund provisions can be better focused to try to help those hard-to-help groups into work.

Obviously, improving the skills of unemployed and employed people is already a mainstream part of the Government's agenda, but more needs to be done, as Ministers never tire of telling us. We should address the needs of European social fund beneficiaries, such as people with caring responsibilities for children or elderly relatives, people with disabilities and people from ethnic minority communities. Good practice in equal

[Sir Archy Kirkwood]

development partnerships can also be encouraged and given more focus for the rest of the period up to 2006, as well as beyond.

A couple of implementation issues drawn from the report need to be given increased emphasis. They include simplification, as I have said. Working in partnerships has been hugely successful, certainly in my area. People have been drawn together by the need to get together and lodge focused applications of a strategic kind. That has been entirely positive and constructive, but more could be done. We might usefully start looking for even more new providers, such as people in the social enterprise and community sectors and social firms in Scotland. We visited projects north of the border that were doing very impressive work.

On the need to spend more time monitoring soft outcomes, some of the evidence that we took from the projects suggested that it is easier to record an output success if someone gains employment as a result of training or support from the ESF scheme than it is to show that people have moved nearer to the labour market, but are not yet in it, and to include that in outcome statistics to demonstrate the success of a project. In future, soft outcomes need to be carefully borne in mind when outputs are measured.

Complementarity between objective 2 and objective 3 schemes can and should be improved for the remainder of the scheme. Increased flexibility and innovation in the use of ESF funds are also outcomes that we should redouble our efforts to achieve during the remainder of the programme.

The Minister cannot be certain about what will happen after 2006, as he does not have a crystal ball, so I realise that it is difficult for him to predict what will happen. However, for all the reasons that I have set out, I hope that hon. Members agree that the ESF is crucial. There will be some very important debates and decisions in the next year or so. Some of them will start to flow from decisions that will come from Brussels this weekend. I have no doubt that the Government will arrange a proper consultation on whatever draft regulations on structural funds eventually emerge from the EU. There will be vigorous debates about the volumes of public resources to be spent, which is essentially a Treasury matter, and about what mechanism, if any, is to be used to allocate the ESF. The question about repatriation after 2006 is essentially a Department of Trade and Industry matter.

What is the DWP's view on future funding? What role does it play in the developing arguments? What is its estimate of the timetable to put the new programme in place? Whatever happens, it is in everyone's interests to put the changes in place in good time so that, unlike the last time when this programme started, in 2000, service providers know where they stand.

Before undertaking the inquiry, I was a little sceptical about the effectiveness of the ESF throughout the United Kingdom. In spite of my own very positive constituency experience, I was under the impression that in some areas the social fund was nothing more than a job creation scheme for bureaucrats. I no longer believe that to be the case. There are still difficulties, and improvements need to be made, but I cannot but be impressed by the enthusiasm of the service providers that we saw on the ground when we took evidence. They were dedicated and enthusiastic people, and they were doing everything that they could to improve the lives of their clients in all sorts of circumstances where labour market opportunities were being improved.

At its best, the ESF adds significant value to the lives of the individuals that it seeks to serve. I sincerely hope that the Select Committee report will act as a catalyst for change. Bureaucracy should be reduced, and access to schemes should be increased, not just for the rest of this programme period to 2006, but for the foreseeable future thereafter.

Mr. Deputy Speaker: I now call Mr. David Drew, the first speaker from a very long list.

2.59 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am grateful for the opportunity to take part in this debate. If the Select Committee is the engine room of Parliament, perhaps I can play the role of stoker, if for no other reason than to stoke up the debate to ensure that it does not pass without certain comments being made. I thank the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood) for leading the debate so positively.

Anyone would have positive things to say about the ESF, because—I am not sure whether the Committee looked into this—I do not think that there is a constituency in the country that has not had some relationship with the fund, so widespread has been its influence. That is something for which the EU as a whole is to be congratulated on, even though most of the decisions are taken nationally. I want to refer to two constituency-based attachments to the ESF, because that is what I know best. I was going merely to intervene on the hon. Gentleman on the subject, but I can say more now that I have the opportunity to make a speech.

First, there is what we in Gloucestershire call the neighbourhood network, which is a series of neighbourhood projects. There is one such project in my constituency in Stonehouse, where I live, and others throughout Gloucestershire, including in Gloucester, Cheltenham and Tewkesbury. We are immensely grateful for ESF funding, because it enabled those projects to take off. That is one of the tributes that we could pay across the board to the ESF, because it can take the germ of an idea, where a community has seen where it wants to go but is hamstrung by lack of funding. If the money is applied appropriately, the fund can really make projects take off and we can learn a lot, because there is no point in a project working in one part of the country if it is not replicated elsewhere. I hope that the success of the neighbourhood project has influenced not just the Department for Work and Pensions but other Ministries such as the Office of the Deputy Prime Minister and the Department for Environment, Food and Rural Affairs. It has shown that communities are crying out for regeneration, but not necessarily purely for economic regeneration. Social regeneration is as important.

Secondly, there is the Painswick Inn, which is a foyer. It is important that we consider the role that ESF money has played in ensuring that the foyer movement has been able to transcend some of the traditional urban

heartlands, where people would expect problems such as homelessness among the young to be dealt with through a movement. ESF funding has allowed us to go much further; it brings together social deprivation, lack of housing and the need for retraining, so that there is a good level of provision where often it either did not exist or was so limited that most people never got access to it.

Let me take over where the hon. Gentleman left off. In considering the report I should like to amplify some of the points that have been made—making not criticisms but observations. In particular, I shall consider some of the areas that we need increasingly to take into account as we move towards whatever comes out post 2006, which, with the best will in the world, given the changes in the EU, is hardly likely to be more generous. It will be different and must take account of changes in our society.

Any constituency MP who has been involved in this process will be able to recall in great depth that the biggest frustration is the speed with which the process gets under way. The bidding process is fairly blunt, the sharing out of the spoils is sometimes opaque, and it takes time to build the capacity to ensure that the project becomes meaningful as soon as possible. However, I do not want to concentrate on that, because it is well known. I should like to mention instead something that is pertinent to our neighbourhood project.

By chance, a month ago I attended the neighbourhood network's presentation on the evaluation of the ESF money. Now that the funding has come to an end, the network had, as part of the commitment that it gave, to account for how the money was spent. That raises a huge issue. The trouble is that, once we have put in the social capital, raised people's estimation of what they are capable of doing and got people retraining and considering different ways to rebuild their lives, like all such funding, it comes to an end.

I do not cast aspersions on what we are learning in Gloucestershire, but increasingly I say to anyone looking for funding—not necessarily from the ESF, but across the board—that nowadays the exit strategy is probably more important than the enthusiasm and commitment needed to set the thing up. I am not yet able to substantiate my point—we are in the early days of the aftermath of the ESF funding for the neighbourhood network—but I am a little worried. I raise the issue of how the end of that funding should be managed, and what will replace it. That is a real-life concern.

I have concerns even about calling it a project. If there is a perceivable need, which has been met, it seems counter-productive to withdraw that funding in any way. We must be very aware that the organisation that has proved its worth will have to find other means of funding, and that the last thing that we want to do is to raise too many hurdles, which would damage the effectiveness of what is being delivered.

We are talking about a quite well funded project, involving hundreds of thousands of pounds; the situation is somewhat different with smaller-scale projects, and I will say more about that. However, I wonder whether, for the larger projects, we need to include a process on how the money is spent, so that there is a proper brokerage and we can see whether it is worth while and necessary to keep things going—in the case of the neighbourhood projects, it certainly is—and how we can enter into new funding streams.

The issue of complexity has been well described by the hon. Member for Roxburgh and Berwickshire. I urge caution about the idea of co-financing, match funding or additionality—whatever we may call it. All my experience of projects is that once there is the initial financial commitment, match funding comes that much more quickly. However, requiring the securing of match funding as one of the hurdles to be climbed over to start with makes it very difficult for small groups especially. I like the idea—supported by the Government and recommended by the Committee—for greater discretion if the sum is less than £50,000. That would be greatly beneficial. However, we need to understand that, although it may not be the intention, such a requirement is seen by those seeking the money as a way to make their job more difficult.

The name of the game is how, when trying to put together community-based initiatives, we can seek out diversified funding sources, of which—if one is able to access it—the ESF is the largest. I like the fact that the report says that we are talking largely about the voluntary and community sector, although not entirely; it is possible to access the money through local authorities or other organisations.

It is important to consider the key issue of capacity. I hate the term capacity building; it sounds as if a certain amount of something can be ladled into an area, everything gels, and, like osmosis, the whole thing works and somehow we all feel satisfied. The difficulty is that every area and every organisation is different. In a sense, capacity building is about people holding one's hand to ensure that the right bid has been submitted to the right people, lots of time has not been wasted, and one knows what to do with the money if and when one gets it. That is a time-consuming exercise.

My biggest concern is that, inevitably, there are areas that are disadvantaged. That goes back to the point about having slightly fewer hurdles when smaller sums of money are involved. Obviously, as I represent a semi-rural area, I always think that rural areas tend to lose out because they have not got the same level of capacity. They are not able to enjoy economies of scale and either do not have the knowledge or are sometimes seen to be well-off. That means that they do not fit any of the normal objectives, and that can be galling when there are definite social needs and certainly an employment responsibility.

The way around that is to ensure that the funding streams are allocated as fairly as possible and that they are transparent. There needs to be honesty and openness with areas and organisations. They should be told early on that they are not likely to be preferred when it comes to funding streams, so that they do not waste a lot of time and may instead consider the lottery or trusts. The main criticism concerns people who have tried to access such moneys when they were never likely to be able to do so, even if, technically, they were eligible.

Those are my main points, but I will make one last one, which, again, is something that I feel strongly about. It concerns the relationship with the other funders in the statutory sectors, particularly the business aid organisations, such as Business Link and, in my

[Mr. David Drew]

county, Gloucestershire First. They are usually very helpful; they are bound to be, because they see the process as a way to get partners to provide social regeneration in the areas in which they are seeking to provide business regeneration. There is a pretty haphazard relationship between the business aid organisations and the ESF. Attention must be paid to that, not least because if and when the ESF comes to an end, those organisations will have to pick up some of the individuals involved—not necessarily those who have been in the scheme when it was the ESF. If the scheme continues to run, somebody, somewhere will have to pick it up, and business aid organisations are likely to be one of the vehicles for that.

Two things need to be borne in mind. People in those organisations should be completely au fait with what is happening with the ESF. That will enable them to be sympathetic to and understanding of what is being done, so that, if and when they are brought in, they have the necessary knowledge. More particularly, because of the changing nature of business and the increasing call for social enterprise—community-driven businesses—there is a real opportunity for those organisations to dovetail or partner the ESF to ensure that we are innovative and turn over every stone to give people the maximum number of opportunities, rather than limit their possibilities. That is what is happening in employment and training nowadays.

The future holds some alarm for some of us, because we know that such funding probably cannot get any better, but we can learn from our experiences and share them. I have not heard bad things about the ESF itself. I have heard bad things about some aspects of it, but no one has ever said to me, "I wish that we had not had that funding. I wish we had gone along a different route. The ESF really constrained us." There are lots of problems when ESF funding is lost, but the money is often a Godsend and has enabled very important things to happen that otherwise would not have been done. I welcome the report and I hope that the Minister has some positive things to say about it and about where he sees things going in future. This debate has therefore been worth while.

Mr. Deputy Speaker: I am sure that the hon. Gentleman has spoken for many hon. Members.

3.15 pm

Paul Holmes (Chesterfield) (LD): I welcome the excellent and succinct report and congratulate my hon. Friend the Member for Roxburgh and Berwickshire (Sir Archy Kirkwood) on the outstanding work carried out by his Committee, as usual, in producing it. I agree with many of the points made by the hon. Member for Stroud (Mr. Drew), on which I shall elaborate and embellish.

The main points of the report, as summarised by my hon. Friend the Member for Roxburgh and Berwickshire, cover two matters, one of which is the problem of bureaucracy when administering the fund and the second is the big open-ended matter of what will happen after 2006. Evidence in the report touches on a subtext, which people to whom I have talked separately have also raised. I refer to groups that are hard to reach and those from excluded groups, whom the money is designed to help.

Some of the projects funded under the scheme have been successful in reaching people in a way in which the general new deal programmes and their approach have not, partly because the general new deal approach has been a target-led culture—a tick-box culture—and, in some ways, has gone for the easy fixes. Many of the harder-to-reach groups tended to be ignored in the first few years of the programme. However, in recent years, some of the schemes funded by the European social fund have allowed local community-based projects and some Government initiatives to reach those groups in a way that has not happened before. We do not want to lose sight of that and of what might happen to those groups after 2006.

The bureaucracy issue has several aspects. In its summary and conclusion, the report refers to

"the sheer cumulative weight of the bureaucracy . . . that organisations are expected to shoulder"

in the process of applying for the funding. It points out the

"significant burden on local authorities, Government Offices and other public and voluntary organisations"

and summarises the process as a bureaucratic quagmire.

Many parallels can be made. We hear about such matters all the time in different aspects of the Government's delivery. Smaller community-based and volunteer groups have often lost out from lottery funding because they do not have full-time expert and professional staff who can put together professional bids and wade through the bureaucracy to access the money. On the lottery, it is well known that local schemes in my area of Chesterfield and north Derbyshire lose out massively in terms of the cash that is drawn in from lottery funding compared with large well funded professional bodies, such as opera houses in London. The same process takes place in some aspects of the ESF, too.

I am sure that the Minister will tell us that improvements have been made and that the Government have embarked on a bureaucracy-busting programme. For example, the Learning and Skills Council, which is responsible for many of the co-financing deals, has embarked on a bureaucracy-busting drive under its new executive. So all is well—but perhaps not quite.

Six months ago, in December 2003, Wiltshire college appeared in the national press in a story on how the college principal had to go to the local learning and skills council with information on 2,000 learners to access ESF money under the new streamlined system. However, only 10 per cent. of those learners were in the scheme funded by the ESF, which was designed to provide money to give opportunities in rural areas that might otherwise be missing out—something to which the hon. Member for Stroud referred—so only 200 people benefited from the scheme at the college. The principal said that the time spent on the data collection was simply not worth the income obtained and that he did not think that he would apply again.

Have things got any better? I understand that colleges made their calculations and argued that things had not got better, saying that this was a nationwide problem and that more than one area of the country was affected. This year, colleges with a total of 70,000 people on ESF-funded programmes must provide the various learning

and skills councils throughout the country with data on 1 million adults. That means that 70,000 people are being funded from this source of money, but that data must be provided on 1 million rather than on only 70,000 adult learners. Some 10 million separate pieces of information must therefore be collected as opposed to 5 million under the previous system.

To add insult to injury, in 2000, the colleges were promised £200 million from the funding scheme to help their adult education programmes. In the financial year 2002–03, however, they received only £117 million. They are providing more data and dealing with more bureaucracy but getting less money than they received in the early stage of the scheme when they bid directly. Bureaucracy busting clearly has some way to go; in fact, it appears to be going in the wrong direction.

There is also the bureaucracy of different requirements and different sets of paperwork to access the money, depending on which co-financing organisation an applicant is working through. One local organisation in Derbyshire told me this week about an organisation making bids to two organisations—the local Jobcentre Plus and the local learning and skills council. It was bidding for money for the same purpose and used the same funding manager to fill in the forms, so the two bids were absolutely comparative.

The learning and skills council rejected all the bids out of hand at stage 1 through its different bureaucratic paperwork stream, yet the identical bids made to Jobcentre Plus were accepted and went straight through to stage 2. So identical bids prepared for the same purpose by the same funding manager were rejected out of hand by one stream, but accepted immediately to go through to the next stage by another organisation working in a different way. That sort of duplication of application processes can only add to the problems of organisations, especially the smaller community-based ones, which, when faced with a bewildering array of paperwork to fill in, often give up early in the application process and never get through in the end.

Other issues were raised in evidence given to the Committee and by groups to which I have talked. There is, for example, an argument that a favoured status system operates under the co-financing system, which was introduced to overcome the problems of regional direct bidding. It seems that the co-financing system is dominated by the learning and skills councils and Jobcentre Plus. Smaller organisations argue that there is a clear trend towards money being awarded in-house to learning and skills councils, colleges, Jobcentres and official schemes rather than to them.

The European Structural Funds Voluntary Organisations Northern submitted evidence to the Committee that there was also a move towards competitive tendering instead of bidding against set criteria. So rather than saying, "This is what we want to achieve. Can we have the money?", people have to compete against several other organisations that are also bidding. Like the old-fashioned compulsory competitive tendering that I remember only too well from my time as a councillor in the years gone by, people have to go for the cheapest bid rather than the one that is the best value. The Government have made changes in local government tendering to allow for best value bids rather than the cheapest bids. It would appear from the organisations on the ground that there is a similar need for that to inform the bidding for the ESF.

Other organisations have asked why no account is taken of the track record of a bidding organisation. They face other organisations that claim that they can do something more cheaply, but are unable to examine their track records. If an organisation has a 76 per cent. success rate in getting hard-to-place people into sustained employment after 12 months as opposed to the new deal target of 13 weeks, why is that not taken into account when awarding new contracts in the next bidding round? Instead, everyone is treated as equals, including brand new groups that have no track record on which they can be judged. That needs to be looked at.

Some specific issues have arisen on costs and accounting. As there has been a big move towards outcome or completion funding, many of the small organisations cannot obtain 100 per cent. of their costs, so when they bid for a programme they do so in the knowledge that they might obtain only 90 to 95 per cent. of their funding and will have to put in some of their own money to make the programme work. HM Treasury's cross-cutting review on the issue said that overhead and core costs of organisations were a legitimate item to include in such bids, but that appears to be ignored. Smaller organisations either carry the cash can themselves to top up the bid or do not bid at all because they do not have the resources. Larger organisations, such as colleges, may be able to absorb some of those costs into their much wider overheads, but smaller organisations may be completely put off. One of the points of ESF funding is to encourage localised, small-scale community initiatives that are bottom up rather than top down. Those are all different issues that relate to the bureaucratic process.

The second major issue highlighted by the report is what happens after 2006. The short-term approach to funding that many people experience is reflected perfectly in other funding schemes, such as the lottery. The hon. Member for Stroud gave examples of that, and no doubt all hon. Members could give similar examples.

I shall give three examples that relate to the short-termism of lottery funding in Chesterfield, which I have mentioned in other debates in years gone by. Shopmobility is thinking about a major retrenchment of the service that it offers in the wider area of Derbyshire because its three-year funding is coming to an end. Fair Play, which works with disabled children and tries to get them involved in mainstream activities, youth clubs, outward bound activities and so on, is about to hit a brick wall because its three-year funding is coming to an end. The Rother community garden in a deprived area of Chesterfield is also struggling with some of the same issues. All those problems are reflected in other Government programmes, and the ESF is in danger of being in the same position.

Many of the organisations that gave evidence documented in the report raised that problem, although at the time the deadline was still three years away and not in the forefront of some people's thinking, although it is becoming increasingly important as the deadline approaches. The report said that there was a great deal of uncertainty about future funding, especially after EU enlargement, which of course has now taken place.

[Paul Holmes]

The Government's response was to say that they would wait and see what negotiations with the rest of Europe brought, but, as has been said, we know to a degree what those negotiations will bring. Inevitably, with a larger European Union, which has more underdeveloped areas to the east, some of the money that went into the ESF and single regeneration budgets will be diverted to those less developed areas that need the money.

We know what is going to happen. It will not be enough for the Minister simply to say that we will wait and see what comes out of negotiations. I hope that he will be more reassuring than that. The comprehensive spending review is taking place and will be announced shortly. It is being negotiated and argued throughout various Departments and will cover the period 2006–08—the two years immediately after we assume that the European funding will be considerably reduced. We cannot just accept a reassurance that the Government will wait and see what happens. We need to know within a few weeks or a couple of months at most what is going to happen and whether the comprehensive spending review will meet the large funding gap that is going to appear on the horizon in the fairly near future.

The report says that many service providers that currently work in employment, training and social inclusion will be in a difficult position by 2006. It recommends that the spending review remove that uncertainty. I hope that the Minister will be able to reassure us on that.

I close with a couple of examples, one from the report. Mencap told the Committee that its education and employment services, which work on social inclusion for disabled people—that huge, untapped and deprived group of people who would like to get into work—rely heavily on ESF money. What will happen in two years' time? Will Mencap have to close that operation, or will it have to find large sums from its limited charitable resources or elsewhere?

The Government's progress2work scheme has been piloted in Chesterfield and Derbyshire. I have visited it, and it is an excellent innovation. A group of people—in this case, former drug addicts—are trying to rebuild their lives and get back into work. They are in the hard-to-place category, which was largely ignored by the new deal in its early years. It is a great innovation and receives a large chunk of funding from the ESF. What will happen to that?

Phoenix, a company from Rotherham that now runs many schemes in Chesterfield and north Derbyshire, delivers the progress2work scheme on behalf of Jobcentre Plus. It is an excellent scheme, and it is very successful. It does intensive work with those who are trying to rebuild their lives. What will happen in 2006? We assume that the Government will roll such a mainstream programme out across the country—but will they? Where will the funding come from? That group of people was ignored for many years. Essentially, they were told, "It's your fault. You became addicted. You sort it out." To their credit, the Government have been doing something about that over the past year or two, but what will happen after 2006?

The people who work in that sector—volunteer groups as well as Government agencies—remember only too well that not many years ago, especially before 1997, little was done to help such people. What reassurance can the Minister offer to groups such as Mencap, Phoenix, progress2work and dozens of other similar groups, whose existence in two years' time will very much depend on his answer?

3.32 pm

Mr. Paul Goodman (Wycombe) (Con): It is a pleasure, Mr. Deputy Speaker, to see you in the Chair. I begin with an apology. I have to leave at approximately 4.15 pm to go to an important constituency engagement, so I apologise to you, to the Minister and to the many Members present.

I declare a kind of interest in that, once again, I am uncomfortably wearing two hats. Not only am I an Opposition spokesman, but I am a member of the Select Committee. I did not labour as intensely as the Committee Chairman, the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood), but I did labour with him on the report and we travelled together to Spain and Portugal, where we looked at the operation of the social fund abroad. We both observed that circumstances in Lisbon appeared to be rather more deprived than in the parts of southern Spain through which we travelled.

You will be aware, Mr. Deputy Speaker, as a distinguished former Select Committee Chairman, that some Select Committee reports receive more publicity than others. The recent Health Committee report into obesity was the sort of report that makes spectacular headlines, but the hon. Member for Roxburgh and Berwickshire will agree that our report, which is substantial and serious, was never likely to stimulate the same kind of dramatic headlines. That, however, may not be to its disadvantage.

In the light of the European elections, and of what the hon. Member for Roxburgh and Berwickshire said about some people believing that the social fund might be, as he put it, a job creation scheme for bureaucrats—a view that he might have held before undertaking the inquiry—it is worth pointing something out. A large number of voters—not only UKIP or Conservative voters, but voters from the Minister's party, and some Liberal Democrats—might be inclined to think that although we will have received more than £4.5 million from the fund between 2000 and 2006, and although we are the sixth largest beneficiary of the social fund—the hon. Member for Stroud (Mr. Drew) was correct to say that many projects in our constituencies have benefited from the social fund, and that no one could guarantee that they would have been funded if the social fund had not existed—those figures are dwarfed by our contribution to the EU in 2001. The figure, which I checked this morning, was £988 billion, which throws the amounts from the social fund into some relief. It is also a reminder of the fact that the Government's commitment to the fund arises out of our commitments as a member of the EU.

At the start of his speech, the hon. Member for Roxburgh and Berwickshire rightly focused on what the fund actually does. A deputy director general at the

European Commision, Mr. Lönnroth—I hope that I am not mispronouncing his name—said that the fund was the only one

"which focuses on the individual. The ultimate beneficiary—if I can use the word because it is a complex term—is the individual."

As the report notes, the fund's aim is to eliminate economic and social disparities across the EU. That is an ambitious aim, given the difficulties that all Governments have in reducing those disparities even in individual nation states.

The report also notes that the fund is set in the context of the EU's 10-year strategic objective, which was set out at the European Council in Lisbon four years ago. The EU aims—the hon. Member for Roxburgh and Berwickshire referred to this—to become

"the most competitive and dynamic knowledge-based economy in the world."

In the light of current events, that aim, too, can be unambiguously described as ambitious.

There are several main themes in the report. First—the hon. Member for Roxburgh and Berwickshire went into this in some detail, and everyone who has spoken has referred to it—there was considerable debate about the merits of co-financing as opposed to direct bidding. The summary at the end of the report says:

"The picture that emerges is that the former group"—

those who favour co-financing—

"are wedded to a top-down, competitive, hard-output, contract-driven provision that supports Government programmes".

The report then says that "the second group"—those who favour direct bidding—

"seems to be associated with a bottom-up, self-motivating and more co-operative approach."

A crucial sentence in the report reads:

"It was argued that although the opportunity of not having to secure match-funding has its attractions, this advantage was reduced if the chance of securing that match-funding was correspondingly reduced."

On the whole, the report tilted a little towards those favouring direct bidding, from whom the Committee heard a good deal of evidence. We recommended that direct bidding be retained as a safety net.

Secondly—this has been a common theme in the debate—there was concern about excessive bureaucracy. As one instance of that, the hon. Member for Roxburgh and Berwickshire referred to records having to be kept for 12 years. In one apposite comment, the report states:

"For example, one training organisation told us that in a project of only 12 trainers, it needed to employ five support staff simply to fulfil the administrative demands required by various funding streams, including the ESF."

Thirdly—this has not been alluded to so much—there was a somewhat esoteric debate about the principle of additionality, which is governed by the structural funding regulation, and which declares:

"In order to achieve a genuine economic impact, the appropriations of the Funds"—

we are not talking about matched funding, but about the funds themselves—

"may not replace public or other equivalent structural expenditure by the Member State".

I remain to be convinced that circumstances exist that make it impossible for Governments not to put in place programmes that they believe the social fund and the other three structural programmes may fund. Perhaps that is impossible to prove.

Finally, there was great concern about what will happen after 2006, when we will be on a completely new footing. The report states:

"the few references to ESF in the Government's consultation paper and the total omission of any reference to the social inclusion agenda do not suggest that the Government fully recognises the importance that ESF plays in countering social exclusion and helping vulnerable people gain access to the labour market."

For a report from the Work and Pensions Committee, as opposed, perhaps, to the Health Committee, that is the most inflammatory language. In context, the criticism seems fairly strong. In the light of that I want to ask the Minister some brief questions based on the Government response to the report. If he runs out of time—although perhaps he plans to stay later than hon. Members on the Floor of the House—perhaps he will undertake to write to me to deal with my questions.

The Committee recommended that the Department for Work and Pensions should compare the implementation of ESF in areas where there are a few co-financing organisations, such as London. It was not altogether clear to me from the Government's answer whether an actual comparison would be made, although the Department said that it wanted good practice in co-ordination between co-financing organisations to be identified, disseminated and adopted across England.

A Committee recommendation about direct funding stated bluntly:

"We therefore recommend that some direct funding be retained in all regions and re-introduced in London."

The Government did not really go along with that recommendation:

"In view of the positive conclusions and recommendations of the 2003 evaluation, it does not propose to recommend reintroducing direct funding."

The Department then said:

"Should any gaps in provision arise subsequently that cannot be met by CFOs, it will recommend to the Regional Committee that direct funding be re-introduced to enable these gaps to be filled."

Perhaps the Minister would care to say something about how many such gaps will be identified and how the Government propose to make such an assessment.

The Committee recommended that a detailed statistical analysis of the award of grants would be needed, and commented:

"We suggest that that study also investigates whether there are any marked differences under the two systems with respect to the types of projects supported and rejected."

The Government provided a lengthy answer, but I do not think that that said anything about how they might investigate whether there were differences relating to projects that were supported or rejected. Perhaps the Minister would comment.

The Committee recommended drastic improvement and streamlining of the design of the claim form and the speeding up of the process for settling claims, including making greater use of claiming over the internet. The Department dealt with the internet point. I do not think

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it specified that it would study the design of the claim form again. Perhaps the Minister will say something about that.

After the Committee recommended that the DWP press the European Commission for greater clarification of how intense the monitoring regime should be, the Minister replied:

"The Government intends to introduce an annual operational meeting between the ESF programme authorities in the four nations of the UK to discuss their administrative procedures and management issues, with a view to establishing transferable useful practice."

Perhaps the Minister could tell us how plans for that annual operational meeting are going, or, indeed, whether it has happened.

Finally, I return to the subject of 2006. It would be extremely useful if the Minister could, in the light of this debate, say as much as possible about the Government's plans for 2006. I understand that negotiations and discussions are continuing but, even so, I am sure he will acknowledge the danger that after 2006 a useful series of projects, of the kind to which the hon. Member for Stroud referred, will suddenly be left high and dry. Any information that the Minister could share about that would therefore be welcome.

This has been a good debate, in which we have had a thorough opportunity to explore what was undoubtedly a painstaking report. I look forward to the Minister's reply.

3.45 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): You began our proceedings, Mr. Deputy Speaker, by emphasising the importance of this debate. That importance was underlined by the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood)—I always wish that I could refer to him as my hon. Friend. He described the issue as arcane and esoteric. That was my impression about a year ago, when, only days into my current job, I was called before the Work and Pensions Committee to give evidence on the inquiry that we are debating. I am therefore pleased to be in the same post, perhaps knowing a little more now than I did then.

I congratulate the hon. Gentleman, under whom I served for several years as a member of the Committee, on his presentation of the report. I thank the Committee for a constructive and useful report, which the Government welcomed on its publication last November. In our response we accepted many of the recommendations. The report coincided with two important developments: the mid-term review of the current ESF programmes, which run from 2000 to 2006, and the start of discussions on what should replace them after 2006. In responding to the debate, I should like to update hon. Members on those developments.

The Committee's report welcomed our approach of using the ESF to add value to our mainstream programmes. I assure the hon. Member for Wycombe (Mr. Goodman) that that is a guiding principle of the ESF, which is not a substitute for what the Government would be doing anyway. The ESF adds value to those policies and projects. The Committee was encouraged by the good performance of our ESF programmes. I am pleased to report that the mid-term evaluation of the ESF, which was completed at the end of 2003, confirms the Committee's findings. The evaluation shows that the ESF supports our national policies of promoting employment opportunities for all to combat poverty and social exclusion. The ESF is adding value to the new deal and other policies, which, with stable economic growth, have helped almost 2 million people into permanent jobs.

I was pleased to see the latest labour market figures that my right hon. Friend the Minister for Work released yesterday. They show that claimant unemployment has fallen by more than two fifths to its lowest level for nearly 30 years. There are now more than 28 million people in work, which is one of the highest figures on record. With the measures that the Government have implemented since 1997, I am happy to say that employment has increased in every region of the UK. It is pleasing, too, that the claimant unemployment rate has fallen most in the areas that previously had the highest unemployment. The ESF has made an important contribution to those developments.

So far, the ESF has helped more than 1 million people in England through employability training and guidance projects. It is reaching some of the most vulnerable people in our society. Some 34 per cent. of participants are long-term unemployed people, 23 per cent. have no prior qualifications and 12 per cent. have disabilities. The ESF is achieving excellent results. Three quarters of participants were in jobs or had started further learning when they left their ESF courses.

My hon. Friend the Member for Stroud (Mr. Drew) gave examples of projects in his constituency that the ESF has made possible. I am grateful for his comments about the ESF and foyers. Homeless people are a key target group for the use of the ESF to make the transition into work. In my visits to ESF projects over the past year, I have seen for myself the difference that they make to people's lives. For example, at the end of last year I visited the Somerset "Computers for Charity" scheme in Taunton—a project giving disadvantaged people training and work experience in recycling, upgrading and repairing IT equipment. With ESF funding, it is helping some 140 people, including ex-offenders, homeless people, drug and alcohol misusers, lone parents and women returners. Some 40 per cent. of participants find a long-term job.

There is also the issue of maximising the impact of EU funds. During its inquiry, the Committee suggested—a suggestion that has been echoed by some hon. Members today—that we should maximise the take-up of ESF funds. I am pleased to confirm that our ESF programmes achieved their spending targets in 2003, so we have not had to return any money to Brussels. Last year's evaluation confirmed that our ESF programmes had achieved their interim performance targets, which has resulted in the Commission awarding £128 million of performance funding for objective 3 in Great Britain—£111 million of which is for objective 3 in England.

The hon. Member for Roxburgh and Berwickshire made the important point that we need to focus on economic inactivity. That, of course, is one of the biggest challenges that we face. Although we have achieved a considerable amount in getting the

unemployment figures down and people into permanent jobs, there is nevertheless the continuing problem of those who remain economically inactive. In the second half of the programme, we will continue to target the ESF on people who, despite our record employment levels, remain economically inactive. Key target groups will include people with disabilities and people from ethnic minority groups. As caring responsibilities can be a major barrier to work, all projects will be encouraged to provide child care for those who need it—one of the issues that was raised in the Committee's report.

I should say something about the word "equal", because, in addition, up to £150 million of ESF funding is available from this year for the second round of equal partnerships. Those projects will develop innovative approaches to combating exclusion from the labour market, and will exchange good practice with European partners.

The hon. Members for Roxburgh and Berwickshire and for Chesterfield (Paul Holmes) raised in particular the issue of bureaucracy. I shall say something about that because it is clearly a concern for the Select Committee and for Members who have spoken in this debate. Like the Committee, the Government want to ensure that it is as simple as possible for providers to access and manage ESF funds. I reassure the hon. Member for Roxburgh and Berwickshire that this is an issue over which we are, in his words, constantly vigilant.

Since 2000, we have introduced two major reforms to the administration of the ESF in England. First, there is co-financing, which I will say a little more about later and which has eased many of the burdens on providers by bringing together the ESF and domestic match funding into a single funding stream. Secondly, we have introduced the global grants programme, which allows community groups to access small amounts of the ESF through streamlined procedures. Very often, the application process takes no more than one or two months, and in some cases as little as two or three weeks.

The Committee made the proposal, which we were not able to accept and which was mentioned by my hon. Friend the Member for Stroud, to have a fast-track procedure for projects of less than £50,000. We considered that, but we came to the conclusion that it would not comply with the Commission's rules on open and competitive tendering. However, we hope that the global grants—fast-track grants of up to £10,000 for small community groups—will fill part of that vacuum.

The hon. Member for Chesterfield used the example of the difficulty that Wiltshire college had in accessing the ESF. It had to provide information on 2,000 learners, but there were only 200 ESF beneficiaries. That information is required under EU funding laws to demonstrate that match funding is in place. We agree that the rules need to be simplified. That is why one of our post-2006 objectives is simpler administration with greater reliance on national systems and rules. We believe that funding rules are best established at the national level.

The hon. Gentleman also complained that ESF does not fund core activity. That is true. It must add value to core and mainstream activities by funding those additional activities that would not otherwise take place or by enhancing the quality of existing provision.

We are trying to deal with the legitimate concerns about bureaucracy. There is much more to do, and we are continuously seeking to improve our ESF systems. The Committee recommended a number of areas for improvement, which were also reflected in the mid-term evaluation, and we are implementing them.

We have improved co-ordination between the co-financing organisations; that point was made by the hon. Member for Chesterfield. For example, the five learning and skills councils in London are holding a single application round across the city this year. As the hon. Member for Wycombe mentioned, we have revised the forms that projects use to claim payments to reduce errors and speed up processing. We are now making those forms interactive. We have issued guidance to ensure that all regions in England use risk-based sampling when they select projects for monitoring and audit, and we have improved co-ordination with programmes managed in Scotland, Wales and Northern Ireland and have introduced an annual UK ESF operational meeting to share good practice across the UK. The hon. Member for Wycombe mentioned that, too. Jobcentre Plus is one of the co-financing organisations and it has improved the quality of its feedback and support to unsuccessful applicants so that it now offers detailed comments on request, rather than using a tick-box form.

I must say something about the importance of EU regulations in this context. We will continue to improve access to ESF and ease administrative burdens, but there are limitations to what we can do under current EU regulations. I am afraid that that includes the requirement—described as "bizarre" by the hon. Member for Roxburgh and Berwickshire—to keep records for 12 years. It is one reason why our objectives in negotiations on the next set of regulations will include making ESF administration simpler and more flexible.

The hon. Member for Roxburgh and Berwickshire, along with other Members, made important comments about the process of co-financing. The hon. Gentleman knows that the introduction of co-financing occurred on a gradual and managed basis from the end of 2001. We had substantial consultation with the voluntary sector, which was represented on the national committee, regional committees, the evaluation steering groups and the co-financing implementation board. Indeed, co-financing organisations are required to consult on their plans.

The Committee found no convincing evidence that the role of the voluntary and community sector was being lost under co-financing—although I want to come back to the hon. Gentleman's question and anxiety about whether a distinction has been drawn in the voluntary and community sector and the larger organisations benefit while the smaller organisations lose out.

The Committee's finding on the overall impact is supported by the second evaluation of co-financing, which found that the co-financing organisations were contracting with significant numbers of voluntary organisations that were new to ESF. Indeed, about 32 per cent. of co-financing providers are voluntary organisations. The evaluation also found that most ESF providers think that co-financing has improved the quality and availability of provision for hard-to-help groups. Some 60 per cent. of the organisations

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considered that co-financing had improved the process, but 25 per cent. felt that it had made matters worse. On the question of whether there is a distinction between the small organisations and the larger ones, the second evaluation found that co-financing was drawing into ESF significant numbers of new small and specialised voluntary organisations. Indeed, it is fair to say that it was the larger organisations that often found that they were not successful in the process. It is important to recognise that one purpose of co-financing is to establish a level playing field and to allow some of the smaller organisations that might otherwise not be able to access match funding to become involved in the process. I reassure the hon. Gentleman that we will keep a close eye on that. If his anxieties are well founded, we will need to see what we can do about the matter, as that outcome is not our intention.

The hon. Member for Wycombe made some points about co-financing versus direct bidding, which he suggested was top down versus bottom up. The report suggested that overall the ESF was adding value to mainstream programmes and that co-financing represented a good balance between centralised contracts and ESF systems. He will be aware that some direct bidding is retained in eight of the nine regions. He said that direct bidding should be retained as a safety net. That is true everywhere, except in London, where there is a wider range of co-financing organisations and it is less likely that people will fall through the net. We are keeping that under review.

The hon. Member for Roxburgh and Berwickshire asked us to keep an eye on the soft outcomes—the extent to which organisations had made improvements in capacity—as well as some of the harder outcomes. The key outputs on which performance is measured are jobs and qualifications, but we also encourage projects to measure the distance that they have travelled, especially where they are seeking to help people with multiple disadvantages move towards the labour market. We recognise the challenges that many of those projects face, and that sometimes soft outcomes are difficult to measure. The DWP has issued guidance to projects on measuring soft outcomes and the distance travelled.

My hon. Friend the Member for Stroud and the hon. Member for Chesterfield raised concerns about organisations in rural areas, social enterprise, capacity building, and so on. The recent evaluation report on local development, which was published on 11 June, found that ESF was helping to build capacity-providers in rural areas to meet the needs of the people there. That activity, including supporting social enterprises, will continue during the remainder of the current programme.

Finally, before we lose the hon. Member for Wycombe to his important constituency engagement, I should like to say a few words about the situation post-2006. We must think about what will happen to provision that is funded by ESF when current programmes finish. Understandably, hon. Members have raised that issue during this afternoon's debate. Those who attended Tuesday's European scrutiny debate in the House will understand that the future of ESF funding is inevitably wrapped up with negotiations on the future of structural funds as a whole and the wider issue of the EU's overall budget after 2006. That will disappoint the hon. Member for Chesterfield, who would like me to give a clearer commitment this afternoon on what will happen to funding. I am afraid that I will have to disappoint him. However, it may be helpful if I give the Chamber an indication of the timetable that we are working on.

We are still at an early stage in the negotiations. In February, the European Commission published its initial proposals for 2007 to 2013 in its cohesion report. The Commission has suggested that it will publish draft legislation in July. Formal negotiations will then begin, and are likely to continue into 2005, and perhaps even into the UK presidency. It is likely that the early stage of negotiations will focus on delivery systems, and that budgetary issues will be taken later on, as they will depend on the settlement of the overall budget for 2007 to 2013. If legislation is agreed in 2005, new programmes would be developed in the following year, in time to start in 2007.

In Tuesday's debate, my right hon. Friends the Paymaster General and the Minister for Industry and the Regions set out the Government's approach to the negotiations. As hon. Members will know, we believe that fundamental review and reform of the structural funds is required if we are to respond to the unprecedented enlargement of the EU and to meet the challenge posed by the Lisbon agenda. At the Lisbon Council in 2000, member states agreed the objective of raising employment rates to a level that will deliver the most dynamic and prosperous economy in the world, setting the target of an employment rate of 70 per cent. by 2010. That has been mentioned at least twice this afternoon, and I agree that it is ambitious, but it is realistic.

Although the UK and a few other countries have already achieved the target, the EU as a whole has some way to go, as the Wim Kok taskforce pointed out. It urges EU member states to take swift action if we are to achieve that target. The Government's proposals for reforming the structural funds aim to address the challenge faced by the Lisbon Council now that there is an enlarged Union. In our view, all member states should continue to work towards the Lisbon employment targets, but as of now their policies need not be EU-financed. EU resources including the ESF should be concentrated where they can add most value to the poorest member states. For example, the ESF in new member states should be invested in labour market reform and human resources, so as to help them to take forward the recommendations of the employment taskforce.

Focusing EU resources on the poorest countries is consistent with our commitment, which is shared with five other member states—Germany, France, Netherlands, Austria and Sweden—to maintaining an overall EU budget of no more than 1 per cent. of EU gross national income. Under that approach, richer member states would finance and deliver their own policies to meet the Lisbon goals, ending the inefficient recycling of funds between the net contributors.

Sir Archy Kirkwood: The Minister is doing his best to be helpful. I attended the structural funds debate, and one question that I left the debate puzzled by was how

the Government can possibly hope to repatriate structural funds. I understand that these are regional fund arguments, rather than work and pensions arguments. How can the Government possibly stay on the right side of European Union competition rules? It is hard for us to make a decision about the relative merits of the Commission scheme. Hon. Members can find the scheme in the third cohesion report.

The Government scheme was "a guarantee", but it was not a guarantee that we would get a programme equivalent to the ESF. It is hard to make comparisons and judgments. It may be early days, but it would be helpful if the Minister could say a little more about what would replace the structural funds, and whether they will be whisked away after 2006.

Mr. Pond: I noted the hon. Gentleman's contribution to Tuesday's debate, which was helpful and constructive, as always. To respond to his question—to which I think my right hon. Friend the Paymaster General would have responded—it is early days in the negotiations, and it is therefore difficult to give any clear commitments on what will happen to the overall structural funds post-2006. We have given that guarantee, and I shall later say a few words about what that actually means.

Both the hon. Gentleman and my hon. Friend the Member for Stroud asked for reassurances about the continuation of projects after the current ESF round ends. Of course, the challenges facing UK nations and regions will not disappear when the current structural funds programme ends; we recognise that. We have given the guarantee to which the hon. Gentleman just referred: if our reform proposals are successful—there is an "if", because we are at the early stages of negotiation—we will increase domestic spending so that UK nations and regions do not lose out in comparison with the EU funding that they would have received in 2007 had the existing structural funds arrangements been applied across the enlarged EU.

The hon. Gentleman is displaying—

Sir Archy Kirkwood: A wry smile.

Mr. Pond: The hon. Gentleman may be displaying a wry smile, but that is as far as we can go in giving a guarantee at the moment. He will understand that we are seeking to make sure that we can continue the good work already done, particularly under the ESF, after the current arrangements come to an end. However, we cannot give commitments on actual levels of funding at this moment. First, we do not know the outcome of the negotiations, and secondly, we do not know what will happen to overall prosperity in the United Kingdom and the rest of the European Union over that period. Of course, we expect the UK to continue to grow in prosperity, but the issues have to be carefully considered.

We are making the transitional arrangements that people have rightly asked for. We are actively planning to ease the transition of current ESF providers to the post-2006 arrangements. I am pleased to confirm today that we have agreed with the Commission that project activity in England under the current ESF programmes can continue until at least December 2007. That will ensure that ESF funding will not be cut off suddenly at midnight on 31 December 2006.

In conclusion, I confirm that we will continue to use the current ESF programmes to support our policies to promote economic prosperity and social justice, and we will work for a reform of structural funds so that, in an enlarged EU, spending is targeted where it can add most value. That way, our nations and regions can have the resources that they need to promote their productivity and employment.

As you said at the outset, Mr. Deputy Speaker, today's debate has been important, timely and appropriate. I thank the Work and Pensions Committee again for its hard work in preparing a constructive report, which has helped us move forward in our thinking about the ESF. It will inform those discussions into the future.

Mr. Deputy Speaker: The Chamber thanks the Minister for his reply. The Opposition spokesman, the hon. Member for Wycombe, can leave for his next engagement with an entirely clear conscience.

Question put and agreed to.

Adjourned accordingly at thirteen minutes past Four o'clock.

Westminster Hall

Tuesday 22 June 2004

[SIR NICHOLAS WINTERTON *in the Chair*]

Muslim Communities

Motion made, and Question proposed, That the sitting be now adjourned.—[*Fiona Mactaggart.*]

9.30 am

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): I apologise for the fact that I have a streaming cold; I suspect that my contribution to the debate will be even more irritating than usual because of my rather nasal tone.

I am extremely grateful to have the opportunity to initiate this debate. It will be no surprise that I was prompted to do so by the recent publication of the report of the Commission on British Muslims and Islamophobia, chaired by my long-time friend and colleague Dr. Richard Stone. The report makes an important contribution to the debate. The previous report, published in 1997, has acquired vastly greater significance since the events of September 2001.

I believe that Muslims in Britain are now at the sharp end of race hatred and xenophobia, something that the Muslim Council of Britain recently described as

"a relentless increase in hostility towards Islam and British Muslims".

I venture to suggest that one of the reasons for that is the extent to which Islam, asylum, immigration and terror have become conflated in the public mind. That does not mean, however, that there is no race discrimination, xenophobia or disadvantage targeted at Britain's other minority communities. Should my hon. Friend the Member for Hendon (Mr. Dismore) catch your eye, Mr. Deputy Speaker, he may want to speak on that subject. I was disturbed to read in today's newspapers of the attacks on synagogues in his constituency. As was outlined in a recent debate in the House, we have seen a significant increase in anti-Semitism and anti-Semitic attacks. We condemn that absolutely and unequivocally. Race hatred and xenophobia are not divisible. Hatred directed towards one community affects us all. When condemning it we should not suggest that hatred of one community is worse than hatred of another.

Last night saw the timely launch, which I welcome, of the Alif-Aleph manifesto for promoting understanding between Britons, Muslims and British Jews. That, too, involved my friend Dr. Stone. The manifesto reminds us of the limitless potential for understanding and tolerance between communities, as well as of the sadness of the scale of race hatred and race attacks, even in our country.

We need to understand why the Muslim community in Britain perceives its sense of discrimination and disadvantage so acutely. I shall give some objective figures in a moment, although we need to understand that the "relentless increase" in race hatred is global. I do not wish to spend much time on that, because it warrants many debates. However, although some may argue the point, it is worth reminding ourselves of the strong perception among British Muslims that the international situation is revealing them to be second-class world citizens. Some of that is rooted in opposition to the Iraq war; but the war itself is compounded by the horror of the abuses in Abu Ghraib, the deaths of civilians in Falluja, the desperate plight of Palestinians in Gaza and the west bank, and the suppression of human rights among Muslims held in Guantanamo bay. All have an effect on the psyche.

Linking the domestic to the international agenda, there is real fear and anxiety over the return of failed asylum seekers to the shattered state of Somalia. That is sending out a shockwave across Muslim communities in my constituency and elsewhere. Muslims are not alone in their reaction to the global situation. Much could be said in response to all those points, but there is little doubt that the international situation is having an impact on domestic debates at a level that we have not seen before. That reinforces the importance of entering into dialogue at all levels, so that the anger and fear in those parts of the community is not simply pent up.

My core comments have more to do with the domestic agenda. Antagonism and prejudice are being fuelled by competition for scarce resources, which arises as a consequence of social inequality, and disadvantages Muslims and other minority groups. Perhaps my hon. Friend the Member for Bolton, South-East (Dr. Iddon) will comment if he catches your eye, Mr. Deputy Speaker, because the northern towns are experiencing a different version of the competition for work and regeneration funds. In the south, the competition is for housing.

The Government's efforts to tackle the scars of poverty and inequality in Britain, from the regeneration programmes through to public service investment, have had a major effect. Much still remains to be done, however, not least because society has not stood still in the seven years since many of those programmes began. I have seen that in my constituency, which is one of the parts of London that has undergone rapid change in the past two decades. Regeneration agencies describe it as "an area of arrival". That is nothing new. A short walk around Paddington and North Kensington and, indeed, a few meals there demonstrate the large number of communities that have arrived and settled in the area. There are the Irish and Spanish communities, for example, and the Caribbean people who arrived on the Windrush.

We now have several Muslim communities, which, I venture to suggest, are the most disparate in the world. In my constituency, there are Bangladeshi and Moroccan communities, as well as people from Iraq, Iran, Kosovo, Bosnia, Yemen, Somalia, Sudan, Eritrea, Lebanon, Palestine, Egypt and Algeria—to name those community organisations with which I am familiar. According to Westminster's draft ethnic minority needs audit, Westminster has the 13th highest proportion of Muslims in the country.

The danger of lumping those disparate organisations into the catch-all description "Muslims" is obvious. Some are refugees, but many are not. Some are relatively recent arrivals, but others, such as those in the Bangladeshi community, have been a settled feature of local life for decades. Some are from severely

[Ms Karen Buck]

impoverished countries and failed states, such as Somalia. Others, such as those from Iraqi and Kosovan communities in particular, are disproportionately likely to have professional and highly educated backgrounds. Some of the communities that have settled around the Edgware road in central London have extremely wealthy backgrounds. Some of the Muslim communities are secular. Some attend mosque but keep their faith largely private; others are informed by their belief in every aspect of their political and daily lives. A few are extremists.

Diversity is a key element of the Muslim community, as it is in modern urban society as a whole, but my daily experience tells me—and my conclusions dovetail with the commission's recent report—that we know far less than we should about the needs, characteristics and even the numbers of many of our minority communities. What we do know about such things as the concentrations of poverty is already sufficiently compelling to make the case for more substantial and targeted action. We know that the scale of disadvantage facing many in the Muslim communities is institutional and indirect, and flows from the challenge of demography as much as from any explicit policy.

We know that we need to do more to work with the Muslim community to ensure that their interests and needs are reflected in the infrastructure. Schooling is a very good example, but another issue that has been brought repeatedly to my attention in the past few years is the need to address the shortage of burial grounds for Muslims. Those are the sorts of very practical but important issues that we need to do more to address.

Some of the statistics that we do have make the case about disadvantage. Children from black and ethnic minority communities are most likely to be living in poverty. A staggering 75 per cent. of Pakistani and Bangladeshi households live in poverty. Some 17 per cent. of all children, but 35 per cent. of Muslim children, are in workless households. In London, the figure rises to 24 per cent. of all children and 41 per cent. of Muslim children. Some 16 per cent. of Muslims of working age have never worked and are long-term unemployed.

In the census, all ethnic groups reported particularly high unemployment among young men, with 40 per cent. of young Bangladeshi men out of work. The conjunction of demography—the high and rising child population—and high unemployment should have triggered a sharper response, but the new deal, for example, has not reached as many unemployed young people of black, Muslim and other ethnic minority backgrounds as it should have done.

Westminster's audit of ethnic minority communities further underpins the deprivation case. It shows that the four wards with the highest scores in the most recent index of deprivation account for a quarter of the total population but between a half and three quarters of the African and Bangladeshi communities. Yet, some of those wards do not even benefit from the Sure Start programme.

Sadly, there is no equivalent study for North Kensington, despite the obvious pressures in the area. We can only assume that the Moroccan community in Golborne, for example, experiences similar problems, but it would be good to be certain. That is another example of the need for us to do local, rigorous work to establish the community's needs.

My friend Bashir Ebrahim-Khan, the deputy director of the North Kensington Muslim cultural heritage centre, recently wrote to me, saying

"decades of social exclusion in North Kensington has produced an underclass of people cut off from society's mainstream, without any sense of shared purpose".

Yet, more than a quarter of North Kensington is not included in the Sure Start programme, and half was not covered in the council's most recent children's centre plan. Furthermore, what will happen to regeneration funding if the neighbourhood renewal fund dries up in 2006?

Housing is a particularly acute pinch point. Data from the Office of the Deputy Prime Minister confirm the extent of housing deprivation, estimating that 2 per cent. of white families, but 22 per cent. of Pakistani families, 30 per cent. of Bangladeshi families and 15 per cent. of African families live in overcrowded accommodation. The Greater London authority has just provided me with research showing that 42 per cent. of Muslim children are in overcrowded accommodation. Homelessness is also a particular risk factor for African, Bangladeshi and Pakistani families. My experience as a constituency MP is that there is a chronic and growing overcrowding problem, which is impacting particularly on Muslim households. As the deputy director of the Muslim cultural heritage centre emphasised to me,

"Something drastic has to be done to reduce housing overcrowding."

In addition to poverty, unemployment and housing need, Britain's Muslim communities are increasingly concerned about crime and policing, including stop and search. Members of black, Muslim and other ethnic minority communities are at particular risk of being the victims of racially motivated crime, and that was true even before 2001. A survey in 2000 found that the risk of racial attack was 10 times greater for Pakistani and Bangladeshi families than for white people, but the situation has undoubtedly deteriorated since the events of 2001. Indeed, the Muslim Council of Britain referred to recent figures from the Metropolitan police, which show a 41 per cent. increase in attacks.

There is work to be done on the other side of the equation to ensure that police and community relations are well managed and that legitimate efforts to tackle crime and the threat of terror do not alienate young Muslims and risk undermining the flow of intelligence. North Kensington is probably one of the least likely problem areas, because of the history of racial diversity and good relationships with the police in recent years, but a meeting attended by Moroccan and Somali residents last week reported an increase in attacks on places of worship since 11 September, including abuse of and assaults on women wearing the hijab, under-reporting of racial assaults and abuse, and a sense of being disproportionately targeted for stop and search without charge. Indeed, there was anecdotal evidence that some people had been picked up as often as five times in one day. We all know that stop and search plays an important role in the fight against crime and terror,

but nothing tackles either so well as good intelligence and good community relations. A proper balance must be struck.

Taken together, the national, London and local figures paint a picture of disproportionate poverty, worklessness, housing need, rising populations of children and young people, a rising incidence of racial attacks and harassment, and a strong perception among members of young Muslim families—borne out by the figures in some cases—that they are being targeted for stop and search. All that implies the need for a far more comprehensive approach that responds more closely to such complex and varied patterns of disadvantage and opportunity.

The Commission on British Muslims and Islamophobia, which inspired me to apply for this debate, quite rightly found that there have been important developments in recent years, which have done much to improve the Government's response to the needs of Britain's Muslims. That includes the outlawing of discrimination in employment on the grounds of religion, the inclusion of religious discrimination in the remit of the single equality commission, more severe sentences for offences aggravated by religious hostility, the establishment of the faith communities unit in the Home Office, and the development of Islamic mortgages. However, there is more to do, with the world changing as fast as it has been in recent years.

The commission's report sets out a number of key priorities and the monitoring of progress against the indicators flagged up in the 1997 report. Can the Minister tell me how the Government have interpreted the commission's report? Will some of the main recommendations be taken forward? In particular, will the Government respond to the need demonstrated in their opinion polls for the agenda of tackling racial discrimination in the delivery of services to be one of the highest priorities? How will the Home Office take the lead to ensure that the institutional disadvantages in social and economic policy that I have outlined will be tackled?

To what extent does the latest information from the census and other sources about the cultural, social and economic problems facing British Muslims inform the work of Government across Departments, so that there is a concerted drive to tackle those problems? What are the next steps for promoting community cohesion? Unfortunately, the Muslim cultural heritage centre in North Kensington missed out on the last round of community cohesion investment. We know that there is a real sense that Muslim organisations do not have the opportunities to apply for the funding that they would like, both to strengthen their own communities and to develop outreach and partnership with other communities.

Once again, the commission is to be congratulated on its work. It chimes with and reflects a reality that I see everyday in my constituency. There is real potential, even in the stressed circumstances of the years since 11 September 2001, to demonstrate that Britain can be the most successful multi-faith and multicultural society in modern times. However, that means tackling head on some of the challenges, needs and disadvantages that face British Muslims today.

Mr. Deputy Speaker (Sir Nicholas Winterton): The hon. Lady coped with her cold very well. To help the Chamber, I should say that it is my intention to start the winding-up speeches at half-past 10. I hope that those who catch my eye will bear that in mind.

9.47 am

Hywel Williams (Caernarfon) (PC): Thank you, Mr. Deputy Speaker. I will certainly bear your words in mind and be brief. I want to deal with some specific points about the discrimination and disadvantages faced by Muslim citizens in rural areas such as my own, particularly in areas where there are either few Muslim people or high numbers but a low density of Muslim people.

The subject is interesting to me, as the situation is akin to that faced by Welsh speakers, particularly in the south and east of Wales. There are large numbers of them but it is difficult for them to access services because of a lack of official recognition, which results from the lower density. Equally, in my part of Wales at least some Muslim people face similar problems of obtaining social and official recognition as a group. There are practical problems, such as accessing services as Muslim people. We know what that means—problems with diet, with residential services for Muslim elders and with religious observance.

Conventionally, such problems are seen as affecting urban areas, such as Leicester or Bradford. However, they also occur not only in rural parts of Wales but, I am sure, in rural parts of England. Muslim people are isolated and there is a lack of support from kin or other members of the community, for practical reasons of density and distance. In addition, because there are comparatively few Muslims in the locality, awareness is low among other members of the community who would be sympathetic.

There is no reason to suppose that Wales is any less racist or less prone to discriminate. It is a matter for dismay that 700 people in my county voted for the British National party. That was disgraceful. I was amazed and I hope that they are not fervent supporters. The leader of BNP is a north Wales resident and a BNP youth training camp was recently held in Snowdonia, in my constituency. I am grateful to hon. Members who signed my early-day motion opposing that camp.

In my constituency, which is in a very white and Welsh-speaking part of north-west Wales, there have been racist attacks targeting members of the Turkish community and their businesses. That is why I welcome the renewed vigour of the Commission for Racial Equality in Wales, particularly in north Wales, where it has established an office at Colwyn Bay.

We do, however, have a greater concentration of Muslims at a very local level in the town of Bangor, which is outside my constituency. It has a comparatively large Muslim community because of the university there, which attracts many foreign students, and the local hospital, where a number of Muslim people work. In some ways, their needs are unrecognised because of the general lack of awareness in public bodies and local

[Hywel Williams]

authorities. There are also Welsh people who are Muslims: people who have lived in north-west Wales since the '60s, whose children were born there and are Welsh-speaking Muslims, and some local people who have converted to Islam, too.

I hope that the Government recognise that there are particular problems in areas such as mine. I shall be interested to hear from the Minister whether any attention has been paid to them or action taken about them. The local mosque, which was established with considerable difficulty because of the low numbers and small resources available, now faces a drastic problem. Like many businesses and institutions in the constituency, it has found that its public liability insurance has shot up for no reason that it can discern. I spoke recently to the imam, Mr. Khan, who tells me that the existence of the mosque is precarious and its future is endangered by the huge increase in costs. That is disastrous, given the low level of support available locally.

I shall close by asking the Government whether they have considered the problems that mosques—particularly the one in Bangor—face in obtaining insurance and whether they have they come to any conclusions. I also pose again the general question about discrimination and disadvantage in rural areas where there are low concentrations of Muslim people.

9.54 am

Mr. Andrew Dismore (Hendon) (Lab): I congratulate my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) on having secured this important debate. It is timely, in view of the report on Islamophobia, and it is appropriate to pay a short tribute to the work of Dr. Stone, who chaired the commission. He is a personal friend and was my GP before he retired from medical practice to devote more time to inter-faith dialogue. He has done a magnificent job and played a leading role in that work.

Like my hon. Friend, I have a diverse community in my constituency. I was pleased that she remarked on the appalling attack on the synagogue in Hendon. We do not know who did it—police inquiries are ongoing. What made it particularly bad was the fact that the attack was on texts, books and learning. I know that Muslims take great pride in the fact that Islam was able to keep alive so much learning and knowledge during the dark ages in the west and then return a lot of it to us, so I know that Muslims in my constituency will be as horrified as everyone else by the attack on the synagogue. All decent-thinking people of any faith would condemn any attack on any place of worship. In my constituency, we have worked hard to maintain good and harmonious relations between all the different faiths. The police have worked hard to achieve that, not just by making sure that mosques and synagogues were protected against any possible backlash after 11 September, but in setting up a dialogue over many years.

One problem that we face is the way in which extremists seem to have hijacked the media agenda regarding Muslims. I have, perhaps, built a reputation as an arch-critic of extremists such as Abu Hamza and Omar Bakri Mohammed. Some of those extremists have branded me as a despicable, Islamophobic arch-Zionist—I think that that was the last quote. If I am a despicable Islamophobe, I am afraid that quite a lot of the Muslims in my constituency also fit that category. I know from talking to people in my constituency that the vast and overwhelming majority of Muslims want nothing to do with those extremists and actively condemn them.

However, Muslims are concerned that they are called upon all the time, as other people are not, to condemn extremists. Why should the Muslim community be treated any differently in that respect? As an elected politician, it is my job to voice their concerns on their behalf—which I do, although I am occasionally criticised for it—in the same way as I voice the concerns of all the other communities in my constituency. That should be adequate; they should not be called on time and again to express their views and condemnation, while others are not. As a result, we see a disproportionate coverage of extremists, who do not in any way reflect mainstream Islam in this country, but we do not see similar condemnation of other extreme fundamentalist religious groups. Some of the activities of the Christian far right strike me with as much fear as the activities of those extremists.

My hon. Friend mentioned the hatred and vilification of asylum seekers and people seeking to settle here. I know from my work on this issue that very few asylum seekers have anything to do with terrorism—a handful, if that. Yet, all asylum seekers seem to be lumped in with that campaign.

Ms Buck: Just for the record, will my hon. Friend confirm that the majority of Muslim refugees who came to this country to apply for asylum were fleeing the very fundamentalism from which they are called on to disassociate themselves?

Mr. Dismore: My hon. Friend anticipates my remarks to the word—perhaps because we have known each other so long. That was my next point. There is an unhelpful mixing up of domestic and international politics.

The real issue is not what should happen in the middle east, but that has become a flashpoint. If one talks to people in the Jewish and Muslim communities in my constituency, one finds great agreement on what the solution should be: apart from extremists on both sides, both communities recognise the need for a two-state solution with a viable Palestinian state and an Israel secure within her borders. Yet it has become a divisive issue, and a symbol of something far greater in terms of the problems facing Muslims in this country.

The war in Iraq has been treated similarly. We all have our reasons for the way in which we voted. I supported the war, not so much over the issue of weapons of mass destruction, but because I have spent my life campaigning against evil dictators, and for once we finally had the chance to get rid of one, who has killed something like 1.5 million Muslims—more than any other person in history—and who was oppressing his own people, who are almost all Muslim, with horrific torture, imprisonment and murder. It is clear that the people of Iraq had no prospect whatever of freeing themselves from his tyranny. It is right to say that many

Muslims died, but many more would have died if we had not intervened, and they would have died in horrific circumstances over a long period. We have not found the weapons of mass destruction; we have found the mass graves first.

In considering the Government's international activities we should remind people that our first military intervention was in Kosovo. We intervened to protect hundreds of thousands of Muslims from ethnic cleansing by the allegedly Christian Serbs under the brutal dictator Milosevic. That shows a degree of even-handedness in international intervention.

My hon. Friend referred to terrorism. I know that there is concern about police action in that respect. I have had many dealings with the police over the issue, and I have great respect for the people at Scotland Yard. Contrary to popular belief, they approach it with a significant degree of sensitivity. There has been no "Casablanca" moment of rounding up the usual suspects, although many Muslims have been detained. The police tell me, "Yes, we have detained people. A lot of people have been charged and are awaiting trial." They believe that when some of the trials are held people will begin to recognise that they acted legitimately.

It is also important to bear in mind the fact that we have banned not just Muslim groups but other groups. There was an outcry in my constituency over the banning of the Liberation Tigers of Tamil Eelam in the context of the Tamil liberation movement in Sri Lanka. This is not a numbers game. There just happen to be more organisations involved in terrorism associated in some way with Islam; perhaps other groups are more cohesive.

As for international issues relating to detention, I share many of the concerns that have been expressed about Guantanamo bay. I support those bringing a case to the United States Supreme Court, and hope that it will recognise some of the rights of those involved. However, it is also right to recognise that Belmarsh is not Guantanamo bay. There are significant differences. The people there are not held incommunicado. They have access to lawyers of their choice and their detention is overseen judicially, as we have seen in connection with recent challenges to Government decisions.

I should also say that indefinite detention is not recognition of human rights. We have had to derogate from the European convention on human rights to be able to do that. I support the power of detention, but detention cannot be for ever. It is important to try as far as possible to bring proper cases in court against the people in question. I have looked into the records of one or two of them, and I think that there is a case to answer. I am surprised that one, in particular, has not already faced criminal charges. However, the key is perhaps the review of the law that is now under way, with particular reference to the rules of evidence. For example, if we were allowed to use intercept evidence in court, as happens in other countries, it might be possible for those involved to go on trial and face justice, and to be released if innocent or face the penalties under the law if not.

I am surprised that we have still not comprehensively outlawed religious discrimination. The issue is of particular concern to the Muslim community. We have, in the teeth of much opposition in the other place, introduced a law to outlaw discrimination in employment, but as my hon. Friend outlined in her statistics, we have a long way to go to ensure implementation of the law. We know that Muslim people are more likely to be unemployed and to be in low-paid jobs.

We now have laws under which Islamophobia can be taken into account as an aggravating factor, as we have laws on race in general. However, the willingness of the Crown Prosecution Service to prosecute in such cases is a factor. I know from my work not only with the Muslim community but with the Jewish community that there is a feeling of injustice—a feeling that although the police have come a long way and are interested in investigating offences reported to them, the Crown Prosecution Service has a long way to go, and could perhaps make bolder decisions.

It is appalling that we still have no law against discrimination in the provision of services, even by the Government's agencies. We still do not have equality of opportunity in the civil service. That is why, for the second or third year, I am promoting a private Member's Bill, the Crown Employment (Nationality) Bill, to open the civil service to competition on merit, reserving only a small number of posts, where necessary, for people of UK nationality.

I am appalled that three Conservative Members went out of their way to block the Bill last Friday and that one in particular, who says that he does not believe in a multicultural society and revels in his rejection of it, can undermine such an important measure. I hope that the Government will bring forward their own proposals if I cannot make progress with the Bill. That is the sort of thing that we have to do because the present arrangements discriminate against Muslims in particular. I hope that the Government will see fit to legislate, if I cannot get my Bill through.

Education is also important. There are a plethora of schools in my constituency, serving not only the Jewish community but every branch of the Christian faith. However, if we are to have religious schools, it is only fair that Muslim children and parents should have the same opportunity to go to the schools of their choice. Although dozens of schools cater for other faiths, it is regrettable that only one or two schools in the state system cater for the Muslim faith. Similar issues arise when we consider the school curriculum.

I have taken up with the Minister for Lifelong Learning, Further and Higher Education the important question of student loans. Being expected to pay interest may be a matter of concern for students of the Muslim faith, although I know that the Minister is discussing the issue with the Muslim Students Association, to see whether there is a way through the problem.

There are social issues, too. My hon. Friend the Member for Regent's Park and Kensington, North talked about the reform of stamp duty, for example, but one could also mention halal or, in the Jewish faith, shechita. The Farm Animal Welfare Council recommendations pose significant difficulties in that respect, so I am pleased that the Government have indicated that they will not act on them.

My hon. Friend talked about recognising the need for cultural centres. There is a huge demand for a cultural centre for the Muslim community in my constituency.

[Mr. Dismore]

However, trying to get together the different agencies and finding the land and money is proving an insurmountable obstacle, no matter what I try to do to help. My hon. Friend was lucky in that resources were available to build the centre in North Kensington, which my constituents hold up to me as a flagship. They ask, "If they can do it in North Kensington, why can't we do it in Hendon?" That is a good question, to which I am afraid I do not have a sensible answer, other than to recognise the fact that we have significant difficulties. *[Interruption.]* My hon. Friend says that I am an appalling MP, but let us put that the other way round: she is an excellent MP, for achieving the centre.

Ms Buck: I did not say that; I said, "We're poorer than you." I was not referring to the situation in my hon. Friend's constituency, but merely pointing out that one of the reasons for our success is that some areas in North Kensington have high levels of deprivation and poverty, which has allowed us to lever in sources of funding into the community.

Mr. Dismore: I am grateful to my hon. Friend for her intervention. Levering in such funds is a difficult job.

The Muslim community in Hendon is significant and growing. We must try to recognise their needs, but actively engaging the local authority has been difficult. That was even true when we tried to organise a celebration for the Eid festival last year. Little was done, compared with the efforts made to commemorate the festivals of other faiths. We have a long way to go in that respect.

I had intended to talk about poverty and bad housing, but my hon. Friend dealt with those issues extensively and effectively. They are the root causes of many of the difficulties that we face. If we are serious about helping the Muslim community in our country, we must do something about child poverty and the appalling deprivation in which those children grow up. Otherwise, it will not be surprising if we create dissatisfaction in which—to return to my earlier point—extremism can flourish and find recruits. The problem is not confined to London, although it is particularly severe there. The Government must take steps to deal with those serious issues.

10.9 am

Ms Oona King (Bethnal Green and Bow) (Lab): I must also congratulate my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck). She has consistently campaigned on issues that affect not only the Muslim community, but any community in her constituency or mine that is at the sharp end of deprivation.

This debate is timely, given the publication of Dr. Richard Stone's report on Islamophobia. My hon. Friend the Member for Hendon (Mr. Dismore) said that it was appropriate to pay a short tribute to Dr. Stone, although I think that it would be appropriate to pay a long tribute. He has worked tirelessly in this field for more than four decades. He has many genuine friends among faith communities and among those of no faith. I believe that he should be able to sit in the House of Lords, but at least we can benefit from his work on Islamophobia.

I have no doubt that Islamophobia impacts negatively on the lives of many of my constituents. The same is true for Muslim communities across Britain. Not only do British Muslims suffer social exclusion; they suffer cultural and financial exclusion. The two largest Muslim communities in Tower Hamlets are from Bangladesh and Somalia. I naturally wish to highlight the situation facing those two groups, although I recognise that other Muslim groups in the United Kingdom—many of them have members living in my constituency—are from countries such as Pakistan, Nigeria, Turkey and Morocco.

In Britain as a whole, 2.7 per cent. of the population is Muslim. In Tower Hamlets, the figure is 36 per cent. Many issues affect the Muslim community. We hear from the media about religious discrimination, hate crime, policing, the criminal justice system, drug misuse, attitudes post 11 September, Islamophobia and so forth. However, I want to concentrate on three issues: housing, education and employment. Everyone should have the right to a roof over their head, a decent education and a job to keep themselves and their families out of poverty. All research shows that the biggest indicator of poverty is households where no one is in employment.

Housing is the most fundamental public service. I was delighted that, in answer to a question that I and others raised recently, the Prime Minister said that in a third Labour term—were there to be one—housing would have to be as important as education and health were when the Labour Government came to power. We have poured a lot of money into housing. For example, the amount of money available for social housing in Tower Hamlets has trebled. I have said repeatedly, however, that that is not enough. The extent of overcrowding in Tower Hamlets is horrific. I once took a housing Minister to visit an extended family of 16 people living in two bedrooms. That was the most extreme case, but I am regularly contacted by constituents who live six, seven people to a bedroom. We recognise that the overcrowding standards, which date from the 1930s and were based on 1880s legislation, must be changed.

I and other MPs here this morning, particularly my hon. Friend the Member for Regent's Park and Kensington, North, have been campaigning on the issue of overcrowding. I have tried to make clear the link between overcrowding and institutional racism towards the Muslim community, inadvertent though it may be. In Tower Hamlets, Bangladeshi families are 14 times more likely to live in overcrowded housing than white families. The children of Bangladeshi and Somali families are suffering the consequences in terms of their health, education, employment prospects, the problems of family breakdown and the crises that it causes, and the huge levels of depression and mental health issues, which have been raised in various recent reports on the Muslim community. All of us can testify to the fact that such problems are widespread. For example, although my evidence is anecdotal, well over three quarters of the people who contact me about overcrowded housing or immigration are suffering from and receiving treatment for depression or other mental health problems.

Although the issue is not specifically in the Minister's brief, I should like her to encourage colleagues in the Office of the Deputy Prime Minister to ensure that our new standard for tackling overcrowding is ambitious. We also urgently need a programme to free up family-

sized accommodation. The Housing Corporation should be encouraged to ensure that its new system of preferred partner registered social landlords leads to more family-sized accommodation.

The situation with education is not all doom and gloom. We have had spectacular successes in Tower Hamlets. Many hon. Members will know, as I have said so many times, that Tower Hamlets has achieved the greatest educational improvements of any borough in the country. That is a great tribute to the teachers, parents, governors and, of course, children. However, an Ofsted report last month showed that a lot more could be done to improve the progress of Bangladeshi teenagers in particular. The report showed that pupils of Bangladeshi heritage were doing better than some other ethnic minorities between key stage 3 and GCSE. The actions that some schools have taken include extra support in learning and using English, adapting the curriculum to make it more relevant to the pupils and their heritage, and working hard to involve parents in school life. I encourage people to have a look at the report's recommendations, particularly on the need to analyse pupils' performance data to track progress and plan appropriate action that is relevant to their needs, and to be versatile and innovative in the range of strategies used to improve Bangladeshi pupils' English language skills.

My final point about education is about race segregation in our schools. The problem is very serious in Tower Hamlets and is bound up with many other issues, including housing and perceived racism. We hear a lot about "white flight", for example, but we also hear from Bangladeshi parents about the isolation of Bangladeshi students, on which I did a documentary in 1998. Many of those students go to schools where not a single other pupil from a single other ethnic group attends—be it from the white majority ethnic group or the Afro-Caribbean group, for example. Given that London is one of the most diverse cities in the world, what does that say about our theoretical proclamation about diversity and its virtues? We are failing in that area. I learned when doing the documentary how frustrated Bangladeshi parents are. They told me that their children had to survive in mainstream society and that they did not want them ghettoised, but that many never met white children. Their parents felt that the educational establishment was isolating and marginalising their children.

There is obviously a direct link between that and employment. The employment rate in Tower Hamlets among the white community of working age is 73 per cent., whereas among the Bangladeshi community of working age it is only 33 per cent.. That 40 per cent. differential leads to many other differences in later life. We need to address the problem of children being brought up in workless households. I recently worked on child care provision and the problem of how we reach Asian women, should they wish to overcome the many barriers that prevent them from entering the labour market. We need to ensure that appropriate child care is available to them. In a recent big conversation event in my constituency, which I arranged, the Asian women, who were all Bengali, said that their greatest problem was that child care was not affordable. As a result, they see no prospect of being able to enter the labour market.

We heard about the need for Muslim communities to have community centres. We have had an astonishing success in Tower Hamlets with the new London Muslim centre, and the Muslim community deserves full credit for being responsible for opening one of the largest centres of that kind in western Europe. Prince Charles attended the opening, which was held the week before last. The centre caters for 10,000 to 15,000 worshippers. One of its aims is to teach women and young people the job skills that they lack and how to balance work with other roles.

Representatives of the centre say that they hope to improve dialogue between Islam and other faiths, which is desperately needed. Sheikh Abdur-Rahman al-Sudais from Saudi Arabia, the very respected imam of the Ka'ba, Islam's holiest mosque in Mecca, who came to open the centre, said:

> "Muslims should remember that throughout this long history Islam has carried the message of building communities, not isolating themselves."

I hope that education professionals will heed his advice when we draw up education policy and consider ways of breaking down barriers and reducing segregation. I should also say that the block of buildings that house the new centre includes one of the east end's oldest synagogues, which was built in 1899. In the spirit of Dr. Richard Stone's launch of the organisation Alif-Aleph last night, I hope that we will continue to build relationships and bridges between, for example, the Muslim and Jewish communities.

Members of the Somali community in Tower Hamlets face many of the problems faced by other residents, including poor housing, low employment, poor access to education, antisocial behaviour and drug misuse. I stress, however, that their problems are made so much worse by the fact that the immigration status of many of them often prevents them from accessing mainstream services. I confess that what has distressed me the most as a Member of Parliament is seeing members of the Somali community entirely isolated, in almost all senses of the word, and prevented from accessing mainstream life and services.

Many of the women in the Somali community are single parents, which points to a very sharp difference between them and the Muslim community. Some have lost their husbands in war; others have suffered breakdowns in their relationships. Many have left children behind, or their children have been killed. The Somalis who are granted leave to remain in the UK find it difficult to access English classes and work. Those who are refused access are left destitute with no access to work, to housing or to benefits. Perhaps they are concerned that they will have no access to health care in the future either, although I hope that the Minister will ensure that that does not happen. Disability is a huge issue in the Somali community. Somalia has no Government, no services and no transport. It is not a country that we would recognise as a state. People have been dispossessed in every conceivable way. My plea to the Minister is that she will consider asking her Department to look into the problems of the Somali community and clarify for that community some of its fears over recent announcements about deportations and returns to Somalia, given the situation there. That practice is wholly inappropriate at present.

[Ms Oona King]

I would like to thank the hon. Members who have taken the time to be here for this debate, and to mention again the levels of deprivation affecting the Muslim community. However, I want to end on a positive note. I do not think that there are any children brighter and more eager to learn than the children in Tower Hamlets, the majority of whom, in many areas, are Muslim. I know that the Government will want to give them the opportunities that they deserve.

10.26 am

Sarah Teather (Brent, East) (LD): I too congratulate the hon. Member for Regent's Park and Kensington, North (Ms Buck) on securing this vital and timely debate, and I am glad to be able to respond on behalf of the Liberal Democrats. I represent a constituency with a large Muslim population.

In preparing for the debate I trawled through some statements made by the Home Secretary, the Minister and the Prime Minister. Their words were reassuring and I have no doubt about the genuineness of the Ministers' sentiments and of statements such as these:

"Expression of religious freedom is a core British belief",

"Mosques play an important role in community cohesion and civil renewal",

and

"Many faiths build one nation".

The problem is that when I speak to Muslims in my constituency and organisations that campaign on behalf of Muslims they tell me that the actions do not match the words.

I shall quote a statement made by the Muslim Council of Britain in 2003:

"It is the view of the Muslim Council of Britain that very little progress has been made in tackling the horror of Islamophobia in the United Kingdom since it was brought into sharp focus by the Commission on British Muslims and Islamophobia in its report published in 1997."

The statement continues:

"we strongly feel that the government has done little to discharge its responsibilities under international law to protect its Muslim citizens and residents from discrimination, vilification, harassment, and deprivation."

Others have spoken of progress that has been made, but clearly to the Muslim Council of Britain an enormous amount still needs to be done.

Others have spoken eloquently today on social exclusion issues—particularly the hon. Members for Bethnal Green and Bow (Ms King) and for Regent's Park and Kensington, North. However, when I speak to Muslims, the No. 1 issue that they raise is antiterrorism legislation—particularly section 44 of the Terrorism Act 2000 and the Anti-terrorism, Crime and Security Act 2001.

Searches of individuals suspected of terrorist offences rose from just over 10,000 in 2001–02 to more than 32,000 in 2002–03, which is an increase of more than 200 per cent. The vast majority of those stopped were in London, but just 1 per cent. of those stopped and searched under section 44 were arrested, compared with a 13 per cent. arrest rate for stops under the Police and Criminal Evidence Act 1984, suggesting that section 44 is being used indiscriminately. The Home Office is not doing any kind of ethnic monitoring of that, and given the impact on the Muslim community, that is of grave concern. The indiscriminate and unmonitored use of stop and search powers contradicts the recommendations of the Macpherson report that powers should be used only proportionately and on suspicion that an offence has been committed. I urge extreme caution in the use of section 44 of the Terrorism Act 2000.

The imprisonment without trial of terror suspects at Belmarsh under the Anti-terrorism, Crime and Security Act has also provoked widespread anger. The hon. Member for Hendon (Mr. Dismore) says that there are enormous differences between Belmarsh and Guantanamo bay, and there are, thank goodness, but people's human rights are still being flouted. It is a basic human right that people should be given a fair trial and either released or, if they have committed an offence, imprisoned. Given the backdrop of the war on terror and the attack on Iraq, which many Muslims perceive, rightly or wrongly, as an attack on Islam, we must understand that they see terrorism legislation as a direct attack on them.

Mr. Dismore: Before the hon. Lady moves on from the issue of detention at Belmarsh, I should say that there is no great difference between us in principle. In my view, we need to put people on trial, but only once have we amended the law on evidence. However, is she saying that the people in Belmarsh—particularly Abu Qatada—should be released immediately?

Sarah Teather: The Home Office needs to consider a variety of options for dealing with the problem, because the present solution is simply not an acceptable long-term way of dealing with terrorism. *[Interruption.]* I am not going to comment on a specific case; that would be highly inappropriate. The Joint Committee on Human Rights is currently considering other options, which I hope will be widely debated and implemented when they are made public. However, the Liberal Democrats opposed the extension of the present powers because, as the Government said when they introduced them, they were intended to be a short-term measure. Clearly, they are no longer a short-term measure, but a long-term one.

When Muslims are tried in a court of law, there is a widespread feeling that justice is not done in an even-handed way. Following the appalling riots in Bradford in 2001, the Institute of Race Relations found a huge discrepancy between the sentences handed out to the Manningham rioters and those handed out to rioters from a neighbouring estate. It was concerned that the sentences were designed not to reflect

"the severity of each individual's actions"

but

"to discipline an entire community".

Those words are frightening, and I have heard them used by others who have talked about the terrorism legislation.

There are similar concerns about racism in prisons, and the failure to act appears to have led to the murder of the British Muslim, Zahid Mubarak, in his cell. I accept that there has been enormous progress in prisons, but there is still considerable work to be done.

The hon. Member for Regent's Park and Kensington, North discussed attacks on Muslims, and there is widespread concern about how the media report the arrests of Muslims under the Terrorism Act. The hon. Member for Hendon talked about Muslims' feeling that they must always distance themselves from extremists and about how their expectations differ from those of other members of the community. Many of those issues underline the need for an equality Bill. Discrimination on the grounds of religion is being outlawed in employment, but as others have mentioned, it has still not been outlawed in other areas of service provision. We on the Liberal Democrat Benches argued strongly for the Bill introduced in the other place, which was the subject of widespread cross-party agreement, but, unfortunately, the Government did not support it. They have agreed to merge the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission, and that is welcome, but what do they intend to do to bring together all the piecemeal discrimination legislation?

Other hon. Members have discussed the deprivation figures, which are startling. Muslim children account for about a third of the children living in workless households—twice the number for white British children. The hon. Member for Bethnal Green and Bow, who is not in her seat at the moment, talked about the problem of overcrowding, and I certainly empathise, given the situation in my constituency. Tragically, it is typical to find eight people living in a two-bedroomed flat; such cases are not among the worst. That is why so much more work needs to be done. Similarly, three quarters of Bangladeshi and Pakistani children live in households receiving less than the national average wage and 54 per cent. of them are in homes that are on income support. There are much lower rates of employment among Pakistani and Bangladeshi men, and the average earnings of Muslim men are 68 per cent. of those of non-Muslims. That is staggering.

The hon. Member for Regent's Park and Kensington, North discussed the fact that fewer Muslims are represented in the new deal than might be expected. There is an argument for much more individualised programmes to deal with specific problems; that is much more likely to get people back into work.

Poor health has also been mentioned, which is so often associated with poor housing. The two are dramatically interlinked. Where there are overcrowding, poor health and poverty, there is often also educational under-achievement. I am delighted to hear that there has been so much improvement in Tower Hamlets. However, the statistics are still very worrying. Particularly significant is the widening gap in performance between boys and girls of Pakistani origin. Just 34 per cent. of boys of Pakistani origin achieve five grades A to C at GCSE, whereas 48 per cent. of girls do so. Both those figures are way below the national average.

A report published earlier this month drew attention to problems in education, and said that the state sector was failing Muslim children. The solution is controversial across the House—hon. Members of all parties support faith schools, while others adamantly oppose them. Regardless of one's view, the issue has to be addressed. Many of the problems can be tackled by improving housing and health, but that is not the only solution. I should be interested to know what the Government intend to do specifically to target the under-achievement of Muslim children.

I am pleased to hear that the Minister will be discussing student loans with the Federation of Student Islamic Societies in the UK and Ireland, but I wonder whether a simpler solution would be to abolish the dramatic increase in the burden of debt by voting against the Higher Education Bill on Wednesday.

We have all mentioned discrimination and social exclusion, but I want to close on a more positive note. I do not want to leave hon. Members with the impression that Muslims are passive victims. Those of us who represent constituencies with large Muslim populations know that that is not true. We know of the contributions that individual Muslims, local mosques and community centres make. The many organisations that have been mentioned today represent the expression of the best of Islam in this country. The Al-Khoei foundation in my constituency, with its academic, diplomatic and educational work, is the embodiment of Islamic values, tolerance and inclusiveness; the political campaigning of the Muslim Association of Britain, the Muslim Council of Britain and the Muslim Public Affairs Committee is the expression of Islam's passionate fight for social justice and fairness; the supportive work of the An-Nisa society in Brent shows Islam's emphasis on compassion and mercy; and organisations such as Alif-Aleph bring British Muslims and Jews together to demonstrate Islam's meaning of peace.

Perhaps the injustice in this country is not only that suffered by Muslims but the fact that society is unable to benefit from what individuals and communities have to offer.

10.39 am

Mr. Tim Boswell (Daventry) (Con): I, too, congratulate the hon. Member for Regent's Park and Kensington, North (Ms Buck) on having introduced the debate. Without exception, speakers have contributed to it sensibly and thoughtfully. It is an example of how useful these debates can be.

Many organisations with which I am associated, both secular and Christian, are beginning to come to terms with the issue in a way that they have not been in the past. Overwhelmingly, they want to show respect and to deal with the subject positively, and I think that they hope for a reciprocal response. The terms of the hon. Lady's debate rightly drew a distinction between discrimination and disadvantage. The first is a matter primarily of law; the second is a complex matter—a mix of public policy and private sector and personal responsibilities.

Over a period of years, I have become interested for a variety of reasons in equality issues. I welcome debating with the Minister in due course the establishment of the single equality commission. It is clearly important that we should have a statement in law about what is or is not discrimination and what is or is not acceptable. We should also remember in the process of legislating that it does not by itself achieve the means of redress. That means of redress may be set out in law, but people have to have access to it and not be frightened of using it. We should also recognise that ethnicity is not the sole source

[Mr. Tim Boswell]

of discrimination; there can often be overlapping issues. Particularly in relation to Muslim communities, there may well be gender and disability issues. It is not a matter of a one-shot approach.

So far, I have been talking on a personal level. However, on an institutional level, there is obviously also work to be done. Anybody who has read the Lawrence report knows that the concept of institutionalised racism or, more generally, institutionalised discrimination has to be faced. I do not think that it is an easy concept to tackle. To start to tackle it requires firm leadership from the top to show that such practices are not acceptable; to show an emphasis on professionalism, which makes it clear, for example, that it is bad policing if one is prepared to deal with the problems of citizen A but to disregard the problems of citizen B, whatever their elements of difference; and to show a readiness to drive on with such actions and to uproot a massive cultural flaw, of which we still see examples. On the discrimination agenda, I think that we can all easily be at one in saying that such practices are not acceptable, that they need to be tackled and that they need to be tackled effectively.

Disadvantage is clearly a more complex issue. That is not to understate it or in any sense to diminish it. I will pay the Government the compliment of quoting from their "Strength in Diversity" document. I entirely concur with that title as a broad aspiration; I think that we all would. As it states in chapter 4, the fact is that

"67 per cent. of people from Black and minority ethnic communities live in the 88 most deprived districts in England, compared to 37 per cent. of the white population."

In round terms, that is two thirds compared with one third. That is a heavy loading of deprivation which we should accept as being the case.

There will always be differences of interpretation, and I would give some measure of qualification. The first point is the historic one: anybody who considers discrimination issues or equality issues over the years realises that simply legislating does not make the problems go away. We need only to look at equal pay, for example. It will take a very long time without other actions for the legislation and its intention to come together.

We should also remember that some of the population, particularly those who are relatively newly arrived, may live in conditions that are significantly better than those of other members of their family who live in their origin countries. Of course, at the same time, it is highly difficult, as the hon. Member for Bethnal Green and Bow (Ms King) said, if people live in gross comparative or relative deprivation in this country compared with other citizens or neighbours. There are welcome signs of social mobility, and that must be right. I think that we would all accept that the Government, the council, cannot do everything. We need to consider what we can do.

I turn specifically to some of the Muslim community issues. First, we should realise that there is an association with deprivation. There is no point in arguing about that. I do not want to turn this into an example of victim culture. It is right not to wish away or pretend away the issue of Islamophobia, particularly after 9/11—it is a horrible by-product of that horrible event—but it should not drive the Muslim communities into a shell from which they will not be prepared to emerge in dialogue. There is also a need for strong public policies about asylum seekers, for example, so that we know who is here, and so that the stuff that appears in tabloid papers without justification can be exposed, because we have control of the situation—but that is a debate for another occasion.

Secondly, there is a strong element of ignorance throughout the majority of the country. My constituency has a very low ethnicity; that does not mean that the problem does not exist in rural areas, as the hon. Member for Caernarfon (Hywel Williams) rightly reminded us, but it does mean that people do not focus on it, although that does not make it any less unacceptable. It also means that some of the things going on in our cities that have great positive elements—as well as creating problems; there are opportunities as well as difficulties—are completely overlooked. We must work hard to start joining up the public dialogue.

One case that I will mention to the hon. Member for Bethnal Green and Bow concerns a school in her constituency, which, through an organisation with which I am involved, the Country Trust, sees what goes on in the country. Those exchanges need to work both ways and to be developed. They should form part of the public debate, because it is our country in the rural areas as it is in the towns, and it is just as much the country of her constituents as it is that of mine.

Thirdly, we need to appreciate the complexity of Muslim communities and their histories. This year, for various reasons, I have had to deal with the parents—who are, incidentally, Christian—of a Caucasian supporter of Hizb ut-Tahrir, who is imprisoned in Cairo. That is interesting, not least because of the nature of the representations and support that he has received.

Equally, we have communities such as the Dawoodi Bohra, which is prepared to have international conferences, with which I have had constructive discussions. I will be participating in its conference. Therefore, we should not see these issues as simple and as having one answer, but should, in a sense, rejoice at the complexity and the opportunities offered.

I want to pick up briefly on a point about education: the English language is extremely important in that respect, as is the engagement of women in the education process, although it is difficult culturally. It is also important to acknowledge the historic role of education in enabling people from disadvantaged communities to work their way up through the system. I personally would like more after-school facilities for Muslim faith education in schools, rather than the setting up of separate madrassahs, which may send the wrong signals. Regeneration is clearly important, although I want it to be on a human scale rather than the "big bang", which does not work.

We should remember that these are new communities, which often have practical needs such as the need for a place of worship, or the need for sensitive treatment of the bodies of the dead, as with the new certification system for coroners. We know that we need to make changes, but they must be practical. I was interested to hear about bodies being taken into church with the agreement of everyone involved. That may be an

example of the way in which communities can help each other. Civic involvement has not been mentioned yet. We need to ensure that there are more Muslim councillors and parliamentary candidates joining our debates.

"Strength in Diversity" is a tentative and modest document; it is good that the Government are being modest. The document touches on many areas of concern, but I want to make two points more clearly than it perhaps does—no doubt, the Minister will disagree. The first point is about the involvement of the commercial private sector. We need people to employ Muslims. We need banks—clearing banks, for example—to be representative of the communities that they seek to serve, and to have a sensitive attitude to interests. All those things can be managed, and are being tackled. We also need the sector to work actively in local regeneration.

Secondly, part of the underlying change that is coming about is the development of civic society at all levels, including the political. It is a matter of getting voluntary organisations in the Muslim communities to talk to their counterparts. Young people should talk together, not in order to proselytise or convert one another but simply to share their problems and experiences. If we are to tackle the problem, it is important that we reach out for our common humanity, that we respect each other's traditions, including faith traditions, and that we make ourselves comfortable with living together in one country—which we are very lucky to do.

10.50 am

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): The irony of these debates is that I am asked many questions but never have as much time as everyone else when it comes to answering them. None the less, I shall gallop ahead.

I echo the kind remarks made about Richard Stone. He is a star. He has been a friend of mine for a long time, and he makes a substantial contribution to intelligence and tolerance in Britain today.

It might be helpful for me to make my response to the debate in the context of the Government's paper "Strength in Diversity". For a Government paper, it is surprisingly tentative; it poses 13 questions rather than giving millions of answers. It organises them in categories: inclusive citizenship, identity in belonging, eradicating racism and extremism, tackling inequality, opening opportunities and building cohesive communities. All those subjects were raised during the debate.

I shall put the contributions to the debate towards the Government's consultation on our race equality strategy. When we produce it, I promise that the solutions will be underpinned by clear levers for delivery. It has been said that we need to ensure that our ambitions are turned into reality with straightforward practical measures, ranging from uniforms that allow police officers to wear a turban or a hijab, to prayer rooms in prisons. Such measures are at the heart of providing a genuinely equal society.

I shall answer first the questions raised by my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck). Her overall theme was of discrimination and disadvantage. The Government recognise that Muslim communities, particularly those in our inner cities, have experienced more discrimination and disadvantage than other groups. However, I would argue that that is probably not because they are Muslim. That is important. The experiences of Muslims with an Indian background are different from those with Pakistani or Bangladeshi backgrounds. Household income and the likelihood of living in disadvantage are different. It is important to separate the factors that contribute to those disadvantages, and to ensure that we tackle them.

The other issue raised by my hon. Friend is the way in which matters such as policing can make a community feel victimised. The subject was raised by several hon. Members. We clearly need to prevent disproportionality in the use of stop and search powers, and all stop and searches should be recorded. We have established a stop and search action team to help Departments to take action to reduce disproportionality and to increase community confidence in the use of the power.

With the help of the action team, we are developing a circular to advise the police on the use of section 44 powers. In doing so, we consulted closely with Muslim community organisations. We have established pilot schemes, and we will ensure that monitoring of all stop and search powers, including those under section 44, will shortly be in place. It is not right that people should not know how a power ought to be used; nor is it right that a community should suffer a lack of confidence because it feels targeted.

As my hon. Friend the Member for Regent's Park and Kensington, North pointed out, we need to ensure that work across Government is informed by our commitment to eradicate racism and Islamophobia. That is one of the reasons for publishing "Strength in Diversity"—as a way of working towards a race equality strategy to inform the work of every Department, including, I assure the hon. Member for Caernarfon (Hywel Williams), the Department for Environment, Food and Rural Affairs.

The hon. Gentleman's point about the experience of isolated minorities in rural areas was a serious one. I am glad to be able to assure him that only yesterday I was talking with civil servants about the issues of insurance in the voluntary sector, and how we shall work with insurance companies to ensure that access to public liability insurance becomes fairer. I believe that that programme will include problems such as those faced by the mosque in his constituency, along with other voluntary organisations.

I join the hon. Gentleman in his condemnation of the extremism of the British National party. "Strength in Diversity" makes a connection in this context. The threat is a dangerous one. Hon. Members have rightly pointed out that the debate that is going on seems to suggest that extremism is of one kind only. The worst and most dangerous extremists in Britain today seem to me to be those associated with the British National party.

My hon. Friend the Member for Hendon (Mr. Dismore) suggested that one way of tackling such issues is to consider legislation to outlaw religious discrimination. We have certainly made progress on the issue of religious discrimination, through the proposal

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to establish the commission for equality and human rights and through measures under article 13 of the European Union treaty of Amsterdam. However, there is still a debate about the extent to which religious discrimination adds to the disadvantages of minority communities.

I know that there is strong support in the Muslim community for more effective legislative protection. One reason for that is the way in which the courts have interpreted the Race Relations Act 1976, which has in practice given power to the faith communities that are not as racially diverse as the Muslim community, as our discussion has made clear. Therefore, the Muslim community is not protected in the same way as, for example, the Sikh community. We need to continue to focus on that issue, because I am not confident that we have resolved all the problems now arising from it.

We are, however, making progress in increasing the eagerness of the Crown Prosecution Service to prosecute in relevant cases. I have visited local CPS teams to ensure that crimes motivated by religious and race hatred are prosecuted effectively, to ensure that the additional penalties in the legislation can be enforced. There is a greater eagerness to do that, with greater specialisation in some CPS teams, which enables it to work well.

We are making progress on Muslim schools. Six have now been approved. We should remember that only a few years ago a state-funded Muslim school was impossible. Although progress may not be as fast as people want, it is substantial.

My hon. Friend also pointed out difficulties in gaining resources for community centres. I was interested that it was clear from his exchange with my hon. Friend the Member for Regent's Park and Kensington, North that the resources exist in areas of disadvantage; often the issue is finding mechanisms to bring the elements together. A challenge for us as we consider such issues is to create centres that are not exclusive to one faith tradition, but that belong to many.

I was privileged to attend the opening of the east London Muslim centre, although Prince Charles was not—Ronald Reagan's funeral took him away, so we had him there only in video form. It is important to consider how such centres, which are expressions of citizen action, can be used to form connections with other communities.

The progress that has been made in educational achievement in the Muslim communities is significant, but needs to go further. The point made by my hon. Friend the Member for Bethnal Green and Bow (Ms King) about ghettoisation and single-ethnicity schools is a serious one. If that is what choice leads to, we should perhaps try to ensure that every child, whether they are in Hampshire or Bethnal Green, receives an opportunity to meet people of other faiths and races.

Mr. Deputy Speaker: The Chair deplores it when Opposition spokesmen take longer than they should, thus leaving the Minister inadequate time to reply to the debate. I hope that that will be noted, because I deeply regret the fact that the Minister had inadequate time to reply to the many valid points that hon. Members raised.

Cannabis

11.1 am

Mr. Bill Tynan (Hamilton, South) (Lab): In welcoming the opportunity to raise the issue of cannabis reclassification, I make no apology for continuing the ongoing debate. I hope that the Minister and the Government will not regard my contribution in a negative light, but as an attempt to raise the genuine concerns about reclassification that many groups and individuals in my constituency have expressed.

I believe that the reclassification of cannabis was a dangerous mistake and that history will confirm that view. The 90 minutes that were allowed for debate in the House left many MPs unhappy and concerned. Many felt that there was no opportunity to scrutinise the evidence that led to the Government's decision to reclassify cannabis. Heroin, cocaine, cannabis and other illegal substances are dangerous and addictive, so unless there is substantive evidence to the contrary, Governments should not tinker with either the classification or the legality.

Many groups and individuals are involved in drug counselling or drugs support services. Their experiences ensure that they can speak with authority, but their views are often conflicting. That is why a comprehensive examination of all factors should be undertaken before any change. For example, in my constituency, an individual whom I regard as an expert on drug councillors strongly believes that cigarettes and alcohol are the real gateway to addiction and to progression on to hard drugs, such as heroin and cocaine. He has expressed his concern about the quality of the cannabis sold on our streets and in our neighbourhoods. He believes that it is impure and dangerous, and a major source of the growth among young people of throat and mouth cancer. In his opinion, legislation is needed to control the sale of cigarettes and alcohol, as they are the real gateway to drug misuse. He has asked me on many occasions to get involved in a private Member's Bill to deal with the issue, but I have resisted. He would also argue for the legalisation of cannabis, to ensure that a high standard of the product is available. Obviously I do not share that view either.

I shall quote a few experts and drugs professionals. Professor C. H. Ashton of the department of psychiatry at Newcastle upon Tyne university said:

"Cannabis intoxication can precipitate severe psychiatric reactions including paranoia, mania and schizophrenic-like states",

adding:

"Few, if any doctors, will deny that the symptoms of schizophrenia are made worse by cannabis".

Professor Griffith Edwards of the National Addiction Centre has said:

"There is enough evidence now to make one seriously worried about the possibility of cannabis producing long-term impairment of brain function".

Judge Keith Matthewman said:

"Perhaps people who say the drug should be legalised should sit where I do and see the devastation it can cause to other people as well as the defendants".

Cannabis damages the unborn child and is much more dangerous than tobacco in the damage that it causes to lungs. Cannabis takers have a higher risk of heart attack. Cannabis leads to the impairment of skills and contributes directly to road, rail and air accidents.

There are differing views, even among those with expert knowledge on drugs. That is why legislation should be approached with caution. We need to separate the necessarily inexact and best guess areas of classification and law from the more certain areas of what science is saying about the harm caused by cannabis, especially to the mental health of our youth. The Advisory Council on Alcohol and Drugs cannot continue to do both. I understand its role and its advice to reclassify. However, the advice and judgments of any body often depend on the question asked and the response received. Without doubt, reclassification sent mixed messages about the dangers of cannabis. Despite information to the contrary, many young people believe that cannabis is now legal just like cigarettes and alcohol. I am sure that the Minister will correct me if she disagrees.

Cannabis is clearly a danger to physical health. That was demonstrated by research at the university of California, which has shown that THC, the major psychoactive ingredient in cannabis, is likely to impair the body's ability to resist cancer. Research has also shown cannabis smoke to be more dangerous than tobacco smoke. There is also large and growing evidence, as demonstrated by the reported doubling in the past decade of those seeking treatment at drug treatment centres for cannabis use, that cannabis is a major contributory factor in the onset of mental health problems.

A paper published by the Department of Health in 1998 entitled "Cannabis: Clinical and Pharmacological Aspects" warned in its conclusion of long-term dangers, commenting that

"One cannot expect the human pathology of this drug to be written before one or two decades".

The evidence of links between cannabis use and mental health problems ranging from depression to schizophrenia became clear in October 2002 at a British Toxicology Society seminar. More importantly, three studies published in the November 2002 edition—we should note the date—of the *British Medical Journal* supported the link between frequent cannabis use and mental health problems. They also indicated a strong correlation between cannabis use and the onset of schizophrenia. The headline figures from these studies are alarming. They cite daily cannabis use among young women leading to a fivefold increase in the incidence of depression. In addition, as Professor Robin Murray from the Maudsley hospital said:

"The conclusion was that, if you took cannabis at age 18, you were about 60 per cent. more likely to go psychotic. But if you started by the time you were 15, then the risk was much greater, around 640 per cent."

The editorial accompanying the research was subtitled "More evidence establishes clear link between use of cannabis and psychiatric illness". More recent work indicates that 80 per cent. of new cases of psychosis in some hospitals in the US have been triggered by cannabis use, and continues to highlight the correlation between mental health problems and cannabis use. I invite hon. Members to compare that with the concluding sentence of paragraph 5.1 of the advisory council's report, which recommended reclassification. It states:

"The high use of cannabis is not associated with major health problems for the individual or society."

That is completely at odds with additional medical evidence that has come to light since the report.

The Government have of course relied on the advisory council's March 2002 report as justification for the decision to reclassify cannabis. When responding to concerns about cannabis use and health problems, the Minister has indicated several times that those concerns are misplaced because the advisory council has fully explored them. Can she confirm that again today?

The breadth of the advisory council's role has become unsustainable. Trust in its scientific assessments has been damaged by its attempt to comment on the science and health consequences of cannabis misuse and then to urge contentious decisions to be taken on reclassification. The chronology is important. In October 2001, the Home Secretary asked it

"to review the classification of cannabis preparations in the light of current scientific evidence."

The advisory council's statistics information research committee then conducted private research before the publication of the March 2002 report. That was based on scientific research published until November 2001. In November 2002, eight months after the report, the damning research studies from New Zealand, Sweden and Australia were published. Can the Minister confirm whether the advisory council took those studies into account before recommending reclassification? It is important for us to know that.

Over the past few weeks, I have submitted a series of parliamentary questions seeking to clarify whether the advisory council had indeed discussed the *British Medical Journal* articles, but I have not yet received answers. I am not complaining to the Minister; it is due to the timing of the questions. The advisory council has made no pubic comment on the BMJ studies and has issued no addendum to the March 2002 report. That must give rise to concern.

On the basis of that chronology and the March 2002 report, I seriously question the Minister's assertions, such as those in a 9 March written answer, that the advisory council has adequately responded to recent research on the links between cannabis use and mental health problems. The Minister might not be able to respond fully now, but I trust that she will be able to write to me detailing exactly when the advisory council discussed what, and when its views were conveyed to her. I live in hope—I am a super-optimist—but I know that it is a difficult issue and am not convinced that the Government will reverse their mistaken decision to reclassify cannabis. They should look at the evidence that has accumulated since the 2002 report.

I accept that some of those who are concerned about the growing health problems are ambivalent about reclassification. After the confusion and problems over the reclassification of cannabis and the discussions that have surrounded it, we need to reconsider the role of the advisory council. Perhaps it needs to be restructured so as to separate the science, enforcement and treatment aspects of its work from the wider direction of drugs policy. As a first step the statistics, information and research committee of the advisory council should consider meeting more regularly and publishing public reports. We should then consider whether to replace it with an independent scientific review body.

Two weeks ago, I raised the issue of cannabis and mental health problems in oral questions to my right hon. Friend the Secretary of State for Health, and

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suggested that more Government-funded research into the link between mental health and cannabis was needed. The long-term consequences of increased cannabis use on the health of today's teenagers cannot at present be adequately assessed; some predict substantial increases in mental health problems over the next 10 years. We need to set up an independent body to assess the health implications of drugs misuse—both by commissioning research and by bringing together other research—separately from considering the policy aspects of combating that misuse.

I therefore urge the Minister to consider setting up a commission, separate from the advisory council, to take on that body's responsibilities for the research and science side of drugs misuse, and to accept the wider remit of informing the debate independently. By recommending cannabis reclassification as part of its current role, the advisory council has become a party to the debate. It was established in 1971, more than 30 years ago. We need to re-examine its role in a modern setting. I still believe that the reclassification of cannabis was a mistake that we will come to regret, and we need to consider how to avoid such mistakes in future.

Yesterday, I received an e-mail from the Police Federation of England and Wales, asking me to make it clear in my contribution today that

"Policing is all about prioritisation and it is clear that cannabis did not need to be reclassified to be reprioritised. Put simply, reclassification gave a wholly wrong message. In reality, only a properly balanced three-pronged attack encompassing education, treatment and enforcement can combat the insidious forward-march of drugs in society.

Despite costly government attempts to increase public awareness as to the change in the law, many people now believe cannabis has been legalised. In addition, many users feel more comfortable to purchase and smoke the drug in public. This not only contributes to community degeneration and a sense of lawlessness, but also brings with it known and possibly as yet unknown consequences upon their personal health. An increasing body of eminent medical professionals believe what has long been suspected: Cannabis usage can contribute to psychosis and other associated mental health problems.

We believe the government should U-turn on its decision. Society must ensure that reclassification does not spell the beginning of a gradual 'softening' of policy on other illicit drugs.

I would encourage you to take account of the views of our members".

The federation encourages me to take account of those views, and so, too, should the Minister.

If the advisory council did not consider all the relevant medical evidence before recommending reclassification, there is an urgent need to address that serious admission. I sincerely believe that this debate gives the Government the opportunity to do so.

11.16 am

The Parliamentary Under-Secretary of State for the Home Department (Caroline Flint): I congratulate my hon. Friend the Member for Hamilton, South (Mr. Tynan) on securing this Adjournment debate.

In dealing with illegal drugs and the criminality that surrounds them, we cannot simply pass a law and move on; we must always be watching for developing trends. Despite its reclassification, that goes for cannabis, too, and for any of the drugs in schedules A or B. The Government have tried to consider the problems of drugs in an open and honest way. My hon. Friend did not pay much attention to class B and class A drugs, but it is important to do so because the reclassification of cannabis, as well as the drug's harmful effects, must be seen in relation to other drugs.

It is clear from debates in the House and from other discussions that I have had that there is an issue about how young and, indeed, older people perceive such drugs. I have never said that cannabis is a harmless drug, and nor has the advisory council. In fact, cannabis has several harmful effects. However, it must be seen in relation to other drugs, such as amphetamines, or class A drugs such as crack, heroin and cocaine. The Government have said that cannabis is harmful, that regular use can be addictive and—I shall go into more detail about this later—that it can have an impact on those with a propensity to mental illness.

The Government wanted to ensure that there was no risk of young people who had experimented with cannabis being tempted to move on to amphetamines in the belief that the potential harm was of the same order as for cannabis, which it clearly is not. Following advice from the Advisory Council on the Misuse of Drugs, therefore, we decided to take action.

My hon. Friend said a lot about the Advisory Council on the Misuse of Drugs, and we should remind ourselves that it is a fully independent, non-departmental public body, whose membership is drawn from a wide range of disciplines and is highly respected worldwide for the quality of its reports. The ACMD's March 2002 cannabis report clearly set out the scientific evidence for the risk of harm from cannabis. Setting cannabis in the context of other controlled drugs, the council concluded that class C was the most appropriate level of classification.

As I said, the advisory council is an independent and impartial body, and it provides evidence-based advice to the Government. To ensure that it has a balanced membership, it is required to include representatives from the practices of medicine, dentistry, veterinary medicine, pharmacy and chemistry. It should also include representatives of the pharmaceutical industry and people with wide and recent experience of the social problems connected with the misuse of drugs. Furthermore, the appointments are made in accordance with the guidance issued by the Office of the Commissioner for Public Appointments.

Following reclassification, we did not end discussion on the issue. I have met the chair of the ACMD, Professor Sir Michael Rawlins, as well as the head of the Association of Chief Police Officers' drugs sub-committee and chief constable of Norfolk, Andy Hayman, to discuss what we should be doing in the wake of the reclassification of cannabis.

My hon. Friend made several points about the research. Much of the research was known to members of the advisory council when they considered the reclassification of cannabis. They felt that the new research added no significant new knowledge and was consistent with earlier research. All research shows that early use of cannabis is associated with a higher likelihood of mental health problems developing in later

adulthood. However, that has not been shown to be a causative association and might be explained by other factors.

Some evidence suggests that young people with a vulnerability to later mental health problems may start taking cannabis younger than their peers, or may be more likely to use illegal drugs, including cannabis. The ACMD report was based on all the available data included in the Nutt and Nash report, called "Cannabis—An Update 1999–2002". The report was drawn up by Professor Nutt and Dr. Nash of the psychopharmacology unit at the university of Bristol, and is a fully comprehensive study of the evidence available. It is accessible from the Home Office website.

The committee looked clearly at all areas. During the discussions on changes to the reclassification, I had discussions with Professor Robin Murray, who was sometimes interviewed on television and radio at the same time as me. It was clear that Professor Murray was and is concerned about people who have mental health problems using drugs—I should say that that does not just mean cannabis, but any drugs—but he did not say that he thought that the reclassification of cannabis was wrong. He was concerned that more work needed to be done in that area.

Following our meeting with Sir Michael and Chief Constable Andy Hayman, as well as discussions with officials in the Home Office, we have agreed that it is vital to monitor arrest patterns and the work that is now ongoing between forces and the Home Office research unit to assess the impact of reclassification at street level.

We made sure that the message reached young people at the time. My hon. Friend made a number of comments about people thinking that cannabis is now legal. We have evaluated the campaign and found that 93 per cent. of those under 18 understood the message that cannabis is illegal. However, we clearly cannot give up on that and need to do more.

There may have been some confusion among young people about the consequences, but people know that a number of offences are illegal although they do not necessarily know the consequences. It is enough for them to know that the act itself is illegal. The evaluation of the campaign found that, but we should not just accept that—we have to get the message across constantly.

We are devising a series of health messages on the harmful effects of cannabis, with general information that young people and parents can access through the "Talk to Frank" campaign, as well as targeting specific groups such as frequent and heavy cannabis users as well as those with mental health problems. We will ensure that the campaigns are properly researched and that they will be evidence based. To that end, officials have been liaising closely with a number of organisations, including mental health charities and interested individuals.

The technical committee of the ACMD played a key role in drawing up the evidence base for the main council's consideration, and it now has the issue of cannabis as a standing agenda item. The committee will monitor closely all new research developments. I hope that that will assure my hon. Friend that we do not think that the issue is not important because of reclassification. Cannabis is still an illegal drug, and as I have tried to point out, it is harmful—an approach echoed by the ACMD.

There is now a thought-out regime for policing cannabis. For those aged 18 and over, there is a presumption against arrest. However, a police officer may exercise the power of arrest in specific aggravating circumstances, such as when someone is smoking in public view. Dealing with younger people raises other issues, because we want to engage with them to ascertain the problem.

I was interested by the comment made by my hon. Friend about one of his constituents, who talked about cigarettes and alcohol. I have been engaged in discussions about how, from an early age, young people could put themselves at risk from drugs later in life. We must consider such risk-taking activity, even with substances that may be legal for those above the age of 18. For example, I visited Rotherham yesterday and met two men in their early 30s who had become involved with drugs through solvent abuse. We must consider how young people start. They do not start with class A drugs. We need to consider what other drugs they use and what other risk-taking behaviour they may indulge in—even truancy—that could lead them to meeting in groups and being put at risk of gaining access to harder drugs in later life.

No approach to the drug problem is without risk, but I hope that the measures that we have implemented will provide the best opportunity to make our drugs education programme credible, and to get the priorities right on law enforcement and treatment for dealing with class A drugs. It is the latter drugs that cause the harm, but we should stand back from that to consider what influences children. We should tackle and prevent the early involvement with drugs.

Early indications from police forces show that the change in the law on cannabis has freed up significant resources, which can now be redeployed to preventing the supply of class A drugs. I am pleased to say that since reclassification we have agreed a young people's treatment budget for local drug action teams. That has brought together pots of money from various Departments. That will result in less bureaucracy. We hope that the teams will be able to consider a range of intervention measures for prevention and treatment.

Since 1998, drug use among 16 to 24-year-olds has shown some modest reductions. I say modest because I do not want to sound complacent. The British crime survey showed a reduction in the number of people admitting to taking drugs from 31.8 per cent. to 28.1 per cent. More specifically, the figures for cannabis show a fall from 28.2 per cent. to 25.8 per cent. We must be mindful of the figures, but we should not stray from the fact that we still need to bear down on the health implications of using drugs, for young and older people alike.

The advisory council considered schizophrenia, and the possible links between cannabis use and mental illness. It did not find evidence of a causal link, but it recognised that cannabis use can unquestionably worsen an existing mental illness. Those real issues need to be discussed with colleagues in the mental health sector and the Department of Health.

[Caroline Flint]

We also need to consider how individuals are managed in the process. I was in Crawley a few weeks ago, and met an individual in his early 60s who, at various times throughout his adult life, had been defined as a drug addict and as someone with mental health problems. He was also an alcoholic. He said that he sometimes needed an agency that would deal with all those issues rather than being shunted from one agency to another. The label itself is not as important as the help that individuals receive. I hope that our discussions over the past few months will produce some ideas on that subject. Again, it is for the Department of Health to consider its mental health services, with a read-across to tackling drug addiction for users of those services.

We know that heavy cannabis use can produce a psychotic state, as can other class A and class B drugs, although for cannabis it is mostly short lived. The advisory council acknowledges other concerns—for instance, acute effects include damage to the ability to learn and carry out tasks, including the operation of machinery and the driving of vehicles. Wearing another of my Home Office hats, I can say that we are considering the sort of tests that might be used on people who drive cars under the influence of drugs. We hope that they will feature alongside alcohol testing.

I hope that I have reassured my hon. Friend, at least to an extent. We have not ignored the health implications of cannabis, nor has the ACMD. It can provide independent advice to the Government. I have given information on what new things the ACMD has been doing since reclassification. My door is always open should my hon. Friend wish to discuss the issue further.

11.30 am

Sitting suspended until Two o'clock.

Composition of Parliament

2 pm

Andrew George (St. Ives) (LD): I am pleased to have secured this debate, although I am concerned that it may appear rather presumptuous for any Member to lead a debate from the Back Benches about whether the composition of Parliament is appropriate, or whether we should review how the House of Commons is composed.

I first raised the issue with a ten-minute Bill on 15 October 2003, in a debate entitled "Representation of the People (Consequences of Devolution)". Now that powers have been handed out to the nations of Scotland and Wales, and there is the prospect of handing further powers to the regions of England, in addition to the Greater London authority and the Northern Ireland Assembly, I asked whether it was appropriate for the House of Commons to continue to consist of 659 MPs.

People who take a more jocular approach might think that we each have a personal list of people whom we would like to have removed—having raised this debate, no doubt I am at the top of some lists. On a serious note, however, if we are to reconnect with the electorate, we need to consider whether the efficiency that all parties believe we should perpetually aim for in the public services might not be applied in our approach to the House as well.

One of the triggers for my raising the issue was this year's Electoral Commission review of the constituencies in Cornwall. The population of Cornwall is now more than half a million, which gives each of its five constituencies on average an electorate of more than 77,000. According to the Electoral Commission, that means that our constituencies have at least 7,000 people more than the quota. The rapid increase in Cornwall's population in recent years means that we should now have six Members of Parliament. I strongly agree that Cornwall should be proportionately represented in Parliament. However, we would have to consider which bits of each constituency to lose. I represent the west of Cornwall and the Isles of Scilly, and would rather lose a limb from my body than a square inch of my constituency. I defend every part of my constituency with vigour. Of course the Electoral Commission must complete the review, and of course the sixth Member of Parliament must be fitted in somewhere in Cornwall. However, the problem raises questions, not only for Cornwall but for the rest of the country, about whether we are going about things the right way.

The idea of having 659 MPs is not written in tablets of stone, and was not preordained by God. We can change the situation ourselves; it should be a matter for review, and of course it has been. From 1688 to 1707 there were 513 Members of Parliament—if that can be believed. Given the electoral system in those days, each of those MPs must have known every one of his electors personally. The figures increase over time: from 1707 to 1800 there were 558 Members of Parliament, and from 1801 there were 658, very close to our present number—a level that was maintained after 1826. From 1885 to 1918 there were 670 MPs, and from 1918 to 1922, 707. The number then fluctuated, reaching a low of 625 in the mid-1950s, before rising to our present total of 659.

The reason for my belief that Parliament should take a lead in reviewing the number of Members of Parliament is that if we are keen, as I am, to devolve certain functions and responsibilities of Parliament to other Chambers, whether in Scotland, Wales or elsewhere, we will find that we have less to do here. Therefore, we should review our justification for maintaining 659 MPs. However, I do not wish to reopen the can of worms that is the West Lothian question. Although that touches on important issues, it can be left for other occasions.

We have, of course, gained further layers of elected representatives. Only a week ago we had the results of the elections to the European Parliament—another layer of representation that was not in place during most of the history that I have recounted. Then there is discussion about possible elections to the second Chamber—a matter that I shall return to later if we have time, as it appears that we might.

Part of the political context in which the review takes place is the perpetual drive for efficiency savings in the public sector. The Chancellor of the Exchequer announced in the Budget his intention to achieve efficiencies by reducing the civil service by at least 40,000; it numbers over half a million at the moment. I understand that the Chancellor might come to the House next week, too, to make a further statement about his spending plans, and possibly about the publication of Sir Peter Gershon's review of the civil service and other matters.

On 8 June, the *Financial Times* claimed that

"Gordon Brown is poised to announce the loss of more than 80,000 public sector jobs when he unveils his review of public spending this summer as the government strives to make big savings on back office functions and the purchase of goods and services."

Those savings are likely to go still further. Responsible representatives of all political parties must press for efficiency savings in the public sector. Things do not remain in aspic, and it is incumbent on all of us to achieve such savings when we can.

We cannot do that and be respected by the electorate, or by the civil servants who are losing their jobs, unless we also turn the focus on ourselves, and see what efficiency savings we can make in this place. There is certainly a perception out there that we in the House of Commons lead a charmed and luxurious life—

Nick Harvey (North Devon) (LD): What?

Andrew George: My hon. Friend questions that—I am sure that his life is one of sackcloth and ashes—but among our constituents there is a perception that we have a luxurious lifestyle in comparison to them, and that we vote ourselves generous pay rises and allowances, and more favourable pensions than we offer them. If we are to reconnect with the people who put us here, we need to gain their respect by acknowledging that we need to consider efficiency savings.

It may help to consider how many people Members of Parliament in other westernised democracies represent.

Mr. Oliver Heald (North-East Hertfordshire) (Con): What does the hon. Gentleman make of the fact that the rules on the distribution of seats, in schedule 2 to the Parliamentary Constituencies Act 1986, state in paragraph 1(1):

"The number of constituencies in Great Britain shall not be substantially greater or less than 613."

Yet we have 659 constituencies. Can he explain that?

Andrew George: I suspect that that is a question for the Minister, but that anomaly may be a result of the process of rounding up within certain geographic boundaries that I described earlier in connection with the review of constituencies in Cornwall.

When compared to countries with populations of a similar size, the UK appears to be rather over-represented. Germany has a population of nearly 82.5 million and 603 Members of Parliament, so each Member represents about 136,000 people. In comparison, the average population that UK Members of Parliament represent is 89,400, although there is, of course, significant variation: I represent a population of about 100,000. Spain has a population of 40 million and 350 representatives, each representing 115,500 people. Similarly, in France 577, Members each represent an average of nearly 103,000 people. Italy has 630 representatives, who each represent an average of 90,000 people, so they are closer to us in that respect. The Netherlands has a population of only 16 million and 150 Members of Parliament, each representing an average of 107,000 people. If I were to extend those comparisons across the Atlantic, the UK would look inappropriately over-represented.

I shall now talk about the financial implications of what I propose. In its annual report, the House of Commons Commission says that each MP costs about £211,000 per annum, including pay, allowances, office costs and so on. I am sure that many of my constituents think that that is just my pay—if only it were—but it covers a range of costs. However, it is not clear whether such an estimate would cover all the implications of reducing the number of MPs, which would include fewer calls on the Library and the Refreshment Department, lower Select Committee expenses and so on.

Based on the House of Commons Commission's estimate, reducing the number of MPs from 659 to about 500 would result in savings of about £40 million per annum. That may sound a lot of money to the public, but in the overall scheme of things it is a relatively small amount. Nevertheless, although it is a small part of overall public expenditure, it is still important and it would better spent on other public services. If we Members of Parliament were to ask our constituents whether they would prefer improved health services and more police on the beat, or an unfeasibly large number of MPs, we would not need to wait for an answer.

The practical implications of reducing the number of MPs need to be studied. I am not sure whether the House would able to scrutinise everything. Indeed, the Government might welcome the idea of fewer MPs, as they would ask fewer questions. However, the Executive would be no less held to account if the number of MPs was significantly reduced, and the opportunities for each Member of Parliament to engage in the high-profile debates on the Floor of the House would be improved.

I represent a rather complex constituency. It has four local authorities, with a single unitary authority—the Isles of Scilly—which makes unique demands, different

[Andrew George]

from those of the mainland. From my experience, it seems that MPs would find it impossible to cope with the work load, and the possible implications of a further increase in the office costs allowance to take account of the need to deal with a larger case load might counterbalance the savings that I have mentioned. In practice, however, the situation would not be unworkable.

While we are concentrating on the implications, I have to say that I am not sure that the collective wisdom of a House with 500 Members would necessarily be much different. I am not sure at what point the marginal benefit of having extra Members contributes significantly to the collective wisdom of the House; perhaps someone should make an objective study of that. At what point would those additional Members make a significant difference? Some might think that their wisdom was sufficient and they would not want to trouble the electorate—they could manage quite happily on their own. However, some Chambers manage with 150, 200 or 300 Members. It would be interesting to compare the level of scrutiny and accountability, what gets missed and what slips through the net in different Parliaments.

While we are talking about collective wisdom, let me add that one of the reasons for having a second Chamber is that it is supposed to provide an opportunity for sober second thoughts about what comes from this House. Although the primary purpose of today's debate is to raise the issue of the composition of the House of Commons, as the Minister who is here is responsible for the policy area, and as it would fall within the title of the debate, it might be worth reflecting on the impact of any House of Lords reform. That issue appears to have been kicked into the rough, if not the long grass, by the Government. The debate so far appears to have been obsessed more with process than product—in other words, how the Members of the House get there, rather than what they do when they have got there.

When the Government wish to bring the issue back to both Houses of Parliament, it is important that they reflect on the purpose of the second House, rather than on their apparent obsession with process. If, as I have argued, the second Chamber is primarily a chamber for sober second thought, it is important that as a result of the process by which the Members get there, it does not become either a cause of logjam or a lapdog for the Executive.

My concern—although not all members of my party would necessarily agree with it—is that if we were to elect all or a majority of Members to the second Chamber, and if the second Chamber's membership did not reflect the Government of the day, it would become a cause of significant logjam. Those Members' democratic origin would also give them a great deal more spirit when it came to taking on the Executive, which would put a significant constraint on the process of government.

Conversely, if the Chamber largely reflected the political persuasion of the Government of the day through an electoral process, it would be more likely to become a lapdog for that Government than the effective constraint and source of reflective analysis that the second Chamber should, and does, provide.

Before the debate, I gave the Minister and his Department a number of questions, which I hope have helped him to frame part of his answer. Has his Department undertaken any kind of review of the composition of Parliament in recent years? Has it looked at that, or undertaken an analysis of it? In the conduct and process of the Government's commitment to devolution, has the subject been raised at all? If it has been raised and assessments have been made, what are the results? Have the Minister and his Department had the opportunity to reflect on the implications of devolution? The West Lothian question certainly prised the issue open, but the question of what justification there is for having 659 Members of Parliament must have arisen among Ministers.

If the Chancellor wants to make the efficiency savings that he says he wants to make in the public sector, he should accept that if we are going to do that to civil servants, we should turn that level of scrutiny and drive for efficiency savings towards this place, and seek to justify the number of Members. If the Minister's Department is going to reintroduce a Lords reform Bill, will he also reflect on the composition of this place, and on the need to ensure that the other place is a Chamber of sober second thought, as I argued a moment ago?

I have spoken to many Members. Some of them sponsored my ten-minute Bill last year and others did not, but they all said, "You're absolutely right," "This must be done," "That's difficult to justify," and so forth, but getting them to stand up and say that in the House of Commons is not easy. However, I still think that we need to ask ourselves difficult questions such as those that I have asked. I hope that, having had the opportunity to look into this matter and reflect on it, the Minister will ensure that in future the Government come back to the House with concrete, worked-out proposals for ensuring that the subject is reviewed as a matter of urgency.

Mr. Deputy Speaker (Sir Nicholas Winterton): Before I call the next speaker, I think that I am entitled to express from the Chair regret that more Members are not present in Westminster Hall to take part in an important debate of fundamental importance to the future of this House. The main Chamber is debating another matter of fundamental importance to the House, so I can only assume that there are more Members there; that, too, is something that could be debated, but not today. Because I have no alternative, I have to call another representative of the Liberal Democrats immediately after the one who opened our debate.

2.27 pm

Nick Harvey (North Devon) (LD): Thank you, Mr. Deputy Speaker. I echo your regrets about the small number of Members taking part in the debate and your hope that the reason for that is that they are all busily debating the electoral system, which is also a very important issue.

I congratulate my hon. Friend the Member for St. Ives (Andrew George) on raising this matter. He did so at a timely moment, and on the basis of some pertinent

and relevant factors. The impact of devolution must certainly be reviewed, and our own workings in this House should be reviewed in the light of it. Devolution is a process that has begun, but it has by no means finished. It is also right that we should look at possible reform of the second Chamber because that has a direct and profound impact on how the House of Commons works and should work.

It is right that we should in any case review our own workings and operations, for some of the reasons that my hon. Friend alluded to. Everybody else in the public service is examining efficiency, and there is no reason why we should be immune from that. Also, although it seems to have been forgotten for the time being—by the Government, at least—the recommendations of the commission chaired by the late Lord Jenkins on the electoral system for this House are gathering dust on a shelf somewhere in a Government Department.

Although I very much sympathise with the general thrust of my hon. Friend's case, I would certainly not wish to see any reduction in the number of Members of our House, unless that were accompanied by a significant change in the electoral system. Some of the grotesque distortions that the current electoral system serves up would be made worse by degree if we were to move to a smaller House of Commons but continue electing it by the first-past-the-post system—a system that, in my view, corrupts the will of the electorate.

I will start by looking at devolution. So far, we have seen a real and meaningful devolution process in Scotland, a less substantial and rather unsatisfactory measure in Wales, and, in the case of London, something so unsatisfactory as to invite questions about the point of it all.

Later this year, there are to be referendums to see whether the northern regions of England want to set up regional assemblies, whose powers, it would be fair to say, will be broadly comparable to those of the Greater London assembly. As an enthusiastic supporter of devolution in England, I find the Government's proposals for regional devolution timid. It is regrettable that the Government are not looking to devolve meaningful power or the resources that could give effect to the decisions that the exercise of such power would involve. It would not surprise me if there were a negative outcome in the referendums, as those who deplore the whole idea of devolution to the English regions combine with those who would like it to be far more meaningful and who regard the Government's proposals as such a botch-up as not to warrant active support.

Let me make it clear that I would like much more devolution in England. The British political system is horrendously over-centralised. It is perfectly ludicrous that Members of Parliament should have to raise questions about the administrative and operational details of their local hospitals in the national legislature; it is absurd that we should run the system on that basis. Ministers also have far too much responsibility for micro decision making in individual constituencies. We must go further with the process of devolution, whatever structure we put in place. We might even devolve power to the existing county councils, which would be well capable of exercising much more power, responsibility and authority.

Although my hon. Friend resisted the temptation to go into the West Lothian question, I shall not, because the issue is relevant. It is often said that the answer to the West Lothian question is devolution for the English regions, but that would not answer the question at all, unless the powers that we devolved to them were equivalent to those that we give Scotland or that we might give it in future. Unless one is serious about allowing people in the east midlands to drive on the left while those in the west midlands drive on the right, and about different regions having different criminal law, or East Anglia having different abortion law from the south-west, one must accept that some decisions will still need to be made at the England level, without the assistance—however kindly we may thank them—of our colleagues from Scotland. Some things might also be done on an England and Wales basis, but we need that England tier. It would not be practical, helpful or useful to elect a separate English Parliament, and the public would not welcome one, but there are occasions when those who are elected as Members of Parliament for English constituencies should sit in this House in English session to make decisions that apply only to England.

We also need radical reform of local government.

Mr. Deputy Speaker: Order. I have allowed the hon. Gentleman to range widely, but I would be grateful if he could associate his remarks more closely with the composition of Parliament, which is, in fact, the subject of the debate.

Nick Harvey: Thank you, Mr. Deputy Speaker. You have, indeed, allowed me to range widely.

Unless we are inviting the public and the public purse to pay out for more and more political representation, we need to accept that, as we diffuse and disperse power to other places—in local government, regional government, Scotland or Wales—and more people are elected to exercise it, there is a powerful case for reducing the number of Members of Parliament in line with that dispersal of power. It is incumbent on us, for that reason and for reasons of the efficiency of our operations, to respond in that way.

Mr. Heald: When the hon. Gentleman started, he said that he was against reducing the number of Members of Parliament. Now he has said that he thinks that there is a strong case for doing it. If we were to give away powers to regions as he suggests—of course, the Liberals would like to do that in Europe, too—might we not just as well rename this Parliament the UK county council?

Nick Harvey: The hon. Gentleman clearly misheard me. At no stage have I said that I was against reducing the number of Members of this House. I am emphatically in favour of doing so, and that is the entire burden of my remarks. For Parliament to resemble in any way a county council, we would have to be stripped of a great deal more power than would go as a result of my suggestions.

We are, as my hon. Friend the Member for St. Ives has described, one of the largest legislatures in the world. Although there have been some welcome modernisations of our proceedings in recent years, there

[Nick Harvey]

are far too many of us, and, as a result of that, opportunities for individual MPs to ask Ministers questions or to take part in parliamentary debates are reduced.

It would serve our constituents much better if their Member of Parliament represented a somewhat bigger seat but had more opportunities to raise issues of significance to that seat or area. If we represented larger seats and if the best part of 500 Back Benchers were not competing for opportunities to raise points, our constituents would get a better service.

It is hard to think of anywhere with a larger legislature than this one. I know that the European Parliament has just grown larger than we are. It remains to be seen how efficiently that will operate. The only other example that I am aware of was one of the former Soviet republics, which had just over 700 members in its second chamber. However, it was hardly an advertisement for democracy. Some might say the same of the European Parliament, but to pursue that would be to stray from my brief.

My hon. Friend outlined the situation in various other countries, and pointed out that elected representatives in other countries represent more people than MPs here. It is interesting that the US House of Representatives has only 435 members representing a population four times the size of the population of the UK. Their Senate, of course, has only 100 members.

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. David Lammy): Does the hon. Gentleman accept that the United States has a federal system and has a much more proximate degree of local and state-based government than this country?

Nick Harvey: I entirely recognise that; it was the purpose of what I have said this afternoon about wanting the UK to develop a comparable system, with far more power exercised nearer to home. That would be a justification for electing fewer Members to this House. Modern technology also lends itself to helping a representative to cover a larger area and a bigger population.

We also need to ask ourselves questions about the role of an MP. I have talked to Scottish colleagues about how having an elected Member of the Scottish Parliament representing the same constituency and being responsible for making representations to Scottish Departments has affected their work load. If there were meaningful devolution to English regions or counties, English Members would experience the same impact. I also have great sympathy with a colleague who once said, after having been in the House for a couple of years, that if he had wanted to be a social worker, he would have gone into social work.

We could do worse than look at the system that operates in some Scandinavian countries, where each parliamentary constituency has, in addition to an elected member of the national legislature, a multi-purpose ombudsman. An individual with an administrative problem, such as not getting their pension through efficiently, takes it to the ombudsman. If someone has a problem in principle—perhaps they do not think that the state pension is large enough—they take it to the elected Member of Parliament. I do not necessarily advocate that system, but examining it would be a worthwhile exercise.

On how our workings might be made more efficient, Government Whips might like to reflect on whether their lives might be made easier if slightly fewer of the more than 400 Labour Members of Parliament needed occupying all the time. I remember when Francis Pym, who was Chief Government Whip during the 1983 election, expressed the hope, rather foolishly perhaps, that the Government's majority would not be too large. He discovered after the election that he was no longer a member of that Government. Having more than 400 Members from one party is, frankly, rather ridiculous.

My hon. Friend also rightly touched on the role of the second Chamber. We cannot arrive at a rational view about what the composition of the first Chamber should be without considering the function and composition of the second Chamber. The Government seem completely to have lost their way on that. In 1997, they were committed to serious and fundamental reform of the Lords. They swept out all but 92 of the hereditary peers, but thereafter became lost and confused. We are now invited to settle for a largely—probably even an exclusively—nominated House of Lords, a system that carries through neither the spirit nor the letter of the commitments that the Government made when they were originally elected.

I do not believe that there is any great validity to a nominated House and I probably disagree with my hon. Friend, who said that members of the party might do so. It is debatable whether people who enter the House of Lords on the basis of the useful service rendered have any more validity that those who are several generations down from people who once did so—one could even argue that the intervention of two or three generations made such people more legitimate.

We must ask ourselves what the second Chamber is for. As my hon. Friend said, its purpose is to revise, occasionally to press the brake pedal and to provide checks and balances. The second Chamber should not be able to initiate legislation—it is precisely the power to do so that has allowed the Senate to get the upper hand in the US—nor should it have Ministers in it. If people in the second Chamber are jockeying for position, we will end up with the sort of pork-barrel politics that the public complain the whole system is bedevilled with. Ministers from the House of Commons could, quite sensibly, go to a slimmed-down and modernised second Chamber to answer questions.

The numbers in the second Chamber should also be small. I had sympathy with the proposal that election to a second Chamber should be for a relatively long term, but that it should not be renewable. We should elect Members for, say, 10 years, perhaps half of them at a time every five years, and they should not be able to seek re-election. That would give us a second Chamber with a detached, robust and independent perspective and members who were not jockeying for position. If we did not want them to be too powerful, we need not give them too many powers. They could have just enough carefully codified powers to enable them to fulfil the brief of revising, pausing and, as my hon. Friend suggested, adding a little wisdom and providing a useful check and balance. Electing half of them every five years at the

same time as slimming down the House of Commons might provide a useful escape route for some of those who were squeezed out at the outset.

Andrew George: I do not disagree with my hon. Friend's comments about the shape of the second Chamber. However, I caution him against attaching too many conditions to the revision of the composition of the primary Chamber. He has already made the condition that there should be proportional representation and that the House of Lords should be inextricably linked to the revision. Does he accept that if he adds too much to this shopping bag, he would risk losing the support that we require?

Nick Harvey: My hon. Friend is right, and I do not seek to build a series of conditions. The only one that I would stipulate would be a change in the electoral system. I am describing the comprehensive constitutional settlement that I would like.

The last matter that has to be analysed is the electoral system, which is being discussed elsewhere. There is on the shelf an official report by an official Government-appointed commission, recommending a change to the electoral system for this House, and making a proposal about what the new system should be. I strongly support the recommendation of a system called AV-plus, with a top-up component—*[Interruption.]* I hear the hon. Member for North-East Hertfordshire (Mr. Heald) guffawing, but this is not a distant relative of the systems that have been introduced in Scotland, Wales and London.

Mr. Heald: Would the hon. Gentleman care to say a word or two about the d'Hondt principle, while he is on the subject?

Nick Harvey: I shall resist saying anything about the d'Hondt principle, as it is a method used only for dividing on regional list PR systems, which I do not support. We should do away with d'Hondt and its alternatives as a red herring.

The system proposed by the Jenkins commission is a close relative of those used in Scotland, Wales and London. It suggests that the top-up element should be between a sixth and a third of the House of Commons. At a sixth, it would not do a great deal of good in terms of proportionality, but at a third, it could. If we were to have a House of Commons with about 300 Members elected to single-member constituencies and about 150 as a top-up, providing a total of about 450, that would serve our democracy well, and would provide an efficient size of House of Commons, which would work better than the current one. That would be an extremely valuable step forward, although at the outset as many as 200 Members of this House would be squeezed out. At any election some would be retiring anyway, but if others were squeezed out, the concurrent reform of the second Chamber might form a useful parachute for them—I mention that only in parenthesis.

Devolution is not going far or fast enough, but it is happening and it is real. As power is devolved and dispersed, the case for there being quite as many of us as there are at the moment becomes weaker. In any case, a smaller House of Commons would be more efficient. MPs would be more effective, because a smaller House would enable us to conduct our business more briskly and in a more businesslike way. We await further Government proposals about the reform of the second Chamber, which is very necessary. The second Chamber is completely ridiculous at the moment, and the Government's proposals for it will not be tenable into the future. Moreover, a slimmed-down, modernised and more efficient second Chamber would work very well alongside a slimmed-down and more efficient House of Commons.

To return to the point made by my hon. Friend the Member for St. Ives, however, I would apply one condition: we should not reduce the size of the House without fundamental change to the electoral system. If we move from 659 MPs to 500, which my hon. Friend suggested, or to 450, which I suggest, and continue with the first-past-the-post system, the anomalies and statistical corruptions of that system will become even worse. I therefore very much hope that the Government, who have responsibility for devolution, electoral reform and advancing proposals for the second Chamber, will take all those points on board, and that they will continue to make the progress towards constitutional settlement with which they vigorously began their period in office, but on which they seem to have lost their way of late.

2.52 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): I agree with the previous speakers that it is a bit of a poser that, in 1832, we had 658 Members of Parliament to cover the whole of the United Kingdom, which at that time included Ireland, at a time when we directly governed a third of the world, and we now have 659 MPs at a time when we have lost a good deal of that geographical area as well as particular areas of power: we have lost the empire and we are losing powers to the European Union and the regional assemblies. If the hon. Member for North Devon (Nick Harvey) had his way, we would also lose powers to the county councils.

There is undoubtedly an argument that one should look at the divisor, or the electoral quota, and see whether reform of the number of MPs is required. The calls for reform started, I believe, with Robert Rhodes James in 1986, and continued with Sir Peter Emery in 1991, Robert Blackburn, the academic, Spencer Batiste in February 1995, and my hon. Friend the Member for South-West Hertfordshire (Mr. Page) in January 1998. A striking feature of Governments, including the current one, is that they do not seem to have much appetite for this subject. I would be interested to hear whether the Minister will undertake to review the divisor, or the electoral quota, and the rest.

It is odd that the review rules, which were made in 1986, state:

"The number of constituencies in Great Britain shall not be substantially greater . . . than 613",

and add:

"The number of constituencies in Northern Ireland shall not be greater than 18",

which makes 631. Since then, however, Parliament has somehow managed to grow to 659 constituencies. It is, of course, right that some constituencies, such as Isle of

[Mr. Oliver Heald]

Wight, have as many as 100,000 electors. There is a case for considering whether an element of saving can be made by having a smaller number of MPs.

I must make one or two points about how Parliament works. The fact that the Government have a massive majority—there are more than 400 Labour MPs—has affected how we do our business. For example, the Government can boldly say that the House will have only one day to debate important matters such as Iraq even though as many as half of our number want to speak. Indeed, that is what happened; I asked for two days and we were given one. As a result, many Members had no say. The problem is particularly acute for Labour Members because there are so many of them. The same happened with tuition fees; I asked for two days of debate and we were given one. Again, numerous Labour Members were unable to speak. Debates on foundation hospitals and trial by jury saw the same thing happen. When it came to the local government settlement, which used to be an occasion in the parliamentary year, not one Back Bencher was able to speak in the debate despite the fact that I had asked for more time.

We have ended up with an arrogant, manipulative Government with a large majority who are able to do pretty well what they want. The troops meekly go through the Lobbies as required. It is wrong. Not only has Parliament lost a lot of its power to Europe, the other Parliaments and regional assemblies, but the Government are actively manipulating the procedures of the House so that important subjects are not given the necessary debating time.

The sort of matters that we are debating in the House over the next two or three weeks are very light. Members sometimes look at the business that the Government have offered for debate and simply go home. The truth is that we have lost something like three days because the anodyne topics served up by the Government were not what the public wanted.

Mr. Deputy Speaker: Order. I have to be even-handed. In a modest and courteous way, I reprimanded the hon. Member for North Devon (Nick Harvey) for straying from the subject. The Opposition spokesman is doing likewise. I suggest that he relates his remarks directly to the composition of Parliament.

Mr. Heald: I am grateful to you, Mr. Deputy Speaker, because I was about to say that we do not get many Members of Parliament in the Chamber these days. That is because, as I said, the Government are manipulating the business of the House. The interesting subjects that people want to debate do not get enough time, and the subjects served up for debate do not seem to interest MPs. However, it may be necessary to consider whether we have too many MPs, or at least to review the number.

The hon. Member for North Devon suggested that we move to AV-plus as a way to reduce the number of MPs. He also suggested that we should have an MP plus an ombudsman for each constituency, which would double the numbers.

Nick Harvey: I said that that idea was worth examining. It is operated in Scandinavian countries and is worth thinking about. I was not advocating it as a party policy or personally.

Mr. Heald: The only thing that I would say is that when we are on the doorstep we never hear people asking for a few more politicians. The idea of doubling the numbers by having an MP and an ombudsman is mistaken, bearing in mind the regional assemblies and all the other institutions. It would be difficult to find good people to go into politics because there would be too many jobs. I wonder whether the public think that a sensible way forward; I suggest that they do not.

The hon. Gentleman says that the regional assemblies will not have much power. Notably, we have not seen the Bill that would set up the regional assemblies. On the European constitution, we are told, "You have to pore over this document for months on end before you can have a referendum," but we do not even have to debate the regional assemblies before there is a referendum.

Before I go too far on that tack, if regional assemblies are being set up and they do not have much power, is not it legitimate to ask for the money to be spent instead on another 1,000 police officers in each region? Is it really necessary to have regional representation in Hertfordshire, for example, where I am based, and the eastern region? People ask what is the point of that. There is not much point. People think of themselves as either being from the UK, as being British or English, or as coming from Hertfordshire, but I do not know anybody who thinks of themselves as an easterner, or an "eastern regioner". I do not see what having regional assemblies is going to achieve.

Nick Harvey: In that case, what does the hon. Gentleman think to my alternative suggestion of devolving more power and resources to the county councils as an alternative to creating the regional assemblies?

Mr. Heald: I am very keen on the county councils, but having said that, this is an important sovereign Parliament. There are jobs to be done, and it is wrong that we are constantly trying to give them to somebody else. The public have the idea that MPs count for something and do something useful, at least in their own locality. Once all the responsibilities are removed and given to the county councils, to Europe, and to a Parliament or an assembly here or there, the work of the House will have narrowed to the point where an MP becomes somebody of little use. At that point, the public will be entitled to ask not whether we need 659 MPs, but whether we need any at all.

People do not want that. They want this Parliament to be a powerful and important place where things are decided and dealt with. Certainly, they want a more powerful and important place than the body that the hon. Gentleman described. Rather than reducing the numbers of MPs, we ought to ensure that we retain power here, not give too much away and, if possible, repatriate some of the power that we have already lost to Europe.

This has been an engaging debate. When I came into the Chamber I did not have much idea about what the hon. Member for St. Ives would propose, but I congratulate him on securing the debate and giving us an opportunity to consider the composition of the House of Commons.

Mr. Deputy Speaker: We now await the Minister's response with trepidation and interest.

3.3 pm

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. David Lammy): I congratulate the hon. Member for St. Ives (Andrew George) on securing this debate and on the manner in which he presented his arguments on an important subject. I also congratulate the hon. Members for North Devon (Nick Harvey) and for North-East Hertfordshire (Mr. Heald) on taking part in the discussion and assisting us with the arguments in different directions. We are preoccupied with the composition of Parliament, but the purpose of our national Parliament is central to any discussion. We have heard comments on a range of issues, but I shall try to deal specifically with the points that the hon. Member for St. Ives so clearly set out.

The hon. Gentleman was concerned that the Government were not giving enough thought to the question of the size of the House. He asked in particular what assessment the Government had made of the justification for retaining so many MPs. I know that he has studied the subject with care; indeed, he introduced a private Member's Bill on the very subject. He will therefore be aware of the importance that successive Governments have attached to ensuring that the size and shape of the House is not determined by the Government of the day. I think that the hon. Member for North-East Hertfordshire alluded to that, although the Conservative Administration chose also not to enter that domain. I suspect that that is because it is difficult to launch a fundamental review of the question without facing the accusation of gerrymandering or attempting to gain some short-term political advantage.

Every time there is a redistribution of seats, those who are badly affected express concern. I am glad that the hon. Member for St. Ives held his hand up and admitted that there had been such redistribution in the south-west of England. Those who lose badly through such changes include some whose seats disappear, and they call for this sort of discussion. However, even those whose constituencies survive and who are not affected may see that wards that traditionally supported them are disappearing, and discussion arises not just of the composition of the House but the role and nature of the boundary commissions, independence and the important relationship between an MP and his or her constituents.

The boundary commissions, of course, do not take such matters into account in making determinations. Their concern is with the overall size of the electorate, and with respecting both the other administrative boundaries and the natural links or barriers in a region. That process, although disruptive and sometimes difficult, engages the minds of MPs in an area where such questions are being determined. I should point out, however, that the UK electorate are not over-burdened with representatives.

International comparison shows that the UK has relatively few tiers of government, even with devolution. When hon. Members list countries with the numbers of electorate per MP, two factors should be borne in mind: one is that the figures are based on the electoral roll. In all constituencies there are many people not on the electoral roll. It is for other nations to determine what qualifies people to be on the electoral roll, and how good their systems are in that respect.

The second factor is that tiers of government should be considered. Some of the countries that the hon. Gentleman mentioned have a federal system, and others have different layers of local government. Some elect to virtually every office. Indeed, some elect their judges. There is a range of different approaches, but that has not been the general state of affairs in this country.

Andrew George: That evidence raises two questions—first, what are the Government doing to ensure that all those who are entitled to be on the electoral register are included on it, if he is implying that the Government are failing in that aim? Secondly, in making the connection between federal states and large population representation by Members of Parliaments, is the Minister acknowledging that as the Government progress further towards devolution of power, the argument for fewer MPs grows stronger? Perhaps the Government should begin to review that question now.

Mr. Lammy: If the hon. Gentleman had let me, I would have gone on to explain that many hon. Members of all parties would then have a powerful discussion about the unique relationship between a constituency MP and his constituents. Give or take a few hundred people, our constituency quota is about 70,000. That relationship is zealously guarded across all sections of the House. There is the nature of our advice surgeries; throughout the country on a Friday evening or a Saturday morning, MPs sit in their constituency offices meeting and engaging with their constituents in a way that is envied around the world.

Mr. Heald: In 1983, the Labour party argued in the famous Foot case that the electoral quota of 70,000 that the Minister referred to should take precedence over county, borough and even geographical boundaries, and that equality in the size of constituencies should be the main feature of the distribution of seats. That would have the effect of limiting the rise in numbers of seats. Are this Labour Government still in favour of that? If so, do they have any plans to change the rules?

Mr. Lammy: A cursory look in "Dod's" will reveal to the hon. Gentleman that I was 11 in 1983 so I cannot speak for what the Labour party was proposing then. However, I can speak for what the Labour Government are proposing now.

What I have to say is of relevance to a question that the hon. Member for St. Ives raised and to my second point on tiers of Government. *[Interruption.]* The hon.

[Mr. Lammy]

Gentleman is asking me from a sedentary position to give way, but I have not finished what I have to say on this matter.

It is because of the absence of the many layers of government that exist in the federal and state-based systems of other countries that there is that unique relationship between our MPs and their constituents. That quota of about 70,000 means that there is a proximate and powerful relationship between the MP and his constituents in this country, which is unique. In discussions on this subject, Governments must be mindful of that.

Andrew George: If that figure of approximately 70,000 is passionately regarded by constituents and MPs and if it results in a rather magical and very special relationship between MPs in this country and their electors, is the Minister therefore arguing with regard to, for example, the Member for Orkney and Shetland with only 25,000 or 30,000 electors and the MP for the Isle of Wight, that one is very underworked and the other is impossibly overworked and is incapable of making a strong bond with his constituents?

Mr. Lammy: The hon. Gentleman makes a good point. I think that it was the hon. Member for North-East Hertfordshire who referred to schedule 2 to the Parliamentary Constituencies Act 1986. It is in that that there is the rule that

"The number of constituencies in Great Britain shall not be substantially greater or less than 613"

and where the quota of about 70,000 was established. It is important to concentrate on the words "greater or less than". That has meant that in subsequent reviews—and we are now on the fifth review—there has been a ratcheting up of that number.

In rule 5, the strict application of those rules are subject to disparity in the electorate in any particular constituency and a number of other factors. Therefore, there are areas of the country that are sparsely populated where there is one MP with a smaller number of constituents, and some London constituencies have been subject to keeping to borough boundaries. There are differences across the piece, and those are the determinations that the boundary commissions have to make and which the Electoral Commission will have to make.

Another important aspect of the speech of the hon. Member for St. Ives was the impact of devolution and regional government. The change to the number of Scottish Members that will result from applying the same electoral quota in Scotland as in England is a sign that the Government do not shrink from action where they believe it to be justified. Clearly, the circumstances in Scotland were different, particularly in that, for historical reasons, it had a much higher density of MPs than England. The justification for that higher degree of representation lapsed with the ending of the need to pass distinctively Scottish legislation at Westminster.

With that exception, I do not think that a reduction in the number of MPs at Westminster is or should be a product of devolution, because MPs representing constituencies in Scotland, Wales and Northern Ireland have a responsibility to their constituents regarding devolved matters. It is not clear—I say this as a Member for a London constituency—whether there is some overlap between constituency MPs and assembly members in areas in which responsibility is devolved, particularly when those responsibilities are strategic, as would be the case with any regional assembly.

For example, in a default assembly, there may be certain determinations in relation to policing numbers. That issue is of national importance to Parliament, but it may well have local or regional implications with which assembly members would want to wrestle and engage—that is certainly the case in London. There may also be planning or strategic transport decisions that impact on both those bodies. Therefore, it is not clear whether case loads will decrease. In that regard, in the words of the Carpenters' song: "We've only just begun" this journey. At this stage, it is clear that there is an important role for Members of Parliament and regional assembly members.

Mr. Heald: I am surprised that the Minister has heard of the Carpenters, given his youthful nature.

The effect of giving precedence to county and borough boundaries is that the number of constituencies will continue to rise; that has been the effect since 1983, when, I think, the Carpenters were around. Do the Government have any plans to review that or to see whether there is a way to limit the rise in the number of constituencies, or are they happy to see it go up to 680 or 700?

Mr. Lammy: All boundary commissions are currently undertaking their fifth review, so it would be inappropriate to launch into an inquiry of that nature in the midst of that. For the reasons that I have outlined, the Government's instinct is to let well alone, but it is important that we revisit those issues from time to time. Of course, it is important that the independent Electoral Commission is well able to comment or report on such issues should it see fit to do so.

The hon. Member for St. Ives argued that we should take a more strategic view of the role of MPs in Parliament. I know that he is a fervent advocate of regional government, although not necessarily in the economic regions into which England is currently divided, and he has made clear his belief in the Cornish people. We are all grateful for the passion with which he has brought the debate to this House.

The Government agree that there is scope for a regional strategic assembly for the south-west region, should it wish it. However, we do not agree that that would have the sort of impact on the role of the MP or of the Westminster Parliament that would lead to a case for reducing MPs' numbers, any more than devolution does.

Andrew George: I am grateful to the Minister for recognising my strong arguments for a Cornish assembly. I confidently predict that the south-west region will never get off the ground because there is, unfortunately, no passion or demand for it, although we continue to favour devolution. However, crucially, the Minister said earlier that the Government would avoid taking a leading role in opening this can of worms for

fear that they would be accused of gerrymandering. Can he at least allow Parliament the time and the framework in which to raise the issue and to resolve it, even if the Government are not prepared to take a lead?

Mr. Lammy: I think that Parliament is, in this debate, giving time to the subject. What I said was that there are difficult issues. I do not hear MPs clamouring for us substantially to reduce our numbers, but it would be wrong for the Government to launch into such an inquiry while four boundary commissions are undertaking reviews. That is the context in which we are having this discussion.

Parliament and central Government will remain responsible for UK-wide matters, such as defence, foreign policy, European policy, relations with international bodies, taxation, the passing of primary and secondary legislation—the things that preoccupy us from week to week. They will also retain responsibility for areas of England-wide importance, such as the NHS and education, and will continue to be responsible for legislation, even in areas in which the regional assemblies have a considerable role to play.

In considering what the right number of MPs is, we need to examine both ends of the spectrum. How many MPs do we need to ensure that we do our jobs properly here, and how many to ensure that we do our jobs properly in our constituencies? The answers may well not be the same, so we have to balance the two sets of considerations. That is one of the issues that feeds into the work of the boundary commissions. We have, for many years, concluded that that balance is best kept with an average constituency size of about 70,000 electors. As our population has increased, that has led to an increase in the number of Members of this House. It is possible to look at the equation from the other end, and to decide that we need a certain number of Members to deliver the objectives of the House. In that case, we might end up with a slightly different number. However, if that method led to an increase in the average number of constituents, that would have to be taken into consideration. That could be the consequence of what the hon. Gentleman is suggesting.

The Government do not agree that we should simply equate a reduction in the number of MPs with efficiency, although, of course, we should always look to improve the service that we offer our constituents. I acknowledge that there are arguments for reducing the number of Members, irrespective of devolution. Fewer Members would mean more opportunities for the remainder to participate on the Floor of the House, and fewer Members who would find no place on a Select Committee, and it would probably reduce pressures on facilities and cost less than is currently the case.

On the other hand, having fewer Members would make those Members more remote from the communities that they serve, which is the point I sought to raise earlier. Personal contact would inevitably be reduced. Hon. Members could have suggested that new technologies might offset that to some extent; for example, some have suggested online surgeries. Clearly there is a role for modern technology, but in all our constituencies there are pockets of social exclusion and issues of access; certainly among the elderly those technologies could go only so far.

I accept that perceived inefficiencies in Parliament may harm the relationship between politicians and the public, but increasing the size of constituencies may make Members more remote, reducing the personal element and their value. The personal link between a Member and his constituency is a central and valued part of our political democracy. It is important that we place that at the centre of the debate. Nevertheless, there is no room for complacency. We welcome the publication of the Modernisation Committee report, "Connecting Parliament with the Public". I agree with the hon. Gentleman that it is essential that we take further steps to engage more closely with the electorate and, indeed, the future electorate.

The hon. Gentleman will know that the rules by which the boundary commissions work are set down in the Parliamentary Constituencies Act 1986. Those rules require them to start from the existing number of seats when devising the quota of constituents for each seat, so an overall reduction in numbers would require primary legislation. The present reduction in the number of Scottish MPs is possible only because Parliament has already agreed to remove the previous statutory minimum number of Scottish MPs and impose instead the same electoral quota as in England. There is no work in progress actively looking at the case for changing the rules to deliver a reduction in the number of MPs, and as all four of the boundary commissions are currently engaged in reviews, that would be wrong at this time.

I agree with the hon. Gentleman that we should approach House of Lords reform by first looking at what we want a second Chamber to do. That has been the Government's approach. It is also important to ensure that, taken together, the powers and the composition of the second Chamber enable it to fulfil its role properly. We believe in a bicameral Parliament, and in that we follow the line of most large, mature democracies. But if we are to make the most of such a bicameral Parliament, we need to find a distinctive role for the second Chamber. In some systems that is easy because of the federal nature of the state and because in the second Chamber there is a role for representing one's constituency. That is not the case in our arrangements, which means that we continually revisit those issues. The hon. Gentleman will be aware that we have said that we will revisit the issue in our manifesto as the debate continues. He will be aware also of discussions about indirect election and other matters. However, the central nature of the House of Lords is that it is a revising Chamber.

I am grateful to the hon. Gentleman for raising an important issue. It is rare that we have the opportunity to discuss why we are here in the first place and the nature of what we do. I hope that I have satisfied him in answering his questions, even if I have not been able to go as far as he would in ratcheting down the numbers of Members of Parliament.

Mr. Deputy Speaker: I am grateful to the Minister, not only for his reply but for finishing in the nick of time. We now pass on to the next debate, initiated by the hon. Member for Brent, East (Sarah Teather), who is making her second appearance today in Westminster Hall.

Education (Brent)

3.30 pm

Sarah Teather (Brent, East) (LD): It is a great pleasure to have been able to secure this debate about education in Brent and to have the opportunity to bring to the Minister's attention a number of issues, particularly about funding. My constituents, local schools and the council—it is Labour-controlled, but we have been working together—have raised the issues with me.

Those who know my constituency will be aware that Brent is a highly diverse borough, but also an area of great need. Brent, East borders Camden to the east and Westminster to the south. It stretches north-west up to Neasden, taking in Kilburn, Queen's Park, Willesden Green and Dollis Hill en route. Most of my constituency lies within the tube's most central zones—1 and 2.

The Audit Commission has said that Brent is an area of significant deprivation. It is the 13th most deprived London borough. Unemployment in Brent, East stands at about 6.9 per cent., a third higher than the average figure for the UK. Deprivation is particularly apparent in the south of my constituency in Carlton Vale, the area that borders Westminster.

The picture is similar in the schools. A recent report by the Audit Commission and Ofsted on Brent local education authority said that

"Brent is an outer London borough but faces many of the same challenges as those in inner London with high levels of deprivation in five wards in the south".

Brent's schools have many inner-London characteristics. For example, 31 per cent. of pupils in my constituency are eligible for free school meals, compared with an inner-London average of 39 per cent., an outer-London average of 19 per cent. and a UK average of about 17 per cent.

Brent is one of two boroughs in which whites are a minority. Its schools are even more diverse: 72 per cent. of pupils in Brent's schools are from ethnic minorities, and around 130 languages are spoken in those schools—an extraordinary figure. English is an additional language for more than half of all pupils. Pupil mobility is high and is growing. That diversity and pupil mobility are partly due to the large number of refugees in the borough; there are about 17,000 refugees and asylum seekers, some 7 per cent. of the overall population. Children of refugees and asylum seekers make up 8.3 per cent. of children in Brent's schools.

There are 27 schools in my constituency: 24 primary schools and three secondary schools. Of the constituency's primary schools, 12 are voluntary aided, 11 are community schools and one is a foundation school. In addition, the borough supports five special schools, four nursery schools and two pupil referral units. Between the two most recent Audit Commission and Ofsted reports in 1998 and 2003, Brent's primary schools steadily improved, as did the progress of vulnerable pupils. The borough's secondary schools were praised in the last report for highly satisfactory progress. The report noted, however, that most of the poor performance issues stemmed from underfunding of education, and I want to turn to that.

Despite the inner-London characteristics that I have highlighted, Brent, along with five other London boroughs—Ealing, Merton, Newham, Haringey and Waltham Forest—has a legal obligation to pay inner-London weighting. However, that obligation is not recognised in the funding that the borough receives from central Government through the formula spending share, which assumes that it is an outer-London borough. The obligation appears to stem from the pay board review of 1974 and subsequent legislation, but is now defined in the teachers' pay and conditions requirements of the Department for Education and Skills.

Brent LEA has estimated that it costs around £3.5 million a year to pay the extra London weighting to its staff. Brent's contention, and that of the other five affected boroughs, is that they are penalised by having to pay the inner-London weighting because they do not get the compensatory funding via the FSS from central Government, unlike the other inner-London authorities. The argument is that the imbalance should be remedied by a specific grant to the six boroughs concerned, which would be much simpler than trying to tinker with the highly complex funding formula.

The Minister may argue that those councils receive more than the difference between inner-London and outer-London weighting through other money from the grant system, taking into account their outer-London status. However, he will be aware that the inner-London element of the FSS takes into account factors other than pay or inner-London weighting, such as the need to pay extra to retain teachers by moving them more quickly up the pay spine. Whatever the solution, the situation is clearly an injustice. Will the Minister please consider this or another proposal to resolve the funding shortfall in Brent?

What are the implications of that shortfall for schools? As a result of the budgetary pressures, Brent LEA spends a much higher percentage of its school budget on pay—85 to 90 per cent., compared with an average of about 70 per cent. for other LEAs. That is highly significant. High wage costs result in reduced funding for other areas; that is common sense. Brent cannot provide the teaching assistants that it feels it needs; it cannot refurbish buildings; and it has a higher proportion of schools in budget deficit than the rest of London. Some 12 Brent primary schools, about 20 per cent. of the borough's total, are in deficit, compared with 12 per cent. in Greater London. Five Brent secondary schools are in deficit, 37 per cent. of the total, compared with 24 per cent. in Greater London.

Refurbishment is a particular concern for such schools. The executive summary of the Government's consultation document, "Building Schools for the Future", stated:

"School buildings are important to pupils' education."

The research showed a clear link between capital investment and school standards. In practical terms, the budgetary pressure has prevented the council from taking action to replace the portakabins in the John Kelly secondary schools. Brent has a poor stock of school buildings; the lack of available cash for maintenance means that many have a large backlog of minor repairs that may well be more expensive to fix now than if they had been dealt with sooner. Brent is desperate to be part of the second wave of "Building Schools for the Future", which is due to be announced in the autumn. At the moment, some schools are

forgoing expenditure in the hope—indeed the expectation—that BSF funding will be made available soon.

The budgetary pressure has other implications for Brent schools. Although most special educational needs support comes from the non-delegated part of the schools budget, the growth of some of the more innovative and exciting schemes is being hampered by pressures on the delegated portion. For example, the council is keen to provide extra, preventive, support for pupils with special needs through behaviour support teams in mainstream schools. Such work is highly inclusive and works with children ahead of their being statemented; they may never be statemented, but they need that extra support. I am sure that the Minister would agree that that is vital work.

The Minister may argue that Brent council is not spending the expected spending share allocation on education, although it has passported 100 per cent. of the FSS increase in the past two years. That underspend is largely due to a large historic debt burden, owing to decisions made by the council when it was under Conservative administration. It made decisions to lay off many staff and pay for early retirement, and the heavy costs of paying pensions continue to be a problem for the council.

The Minister will know that a council can find it difficult to get out of the trap of underspending in a particular area, because of the various checks and balances that tie its hands. For example, Brent's revenue support grant is, in effect, capped by a ceiling on the percentage increase in the FSS. If the council attempted to raise more revenue to meet that or any other shortfall, it would have to resort to local revenue-raising powers. However, the gearing effect in local government funding means that that would require a substantial increase in council tax, and councils were warned that if they increased their council tax too much, they would be capped. So the council finds itself in a Catch-22 situation. In January, extra funding was announced for local authorities, and Brent received a relatively generous £4.2 million from a total of £340 million. However, those extra funds were intended to ease budgetary pressures on environmental and social services. It would be disingenuous to imply that such funds would solve the problem in education.

In addition to the problem of inner and outer-London weighting, Brent suffers as a council because of the ceiling on possible increases in Government funding. The council estimates that that cost it about £1.3 million this year.

A similar funding dichotomy affects Brent's further education sector. The Learning and Skills Council is implementing revised area uplift costs in further education and reducing the number of London areas from three to two. Brent is the only borough not to have moved from the old London area B to area A. Its uplift therefore remains at only 12 per cent., compared with 20 per cent. for those in area A. That affects sixth-form colleges, but it particularly affects the College of North West London in my constituency. As the Minister will know, the college is already at a disadvantage because the LSC agreed in evidence to the Education and Skills Committee that further education colleges are under-represented in funding compared with sixth-form colleges. That college has a high proportion of students who are asylum seekers or refugees, and it suffers particular disadvantage. On Friday, it heard that it would have to cut 220 full-time students in 2004–05, which is equivalent to about 1,000 part-time students. There is no additional funding for any college covered by the London West LSC, even though it knows that it is one of only four LSC areas to have exceeded its overall targets.

The schools whose sixth forms are funded by the LSC to the tune of about £15 million have also lost out because of the lack of uplift. That translates to an annual cost of about £800,000. Hon. Members may not think that that is very much, but it probably equates to about two teachers for each of the 13 sixth-form colleges in the borough and is highly significant.

I want to make a final point about the implication of funding pressures in Brent for the provision of voluntary aided status to two faith schools in my constituency: the independent Jewish Menorah high school for girls and The Avenue independent Islamic school. Following provisional agreement of VA status for those two schools, Brent council obtained permission from the DfES to include their pupils in the borough's pupil level annual schools census return for 2004. That is important, because it means that the schools' pupil numbers will be included in the Government's calculation of Brent's RSG for 2005–06. However, as annual increases in funding cannot rise above the Government's ceiling, granting either or both schools VA status would mean that Brent might not obtain any additional funding for the schools in 2005–06. The council has argued that the simplest solution to that problem would be to amend the 2004–05 education formula spending share baseline by the amount that those extra pupils would have attracted in that year. The additional grant would not then be treated as a pure gain for Brent and hence would not be subject to the ceiling or scaling factor.

The transfer of independent faith schools to VA status is very much in line with the Department's policy of encouraging as wide a spectrum of educational provision as possible in the maintained sector. Indeed, it has agreed capital funding of about £8.5 million for those two schools, and that will be at risk if the council cannot support the applications. I have written separately to the Minister for School Standards asking for a meeting about that, but I hope that the Minister who is present will be able to respond to those points.

In conclusion, I thank the Chamber for providing me with the opportunity to raise the important issues of education and funding in Brent. I ask the Minister to take action to address the shortfall of funding and its impact on students in my constituency. I accept that in all arbitrary funding calculations there are winners and losers. However, I am sure that he agrees that in an area of such considerable deprivation as Brent, East it should be a priority to remedy such an injustice.

3.43 pm

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Ivan Lewis): It is a privilege to appear before you in Westminster Hall, Mr. Deputy Speaker. It has become a regular occurrence in the past few months. I congratulate the hon. Lady on speaking in her second Adjournment debate today. Her

[Mr. Ivan Lewis]

productivity is to be commended. This is an important issue, and I acknowledge at the outset that there are legitimate, important matters that need addressing. I will attempt to do that in my response to her contribution.

I must first make some general points. She will forgive me for making political points; this is a political environment. Her contribution was slightly misleading. For example, advocating faith schools and their expansion is not a policy that her hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) has shared. This Government have proudly advocated that since they were elected in 1997, and they have expounded the importance of newly created faith schools and of giving existing ones the opportunity to come into the state sector from the private sector. In fact, the Liberal Democrat party has been hostile to the concept of expanding the number of faith schools in the maintained sector. I must say to the hon. Lady that that is another example of the Liberal Democrats saying one thing in one community and then attempting to give an entirely different impression in another.

Sarah Teather: The Minister should be aware that the Liberal Democrats' official policy is to leave the matter up to local authorities to decide. It is at their discretion depending on local need. I personally think that faith schools can play an important role as part of the multiple provision of services in an area, but they are not the sole source of that provision.

Mr. Lewis: I would not pretend that faith schools were the sole form of providing education. They are part of a diverse education sector, in which parents have access to a range of choices that meet their needs. I remember some hostile contributions that her hon. Friend made about faith-based education and single-faith schools. Frankly, it is not good enough to say, "I personally believe", when the Government have fought for the right of the faith-based sector to expand where appropriate and when the Liberal Democrats have opposed such moves at every opportunity.

The other issue in the political context is about finite resources. The Government's level of investment in education is unprecedented, historic and sustained—I shall come to the figures for Brent, which highlight that. However, let us be absolutely clear about the spending commitments, as I understand them. The Liberal Democrats said that they would increase the 40 per cent. rate of tax to 50 per cent., which would pay for two things: the subsidy for university graduates, so they would not have to pay fees; and free care for the elderly. There would not be a penny piece more under Liberal Democrat spending plans for local government, schools or further education. We should not attempt to mislead constituents in these debates into thinking that the Liberal Democrats would make significantly more resources available for schools or further education colleges than the Government. It is disingenuous of politicians to pretend that there are infinite resources. The hon. Lady knows full well not only that the Government's record of investment is unprecedented, but that hard decisions will always have to be made.

Sarah Teather: The increase in taxation from 40 per cent. to 50 per cent. would not only pay for the two things that the Minister outlined, but enable us to lower the burden of local taxation. We would also give more freedom to local councils to raise revenue, depending on their priorities. As the Minister knows well, I am arguing about fairness for the borough, which is out of step with other areas; I am not arguing for a complete change in the formula spending share.

Mr. Lewis: I thank the hon. Lady for her clarification. I can see the "Focus" leaflets emerging which say, "We advocate higher taxation"—at local discretion, of course—"but you can significantly put everybody's local taxes up." I look forward to hearing about the Lib Dems' election results in local authority areas where they make that offer overt in their election literature. Of course, that was not the offer to the people of Brent in the by-election. Then, as I remember, people were promised that everybody would get a council tax subsidy. However, the leader of the Liberal Democrats subsequently said that that offer was only for the period of the by-election and would not be sustained on a long-term basis. We now hear the hon. Lady talk about local discretion to increase council tax to significantly higher levels.

Let us focus on the amount of the funding increases that Brent has received. In 2004–05, the increase in Brent's school formula spending share was an above average 6.8 per cent. per pupil. When the increase in its pupil numbers is taken into account, Brent's overall FSS increase was 8.1 per cent. Over the longer term, between 1997–98 and 2004–05, we estimate that Brent's total funding per pupil will have increased in real terms from £3,590 to £4,660. That is an increase of more than £1,000 per pupil. Brent received an 8 per cent increase in formula grant from the Office of the Deputy Prime Minister in 2003–04 and a 7.5 per cent. increase in 2004–05. The hon. Lady was good enough to refer to the extra £4.2 million that the local authority received—in January this year, I think. Even to suggest that resources that could be provided are not being provided is therefore slightly disingenuous.

Everyone in this place advocates making available more resources for their constituents and it is appropriate that the hon. Lady should make the case for Brent. My constituency was one of the biggest losers under the old local government finance regime. My colleagues and I fought for a fairer share of that settlement, and we were delighted that the Government reorganised the local government finance settlement. My local authority would never say publicly that it had enough money, because local authorities never do, but its share of resources is fairer. In that context, other local authorities would say that they have ended up worse off as a consequence of the change.

In any reorganisation of the local government finance system there will always be winners and losers. The question is whether the system is fair or fairer than it was prior to the changes. The current local government finance system is considerably fairer than the previous system, and I sure that it could have be even better from the point of view of some authorities.

One reason why there are ceilings is that there has to be a phasing in of the gains over a period of time—again, in terms of real economic and realpolitik. If the gains

were not phased in, the horrendous short-term consequences for local services of the "losers" would be devastating. It is about a sensible and balanced approach, and trying to create a fairer system. It is good news if Brent is at the ceiling, rather than somewhere near to the floor, because that means that there is a recognition of its needs.

On the hon. Lady's comments on "Building Schools for the Future", we are proud that the Government are rebuilding from top to bottom the secondary school stock in this country over a 10 to 15 year-period. Local authorities such as Brent that are facing genuine deprivation and challenges, which the hon. Lady outlined, as well as local education authorities and local partners that are able to demonstrate innovative and imaginative proposals, will be considered sympathetically as part of the decision-making process.

The hon. Lady was hoping that Brent would feature in the second wave of "Building Schools for the Future", and if an application is made, it will be considered. Consideration will be given to the priority of upgrading the stock in Brent in comparison with other LEAs, and to ensuring that the proposal is genuinely imaginative and innovative and would create 21st century schools. I have no reason to believe that that is not so. I will speak to my hon. Friend the Minister for School Standards about the comments that she has made about the "Building Schools for the Future" programme.

The hon. Lady commented on the area costs weightings, which are complex and technical and a source of contention. We acknowledge that there is a long-standing discrepancy, which is owing to the different origins of pay and funding systems. The pay boundaries date back to the Burnham recommendations, to which the hon. Lady referred. The area cost maps and weightings for schools are determined by the Office of the Deputy Prime Minister, and for colleges and schools by the LSC, through research into costs—most significantly into wage rates in the locality. I accept that that is difficult. The pay arrangements were first developed in the 1960s. Funding arrangements for schools in inner London were set up later on a different geography and to serve different purposes.

School funding has developed to accommodate that partially, but Brent schools remain on the outer-London funding rates. We accept that funding systems need to be updated regularly to respond to local needs, but it is difficult to keep chopping and changing on whether somebody gets an inner or outer-London salary. Local and regional pay discussions, for example, may have a future role in considering any changes, but it has to be acknowledged that that is a long-standing issue and I cannot make any commitments today that those differences will be reconciled. That is not to say that I am closing the door, and it does not mean that we will not consider the genuine case that is being made for Brent local authority and others, but I can make no firm commitment today on the changes that the hon. Lady seeks.

In relation to the post-16 sector, the hon. Lady referred to funding affecting the Learning and Skills Council. I accept that there are genuinely serious issues. There were particular problems to do with the College of North West London, to which she directly referred. The LSC has made efforts in its funding allocation to provide the College of North West London with additional funding in recognition of the particular problems that the funding system creates.

The LSC is advised on these matters by the national rates advisory group, an independent body whose members include representatives from the learning and skills sector. The group commissioned the research that informed the advice that it gave to the LSC. The LSC accepted that advice and the case for change, and started implementing some of the changes in 2003-04. The NRAG and the LSC have been willing to review those decisions. I understand that the NRAG re-examined the data for Greenwich and decided on reflection to change its recommendation. Unfortunately, it also re-examined the data for Brent and decided to stand by its original advice. The LSC has accepted those recommendations.

It would be very difficult for us to ask the Learning and Skills Council, supported by the advisory group, to consider such situations objectively and reach reasonable conclusions, only for Ministers to intervene and undermine the process. That would be inequitable and undesirable. It would therefore be inappropriate for me to intervene at this stage. However, officials from the Department for Education and Skills, the LSC and the Office of the Deputy Prime Minister recently met as part of the planning for the next review of the LSC's area costs for implementation in 2006. As part of those discussions, we will consider area costs as they affect schools, colleges and providers. As I said, I cannot give the hon. Lady the assurances that she seeks today, but I do not totally close the door on continually monitoring any funding difficulties and funding challenges to ensure that we can create the most sensible and objectively fair system.

The hon. Lady has made representations to the Minister for School Standards about the two faith schools, on which I am sure he will reflect and respond in due course. I am also sure that the hon. Lady will welcome the very generous capital allocations of millions of pounds that the Government have been prepared to make available for each of the two faith schools, thereby demonstrating their commitment to supporting those schools' becoming part of the state sector. I genuinely hope that those schools will be able to enter the state sector as soon as possible. That is consistent with this Government's policy of welcoming faith schools, although it is slightly at odds with the hon. Lady's colleague, the hon. Member for Harrogate and Knaresborough, who speaks for the Liberal Democrats on those matters.

In conclusion, I say again to the hon. Lady that it is perfectly legitimate to make representations on behalf of one's constituents and constituency for a greater share of the cake. It is equally important that the Liberal Democrats say the same things in every setting about finite resources and the fact that we must have credible economic policies, yet they offer no additional resources whatever to schools and colleges as part of their spending plans. I congratulate her on securing the debate. I take seriously some of the issues that she raised, but I am also very proud of the additional sustained investment in education from which the people of Brent have benefited as a direct consequence of having a Labour Government.

Lyons Review

3.59 pm

Mr. Brian H. Donohoe (Cunninghame, South) (Lab): It is a great privilege to be in the Chamber with you, Mr. Deputy Speaker, in the Chair. I know that you will keep me in order as the debate unfolds.

I am grateful to have the opportunity to speak about the Lyons review, having been involved for some time in making representations to various Ministers, not least in the Treasury. I shall say more about that later. The review is important to my constituents and to the whole of Ayrshire, which covers five constituencies. They would all benefit greatly from some of the elements in the review. Ayrshire is one of the most beautiful areas in the country, and it has the potential to be one of the most dynamic, which is one reason for my applying for today's debate. I want to show the advantages of the review, and its economic disadvantages.

Not only is Ayrshire a beautiful county; it contains some of the gems of society. It has two championship golf courses, Troon and Turnberry, which will be hosting the Open tournament in July. A course in my constituency known as Dundonald is a potential third course for the Open. Those courses will clearly be an attraction for civil servants. The area also has some of the best transport links: it is served by two airports, at Prestwick and at Glasgow, and in recent months we have seen fairly substantial expenditure on the uprating of the A77, the main arterial road out of Ayrshire.

The economy of Ayrshire is changing, as is the economy of most of the United Kingdom, but without doubt we are seeing a change in the number of jobs affected by tourism. Ayrshire is one of the most attractive areas, and it is attracting tourism.

I said that I would mention the Treasury. First, I thank the Financial Secretary to the Treasury, my hon. Friend the Member for Bolton, West (Ruth Kelly), for being here, and the Chief Secretary to the Treasury, my right hon. Friend the Member for Brent, South (Mr. Boateng), with whom I had a fruitful meeting on 3 December. The debate is the follow-up to that meeting. I also thank the many civil servants who have helped me with some of the statistics.

I shall take an overview of some of the statistics of Cunninghame, South and, more generally, of north Ayrshire. The latest statistics are for May 2004. Unemployment in my constituency is the fifth highest in Scotland and the 40th highest in the United Kingdom. The total number of unemployed is 2,047, or 6.6 per cent. of those eligible to work. That is made up of 1,536 males, or 8.7 per cent. of those eligible to work, and 511 females. That is a significant figure; it is one reason why I want the Minister to concentrate her mind on my request. We have analysed the unemployment figure and determined that it is always 1.5 to 2 per cent. higher than the national average. I argue forcefully, as does my local authority, that that is due to the lack of public sector jobs.

Another unwelcome statistic is that income in my constituency is among the lowest in the country. Only 10 per cent. of the population earn less than £11,340 a year; and only 10 per cent. earn more than £507 a week, which is £33,000 a year. The latest blow was the finding by the marketing company Axciom that some 15 per cent. of households in Irvine, the main town in my constituency, have a monthly household income of less than £400. That figure was based on an extensive shoppers survey.

I now turn to the Lyons review and the King Sturge report. On the basis of what I have seen, it does not recommend relocation to north Ayrshire, which I argue—and will continue to argue—is an area in greatest need. I am concerned that the idea was not looked at; there was no suggestion that King Sturge should look at it, and it is not in its report. I would argue that that is due to the fact that it was not included in the terms of reference by those who were responsible for instructing King Sturge. That is an oversight that must be corrected.

The remit given to King Sturge for its report suggested that areas—towns—must have a population of 100,000. Since that stipulation was made, quite a bit of flexibility has been shown elsewhere in the country, but none in the west of Scotland. Only six areas in Scotland have been identified, four of which are cities. Although the report is only advisory, it will have a major impact if Departments come to choose to act on it; otherwise, it could be argued, why have the study? I do not believe for one minute that Departments will look at the 102 sites considered by Sir Michael Lyons and discount them in favour of an area not recommended in this review. That is why I argue forcefully that this debate is very important.

Unemployment is one of the greatest indicators. None of the other areas have anything close to the unemployment rates that I have mentioned. The unemployment rate in Cunninghame, South is 6.6 per cent.; Aberdeen's unemployment rate is 1.6 per cent.; Edinburgh's is 2.5 per cent.; and the Financial Secretary's constituency of Bolton, West, which is one of the 100 recommended areas, has a rate of 1.6 per cent.

We cannot simply look at population size when considering these matters. I call on the Financial Secretary to ask King Sturge to commission a review in north Ayrshire and the surrounding area. North Ayrshire council has produced a report suggesting that there is a way round the issues. I do not want to add to that report, but I know that the Treasury has a copy and that the Financial Secretary has seen it.

Today, my office spoke to Dr. Angus McIntosh of King Sturge. I am informed that such reviews have taken place elsewhere for smaller towns—towns with a population of fewer than 100,000—such as Durham, and Carrick in Cornwall. However, no such reviews have been called for in Scotland. I ask that such an instruction now be given.

At 1 April, there was also a disparity in the number of public sector jobs in different parts of Scotland. There are 10,804 public sector jobs in Edinburgh and 8,823 in Glasgow, but in the whole of north Ayrshire, which has two constituencies, there are only 805 such jobs, and in my constituency there are approximately 150. We can therefore see that there is a crying need for public sector jobs, and on the basis of what I have said that need must be addressed.

We have to contend not only with a north-south divide, but with the east-west divide in Scotland, which must be looked at. It is widely accepted in north Ayrshire and elsewhere that civil service jobs have a

strong beneficial effect on the areas that they go to. North Ayrshire is generally held to be one of the most under-performing areas in the United Kingdom, and all the indicators demonstrate that. Public sector jobs would give an enormous boost to its economy. They create stability in the job market, which the north Ayrshire economy demonstrably lacks. They would bring high wages to an area in which private sector jobs have consistently paid lower wages.

Public sector jobs can also boost an area. They attract industries in a way that nothing else can, as clearly shown by indicators in the economy of north Ayrshire, such as the fact that we do not have a Marks and Spencer. They have them in the east and the south, but there is none in the north. That takes me back to the point about the shoppers survey that showed the obvious deficiencies in north Ayrshire that have to be addressed urgently.

Looking at public sector earnings, one can see that full-time employees on adult rates consistently earn more than those in the private sector. Within that category, the rates are highest in government—particularly central Government—and public corporations. That is why I have spent some six to nine months forcefully arguing about the Lyons review. Before that, I was making representations to the Department for Work and Pensions and other Departments that had indicated that jobs might be dispersed, to ask for those jobs to be sent to Ayrshire, particularly to north Ayrshire.

Given my arguments, I hope that the Financial Secretary will reassure me that north Ayrshire will be considered as part of the Lyons review. If it is not included in the top 100 locations in that review, our unemployment will continue at 1.5 to 2 per cent. above the national average. The Financial Secretary could do something about that at a stroke in her response.

In conclusion, while I understand that relocation is not an exact science, I believe that I have outlined a compelling argument that cannot and should not be ignored. I cannot see—and have not been able to find anybody who can tell me logically—why Aberdeen or Edinburgh should have been chosen to be in the top 100, when there is practically no unemployment there; one could argue that there is none at all in Aberdeen. Those cities might be attractive, but the fact that housing prices in the north-east are far higher than they are in my area is not a great consolation to somebody seeking the redeployment that will result from the transfers. I firmly believe that that should be taken into account by the Lyons review, but from what I have seen, it is not.

I hope that the Financial Secretary will agree that north Ayrshire should be considered a priority and that all my representations as well as those of my colleagues in Ayrshire will bear fruit. I hope that we can proceed in an atmosphere in which north Ayrshire prospers and, moreover, its prosperity is considered to be one of the jewels in the crown of benefits that we have accrued by having a Labour Government for the past seven years.

4.14 pm

Ruth Kelly: I am grateful for the opportunity to respond to the concerns of my hon. Friend the Member for Cunninghame, South (Mr. Donohoe) about the Lyons review, and to set out the rationale behind it. I congratulate him on securing this Adjournment debate and on championing the merits of his constituency, north Ayrshire and the rest of Scotland. I note his comments about the beauty of his constituency as well as its economic potential. I know that he has had meetings with my right hon. Friend the Chief Secretary to the Treasury and that my right hon. Friend has listened to his concerns. I also thank the hon. Gentleman for his comments on the constructiveness of the approach taken by civil servants towards his case.

In his Budget 2004 statement on 17 March, the Chancellor rightly welcomed the Lyons report, which was published two days previously and has since been generally well received across the country. The Government accept that the concentration of activities in London and the south-east has not always represented the best value for money or served the country as well as it could have done. Advances in modern telecommunications and working methods, and the ability to deliver efficient, high-quality and value-for-money public services in different and varied locations, made the Chancellor's and Deputy Prime Minister's request both timely and appropriate. It is not surprising that those technological developments and new working methods have contributed to the possibility of more widely and evenly spread public services. They now provide greater opportunities for many different parts of the UK to contribute to the efficient running of our country.

Sir Michael Lyons's report provides a sound basis for the future dispersal of public sector activity and the creation of a more rational distribution of public sector services outside London. The relocation programme will be an integral part of our overall efficiency agenda, which will be driven forward by the efficiency programme, about which I shall say more in a moment. Sir Michael's recommendations chime well with the Government's commitment to the prosperity and development of Scotland, Wales and Northern Ireland, as well as to the prosperity and development of the regions of England. Once they are implemented, they will strengthen our objective to create a modern, more responsive and regionally based public sector that is closer to the people whom it serves.

The Lyons recommendations provide us with a clear blueprint for achieving the important goals of improved public service delivery, greater efficiency and better value for money for the taxpayer. Sir Michael confirmed that 20,000 posts could be relocated to other parts of the UK as a first tranche. He estimated that more than £2 billion could be saved for the taxpayer over 15 years as a result of dispersing those posts. Those are significant prizes by any standard. We accept that it is our duty to ensure that we win them, and we will.

In his report, Sir Michael recognised that the current pattern of locations of Government business is no longer consistent with the Government's objectives for the regions or the development of regional economies. He acknowledged that London, as a capital, needs a governmental core supporting Ministers in order to set the strategic policy framework, but that the status quo is open to challenge in every other respect. The Government accept that challenge and will work to implement Sir Michael's main recommendations in taking forward our public sector relocation agenda.

[Ruth Kelly]

As the Chancellor pointed out in his Budget statement this March, the Government shall respond to those recommendations as part of the forthcoming 2004 spending review. My hon. Friend will understand that I cannot say at this stage what our response in the spending review will be to the recommendations, as the review is still being completed. Nevertheless, I will say a few words about certain aspects of the report and about what has been happening since it was published on 15 March.

We fully accept Sir Michael's main recommendation that 20,000 jobs could be relocated from London and the south-east as part of the efficiency agenda. He also made several other important recommendations, including that the Government must be prepared to make the necessary investment in relocation, that departmental headquarters should be slimmed down, and that Departments should implement relocation alongside their efforts to align pay with local conditions. Those important recommendations and themes will very much inform the Government's response to the Lyons report. Indeed, Departments are already addressing those issues as part of their efficiency programmes. In addition, with the advances made in telecommunications and more flexible working patterns, Departments are fully alert to the possibilities of locating services outside London and the south-east in order to take advantage of the often more favourable market conditions elsewhere.

Sir Michael said that there should be a strongly enforced presumption against London and the south-east for new activities such as back-office work and call centres. I assure my hon. Friend that we have already acted in that respect, in that Departments and bodies that are seeking to acquire new properties, to operate lease-backs and to sign or renew property leases in London and the south-east must now consult the Treasury on the appropriateness and cost effectiveness of staying in London in light of the potential opportunities that relocation could provide. That requirement has been in place since September. We also accept the case for a more tightly managed and co-ordinated approach to the civil estate generally, and we are actively considering how that might be achieved without unduly impairing or interfering with Departments' business needs and priorities.

Sir Michael rightly proposed that there should be continuing political and departmental leadership of the Government's relocation agenda. Their new efficiency programme will take that agenda forward under the leadership of John Oughton. It will also help to integrate relocation into the efficiency programme, assist Departments in realising their relocation plans, and ensure that they are fully co-ordinated with each other, as far as possible.

My hon. Friend raised a specific point about the role of the Treasury in promoting his constituency and Ayrshire. We maintain that it will be for Departments to choose their new locations on the basis of their business needs. The Office of the Deputy Prime Minister will provide central locational guidance to Departments and organisations that are planning relocation. The guidance will advise them on the factors that they should take into account when considering relocation.

The ODPM will also seek to ensure that Departments across Whitehall, and other public bodies, are fully up to date with the various attributes and advantages of particular locations and that they work closely with each other and with local interests where possible. Those responsible for relocating activities will no doubt read the *Hansard* report of this debate and take into account the particular attributes of my hon. Friend's constituency.

Mr. Donohoe: I cannot stress this point enough: unless the area is in the top 100, the chances of any Department of State deciding, on the basis of preference, to relocate to somewhere such as Ayrshire is lessened. That is the very nub of my argument.

Ruth Kelly: Let me turn directly to the King Sturge report on the assessment of locations, which accompanied the Lyons report recommendations. Sir Michael commissioned independent research into possible sites for relocated activity, which was carried out by the property consultants, King Sturge. As my hon. Friend pointed out, King Sturge limited its assessment to towns and cities with populations of 100,000 or more, in order to limit the size of the sample. I emphasise that that list was not intended to be exhaustive, and it certainly was not intended to be prescriptive. I assure him that Departments will be expected to consider the widest possible range of locations.

Mr. Donohoe: There have been changes since that specification was included in the consultants' terms of reference. As I understand it, the list now includes Carrick in Cornwall, whereas it did not before.

Ruth Kelly: What more can be said about departmental plans will be set out in the spending review, which will shortly be announced. Clearly, I cannot add any more about which locations will feature in the departmental spending plans, but I can say that the King Sturge list was purely illustrative, and was not intended to underlie the business cases of individual Departments.

Mr. Donohoe: Does the Minister concede that, regardless of its position, a location that is not on the list is at a disadvantage to those that are, as they can pursue work with vigour, and that there are advantages to being on the list?

Ruth Kelly: I do not accept that it is intended to be a definitive guide for Departments. However, they may subtly choose to relocate activity to areas that do not meet the 100,000 population mark that was examined in the King Sturge report, which was independent. Indeed, when he commissioned that independent research, Sir Michael Lyons had no control over what King Sturge subsequently did with its report.

Mr. Donohoe: Will the Minister concede that in the original report the towns had to have populations of 100,000 or more, and that there have been changes subsequently?

Ruth Kelly: I certainly accept that King Sturge, which was commissioned to carry out the independent

research, selected a minimum population size of 100,000. Naturally, it wanted to control the amount of work to be carried out in response to the Lyons request. However, as I hope I have made clear to my hon. Friend, that was purely to illustrate the fact that there could be locations outside London and the south-east that would be attractive to Departments. However, it is not for Departments to base their business plans on the King Sturge report; they have to make an underlying business proposal, which will inform spending review announcements. Of course it is for them to consider all possible locations. My hon. Friend makes his case eloquently, and I am sure that they will take notice of what he says in forming their plans.

The relocation of activities is firmly on the Government's efficiency agenda. As I have said, during the spending review, Departments will come forward with plans to move activities and functions out of London and the south-east. The Government support Sir Michael Lyons's recommendation that relocation should be mainstreamed as part of Departments' normal business planning, and they are considering ways to ensure that that happens. As the Lyons review made clear, central co-ordination is also important, to ensure that Departments and organisations do not operate in their own silos, but work together to the benefit of the public good.

Although at the end of the day the Departments will make the final decisions on what activities should move and where, we shall put in place mechanisms to ensure that they implement their relocation plans in a co-ordinated way that is fully consistent with their efficiency programmes and with the best outcome for the public and taxpayers.

As I have made clear to my hon. Friend, the relocation decisions are not just about England, but about Scotland. He underlines the fact that Ayrshire unemployment levels remain above those of the south-east of England, and are among the highest in the United Kingdom. Unemployment will obviously be one factor taken into account when the decisions are made.

Mr. Donohoe: Will the Minister concede that that will be the major issue? If anything is to be done to change what has been a trend for a great number of years, it would be common sense to make that a major factor in considering the reallocation of jobs. I am talking about the areas in which it has been clearly identified that unemployment is 1.5 to 2 per cent. above the national average.

Ruth Kelly: My hon. Friend makes his point extremely well. However, it would clearly be for the Office of the Deputy Prime Minister to outline the guidance that should apply, and for Departments to make a business case for moving jobs outside London and the south-east. We firmly believe that efficiency gains could accrue to Departments by relocating jobs, and clearly unemployment will be one factor that they will take into account. It will inform the business case that they make—for example, how it might affect recruitment and retention levels in the area.

My hon. Friend will understand that I cannot give any commitments in an Adjournment debate shortly before the spending review in which some of the proposals will be examined in more detail. I am sure that he will accept that in his constituency the unemployment count has fallen by about 30 per cent. since 1997. We both share the objective of making sure that that continues in future.

We are at the beginning of a major relocation programme, and Departments have been asked to consider as wide a range of destinations as possible to establish what workforce skills, accommodation and communication are available.

Mr. Deputy Speaker: Order. The Chamber congratulates the Financial Secretary on her reply and the hon. Member for Cunninghame, South on his persistence.

Question put and agreed to.

Adjourned accordingly at half-past Four o'clock.

Westminster Hall

Wednesday 23 June 2004

[MR. FRANK COOK *in the Chair*]

Licensing Act

Motion made, and Question proposed, That the sitting be now adjourned.—*[Jim Murphy.]*

9.30 am

Mr. Mark Field (Cities of London and Westminster) (Con): During the passage of the Licensing Bill in 2003 the Government were relying on a policy that might best be described as a victory for hope over experience: hope that everything will be all right on the night and the next morning, while ignoring the harsh experience that their changes to the law run the risk of everything becoming a nightmare for towns and cities up and down the nation.

Over the past week we have had to watch a shameful series of disgraceful, drunken and destructive antics on our television screens, as alcohol-fuelled aggression by English football hooligans has kept the poor Portuguese people off their own streets. Our football hooligans may be a minority, but let us face facts, unpalatable though they be: scenes of this kind are repeated in towns and city centres in England every Friday and Saturday night, making all too many of our town centres no-go zones for the law-abiding majority. Our international disgrace is really a national one.

It is naïve to the point of negligence for the Government to assume that Europeanising British drinking habits will somehow lead to a change in those habits. Where did they get that optimism? It certainly was not from talking to city centre residents, as I shall show later; it certainly was not from talking to police officers, who have not a clue how they will control 24-hour licensing in certain parts of our busy metropolis; and it certainly was not from talking to dedicated local councillors, as the Government learned only a fortnight ago when they lost control of Newcastle upon Tyne after 30 years, because of, to quote the former deputy leader of the Labour council, Don Price,

"crime, the pub culture and the over-emphasis on the city as a cheap party municipality".

Unfortunately, the British attitude to alcohol consumption rightly horrifies most civilised folk. There seems to be almost hero worship of boorishness by some parts of the media, with drunkenness and binge drinking being regarded as the acceptable face of celebrity culture.. British teenagers across all social classes congregate for long periods in pubs and bars, in sharp contrast to much of Europe and the United States, where, as the Minister will be aware, most states prohibit alcohol consumption under the age of 21. Even the Prime Minister has at last woken up to the problem: as recently as 20 May he told the alcohol industry that binge drinking was fast becoming the new British disease.

In contradiction to the Labour party spin doctors who were trying to entice younger voters before the last election, I do give a XXXX about closing times and opening hours in our pubs, clubs and bars. The commercial interests of the leading players in our alcohol and entertainment industries should not be allowed to run roughshod over the interests of long-standing, hapless city and town centre residents.

In my time on the Standing Committee considering the Licensing Bill it was clear that the all-powerful alcohol industry and its close cousins, the large-scale entertainment operators, were the driving forces behind much of the legislation. The Government might have taken the trouble to ask smaller, family-run, independent operators, who are much more vital to the local community, how they viewed the prospect of 24-hour licensing. Certainly in Soho and Covent Garden, in my constituency, the long-established, family-run restaurants and bars are being driven out by large operatives, who have no stake in the future success of the community. That lies at the heart of the problem.

The Act is not simply about libertarian values, where my sympathies would instinctively lie with deregulation. It is about ensuring that we encourage civilised behaviour and that our city centres remain pleasant, congenial places in which to live: lively, yes; energetic, yes; vibrant, yes; cosmopolitan, yes; but not a haven for loutish, uncouth, antisocial, drunken and yobbish behaviour around the clock.

In a letter to the Home Office and the Department for Culture, Media and Sport, the chairman of the Police Federation of England and Wales said:

"In our view the proposed change will not bring about the dividends envisaged ... indeed it could have the obverse effect, exacerbating existing difficulties in policing the night time economy."

There can be no clearer statement of the fallacy of hope over experience, but the Government insist on pushing on. We have to ask why.

My concern about and interest in the Licensing Act dates back almost two years to when the legislation first came to the other place. I have been inundated with communications from countless local residents groups, amenity societies and constituents with experience of what has happened in their city centres when late-night pub and club culture is allowed to dominate.

Last June, I asked the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Corby (Phil Hope), a question about antisocial behaviour and the Licensing Bill debate that took place at that time. He replied that

"we are working across Government to implement a range of programmes to tackle antisocial behaviour, so that on our streets we see new neighbourhood wardens and new community support officers who will be working hard in their areas, with local communities, doing a different job from that of the police, to tackle the kind of problem to which he referred."—[*Official Report*, 18 June 2003; Vol. 407, c. 338.]

The lack of joined-up thinking verges on madness. The Act gives the late-night alcohol industry the green light to dominate chosen local areas without facing rigorous licensing scrutiny, but it also obliges local authorities, which are often the local licensing authorities, to put support officers on the streets to help the police to control any outbreaks of antisocial behaviour.

Who honestly believes that the 24-hour free-for-all will work? At one time, the alcohol industry claimed that problems of uncontrolled and rowdy drunken

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behaviour were caused by our outdated licensing laws requiring public houses and bars to close at a set time, often before midnight. Unfortunately, the more liberal licensing in Mediterranean countries does not seem to have had a very positive effect on Britons holidaying abroad, where their all-night drunkenness is a reluctantly accepted feature of many continental resorts.

Westminster city council has fought long and hard, alongside local police, to tackle disorder on central London streets. Under its civic renewal strategy, the council has set out its approach of refusing to accept the "lesser" crimes of aggressive begging, fly posting and vandalism in order to cut at the roots of serious crime and the fear of crime, which continue to dominate many of our cities. However, much of that painstaking progress is undermined by the lack of controls on binge drinking and the opening of the floodgates to allow the alcohol and entertainment industries to prompt havoc being wreaked in our town centres.

I sense that the Home Secretary truly believes that the Anti-social Behaviour Act 2003 is the solution to any problems that arise with the Licensing Act. In response to my question of 10 May, he said that

"under the Anti-social Behaviour Act 2003, there is now the ability to close establishments immediately there is a problem."—[*Official Report*, 10 May 2004; Vol. 421, c. 16.]

Well, no city centre resident, elected councillor or police officer believes that that will work in practice. When criminal antisocial behaviour caused by drunkenness takes place on the streets in an area festooned with pubs and clubs, it is impossible to point the finger at any one offending pub or other establishment. In Soho and Covent Garden, for example, there are more than 800 licensed premises in less than 2 square miles. In my opinion, that is one reason why there has been a further delay to the guidelines accompanying the Act, without which the new law cannot operate.

As an inner-city MP, I want to stand up for our city centres as places of thriving residential communities benefiting from the continuity of several generations of residents. Without such continuity, our inner cities will die. One of the things that I have been most proud of in my time as an MP is the way in which the inner cities have thrived and the fact that the population of places such as Soho, Covent Garden and, indeed, the City of London has, for the first time in decades, begun to rise.

Last summer, I asked 4,000 residents in the Marylebone ward of my constituency for their views on the proposed licensing changes. The ward is not, I hasten to add, a hotbed of drunken rowdyism, but there are a substantial number of late-night restaurants, pubs and bars. As with all my surveys, I had a tremendous response, with more than 200 people replying and, and I am pleased to say, a range of views, both for and against. However, the one thing that nearly everyone referred to was the importance of true local involvement.

The breakdown of the survey is as follows. More than 60 per cent. of respondents found the whole idea of extending licensing laws horrifying. Nearly 30 per cent. were in favour, but had concerns about the effect on local residential amenity. A further 10 per cent. made it clear that they were undecided, and one person suggested that there be a 12-month trial of any new law. No one believed that the new licensing arrangements would or could be properly handled unless there was true local involvement.

Many residents in my constituency were concerned that Marylebone's residential and business community would be worsened by the new legislation. I am sure that you will allow me, Mr. Deputy Speaker, to relate a few typical comments. One person said that it is vital that the local council and residents have their say. Some said that it is right that Marylebone, as a central London area, should be a vibrant place for tourists, but that runs contrary to the notion of a vibrant local community. Another said that he viewed the whole thing with absolute horror; he thought that there would be noise, street violence, rubbish and lager louts. Others stressed the importance of an increase in night-time policing in line with the extended hours. I could go on; it was certainly a useful exercise in public consultation, and one that could be replicated in many other town and city centres across the UK.

I accept that one ward is not representative of the country. However, I cannot remember the first time that I heard the phrase, "London is made up of a series of villages," and although, like most of us brought up outside the capital, I thought that that was a cliché, I must confess that in representing my diverse constituency, I have finally realised that the cliché is true. For example, there are no fewer than 30 active residents associations scattered in the 9 square miles that make up my historic seat. I am convinced that one of the great charms of this part of central London is that so many residents care deeply about the neighbourhoods in which they live. The frenetic activity of many residents associations plays an important part in ensuring that, by and large, we enjoy a high quality of life.

I do not want London to dominate my comments. It is evident that in the growth and renewal of city centres in Manchester, Liverpool, Leeds and even Sheffield over the past decade, a vibrant and articulate—perhaps overly articulate for local Members of Parliament—residential population has made a difference in improving the quality of life.

My survey was a valuable example of a village in London and properly represents the views of inner-city residents. I shall now turn to another important residents association in my constituency: the south-east Bayswater residents association. That is another area with a rich mix of residential homes alongside licensed premises such as pubs and clubs as well as notable eateries. In a letter to Members of both Houses who met to discuss the Licensing Act guidelines on 26 May, SEBRA made it clear that the Government's assumption that flexible licensing hours will reduce crime, disorder and public nuisance is a myth. It maintains that the risks to residential amenities are high and the best way for them to be minimised is by having effective guidelines that allow local authorities greater discretion for defining their own policies and tailoring them to suit the individual local environment. That is the complete opposite of the Government's policy.

South-east Bayswater residents made a number of strong points, but I shall mention just three. They suggest that licensing authorities should be able to refuse licence applications if there is no effective late-night public transport to get revellers out of the area and

back home. On fees, which is becoming an increasingly important part of the problem, they suggest that payments should be set at a level at which full recovery of all costs from the industry associated with drinking hours is guaranteed. The third key point is that there should be a provision whereby local authorities can keep local residents groups informed of all licence applications in their area, to ensure effective and constant consultation and to ward against over-saturation in an area.

Those views are sensible and informed, and they stem from deep-rooted experience, but nobody in government is listening. How will drinkers get home from central London in the early hours? Imagining the consequences fills local residents with dread, especially as only last week the Secretary of State for Transport confirmed that we can expect another 10 years of misery on the underground before we get the significant improvements necessary to enable all-night running at weekends, which many regard as a pre-requisite for 24-hour drinking in central London.

As for the police, according to a letter from the chairman of the Police Federation to Departments, at present a "respite" exists some time after pubs and clubs close and policing levels can therefore be resourced accordingly. In that simple statement, which is amplified by a series of suggestions and constructive considerations in the letter, we hit the nub of the problem. Implementing any new regime without having a strategy to handle its consequences is fundamental to the Government's action on so many fronts.

The issue should not be about spin or headlines today but about implementation of a long-term policy. I ask the Minister: what sort of inner cities should we aspire to in 20 or 30 years? The short-termism of the Government which causes them such difficulty in their policies on Iraq and the European Union is equally evident in licensing. I genuinely believe that, in its heart, the Home Office knows that the policy is a disaster waiting to happen, yet the DCMS blindly insists on driving through the legislation.

Has anyone considered the effect of all-night drinking on the accident and emergency departments of our over-stretched hospitals? On the "Panorama" programme of 6 June, the only dreadful thing about the scenes depicted on the streets of Nottingham is that I was not totally shocked by the aggression and the mayhem that was shown and by the problems that arose in the local hospitals. That is standard stuff in Soho and around Victoria station on many nights of the week. The perpetrators end up in police cells and others in hospitals. That effort is paid for by us—the taxpayers.

It seems to be the Government's hope that extending licensing hours will curb that sort of behaviour. Is it possible that there are people in government who really believe that drunken revellers will sit on railway platforms at 3 am and wait quietly for a train for three hours? None of that makes sense. We should all realise that the over-stretched police will bear the brunt of controlling the new legislation.

I have already touched on the prohibitive cost of the policy. The City of London corporation explained to me that there is no clarity in the Government's mind about the fees. Indeed, there seem to be mixed messages from the Government about the extent of the new fee levels that will cover the administration costs of local authorities. I hope that the Minister will be able to explain that in some detail today, or, if necessary, write to me later.

The new fees are to cover entertainment and late-night refreshment house licences, for which, at present, the City of London corporation calculates its own charges and receives approximately £300,000 per annum. Apparently the DCMS's proposed fees are significantly lower than the corporation's present charges. Even allowing for additional fee income for functions currently exercised by licensing justices, we anticipate an overall reduction in income. I accept that that may be a particular London problem, and perhaps the Minister has some notion of the relative expense in the capital city compared to many of our regional towns. However, using the average fee allowance on the scale suggested by Ministers, the corporation expects to receive about £210,000 in total in the first year of its operations, with the amount falling to about half that figure in years to come.

As the Minister knows, the reduction in fee income comes at a time when local authority licensing functions are set to increase substantially. It seems that, in time, there will be a deficit of £200,000 to £250,000 a year. Ministers have been giving mixed messages about the extent to which the fee levels will cover local authority administration costs. The Minister assured Members of Parliament on Third Reading that

> "fees will be set at a level which permits recovery of the full costs of administration, inspection and enforcement to local authorities".—[*Official Report*, 2 December 2003; Vol. 415, c. 41W.]

That superficially positive message was undermined by his more recent comment in departmental questions. He said:

> "We have already given an indication and I do not believe that it will prove to be far from the mark."—[*Official Report*, 24 May 2004; Vol. 421, c. 1294.]

Since the fee levels suggested by the DCMS would result in significant deficits for London boroughs, I believe that the statement from the Minister is far from satisfactory, but no doubt in his winding-up speech he will be able to clarify the matter. There are two local authorities in my constituency. I believe that Westminster city council, which hosts the largest number of social and late-night establishments in the country, has a right to have its voice heard when facing legislation with such an enormous impact.

From the moment of the Bill's inception there was much enthusiasm for the Government's intention to simplify the complex and outmoded mix of licensing laws, but nobody anticipated that the big players in the entertainment industry would get carte blanche, while many of the responsible, smaller local operators and councils would be left to pick up the pieces and deal with the free-for-all consequences.

Audrey Lewis, the cabinet member responsible for licensing in Westminster city council and a long-term Marylebone resident, has the interests of the Covent Garden and Marylebone residential community at heart. At the beginning of the year, she wrote a five-page letter to the Minister, in which she detailed serious concerns about the draft guidance for the Act. In her opening point, Mrs. Lewis says that the draft guidance

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cannot be properly understood because the regulations have yet to be published. That remains the case. I am happy to let any hon. Members see a copy of the letter; it sums up the Government's mishandling of the whole matter, which is a triumph of misguided hope over experience.

Any exhortation by politicians to promote more freedom and choice should be tempered by the disappointing failure of so many who eschew responsibility for their actions, which harm both the community and natural environment. I believe that it is absurd to equate residential areas in inner cities with districts where pubs and clubs can proliferate such as those that can be found close to suburban high streets or seaside beach venues. A one-size-fits-all approach, which is what the Act has brought into being, with no local licensing discretion and woefully inadequate resources for public order enforcement, promises to be a disaster in the making. The Government should be profoundly ashamed of it.

9.51 am

Mr. Mark Hoban (Fareham) (Con): I congratulate my hon. Friend the Member for Cities of London and Westminster (Mr. Field) on securing the debate and on opening it in such an admirable fashion. Along with our hon. Friend the Member for North-East Cambridgeshire (Mr. Moss), we are veterans of this topic, having last year served on the Standing Committee that scrutinised the Licensing Bill. Perhaps it will come as no surprise to any of us that, almost a year later, we are having a debate on the implementation of the Licensing Act, the ultimate implementation date of which has already been delayed once, if not twice.

I want to raise the concerns of two particular groups among the many who have expressed concern about the Act. The groups on which I shall focus are the local councils—in my case, Fareham borough council—and publicans. I am grateful to Mandy Hovey, the licensing officer from Fareham borough council, and to Martin O'Grady, the chairman of the southern region of the British Institute of Innkeepers, for their comments on the Licensing Act and its implementation. They share concern about the fees that will be charged for the various licences that are covered by the Act. They are worried that the fees will initially be assessed at a very low level, and both recognise that that level is not sustainable. The publicans believe that that will lead, over time, to the relaxation of the cap on fees, but the borough council is concerned that the cap may not be lifted and that, as a consequence, council tax payers will be forced to pick up the bill. Fareham borough council, in its correspondence with me, said that the fees

"in no way will cover the costs of issuing the licences to the Local Authorities."

In trying to assess the true cost of licensing, Fareham borough council cites the costs of the door supervisors' licences. That cost is set by the Securities Industry Association, and Hampshire is a pilot for that scheme. One question in the SIA's list of frequently asked questions is on how a cost of £190 can be justified for a three-year licence for a door supervisor. The SIA's response to that is:

"the SIA is not here to make a profit",

just as Fareham borough council is not there to make a profit. The response continues that the costs will cover

"CRB checks, administration of the licence process, communications . . . infrastructure—offices and staff, enforcement and compliance and research and development."

Some of those costs, such as research and development, obviously will not apply to Fareham borough council, but the council sees that level of cost as comparable to the costs that it will incur in operating aspects of the licensing regime. It thinks that the £190 reflects those costs, rather than the £30 that has been suggested as the proposed cost of a personal licence.

The second issue that the council and the publicans have raised is about the procedures. We have seen the guidance and both Houses have approved it, but there is still concern about the detailed regulations underpinning it—the procedures that will give the council and the publicans some indication of how to proceed with their business. Peter Coulson raised that issue in an article in the *Morning Advertiser* on 3 June 2004, when he said:

"There are a number of procedural matters concerning the way in which new-style licensing authorities will deal with their business and handle applications before them. Given the range of applicants for transition, there are likely to be hearings very early in the process. Councillors need to be trained to handle such applications, but without the published procedures required by the Secretary of State, they are in the dark—and so are potential applicants."

Those sorts of concerns are coming across. Publicans say to me that the current system of licensing by magistrates is cheap, efficient and impartial—it is not subject to the political wrangling that may bedevil the formulation by councils of licensing policy and application. Councils want to see credible and robust procedures that will withstand challenge from publicans and the public. When will the Minister publish the detailed regulations to help local authorities frame their own detailed regulations and rules?

I touched on the timetable for implementation. The Library note on the implementation of the Act highlights the fact that the deadlines for the first and second appointed days have already been moved back. There is now concern that the current proposals will lead to an increase in the volume of business for councils in the run-up to Christmas, and it is suggested that the first appointed day should be delayed until January 2005 to make the transition more manageable.

The Minister said in Committee that the Government would consider moving the date to January 2005 if a case were made. What further representations has he received since then arguing in favour of the delay in implementation? Comments were made in Committee about some of the inconsistencies in the Bill and about what will and will not be covered by the Act. Given that the debate is taking place during Euro 2004, it is apposite that one thing not covered by the entertainment provisions is large-screen TVs in pubs. We debated that at length in Committee, and the answers that we received were not satisfactory.

There did not seem to be a consistent basis for excluding large-screen TVs from the licensing requirements but including other forms of entertainment. In the context of Euro 2004, and considering the large numbers of people who gather in city centre pubs to watch the football, were the

Government right to exclude large-screen TVs from the entertainment provisions of the Act? Over the coming weeks, we will need to reconsider that decision and think very carefully about bringing that form of entertainment within its scope.

None of the matters that my hon. Friend the Member for Cities of London and Westminster raised come as a surprise to me, given the nature of the debate in Committee. Despite the Bill's long gestation, when it arrived in Committee it was based on fuzzy logic and there was an unclear basis on which to proceed. That explains the slippage in the implementation date and the growing concern about many issues among publicans and those who will have to enforce the Act. They need clearer direction about what happens next. If the Bill had been thought through more fully before it was presented to us, many of those issues could have been resolved much earlier and some of the uncertainties in the minds of licensees and borough councils could have been removed.

9.59 am

Mr. Peter Luff (Mid-Worcestershire) (Con): I, too, begin by saying how much I enjoyed the opening remarks of my hon. Friend the Member for Cities of London and Westminster (Mr. Field), and, indeed, those of my hon. Friend the Member for Fareham (Mr. Hoban). I will not deal with the issues that they raised. I think that the Minister can guess—from his characteristically good-natured smile I see that he does—the subject that concerns me. Before I raise it, however, I want to ask him one unrelated question: has he received representations from rugby clubs about the implementation of the Act? I draw his attention to early-day motion 1365, and urge him, as a Yorkshire Member, to steer clear of the recommendations of the hon. Member for Liverpool, Walton (Mr. Kilfoyle), which may owe more to the fact that his brother is chief executive of Rotherham rugby union football club than to any serious concern about the issues relating to English rugby. However, that is a separate matter. I merely draw it to the Minister's attention.

A number of groups have concerns about the implementation of the Act. My hon. Friends spoke mainly about one of its prime purposes and the implications for alcohol licensing. I am aware that golf clubs are also worried. I do not know much about that, but perhaps the Minister has a response on golf clubs and perhaps my hon. Friend the Member for North-East Cambridgeshire (Mr. Moss) will discuss it further in his remarks.

Last night, I discovered that farmers' markets are also worried about the Act; I had not realised that before. It may prejudice the ability of our cider, perry and English wine manufacturers to sell their wine at farmers' markets. The Minister will have to give that careful consideration because they undoubtedly add to the colour of farmers' markets. Unless the provisions are expanded to enable them to continue to sell there, we shall lose something important from those markets.

The other group that the Minister knows is affected is the Punch and Judy sector. The ability to carry on performing on the seaside may be prejudiced by the Act, and I hope that he will give some answers to the noble Punch and Judy profession. However, it will come as no surprise to him that I mainly want to discuss circuses, which are in an unenviable situation. I am looking to the Minister for some reassurance about the way in which the Act will be implemented, so that circuses can continue to flourish in the United Kingdom.

I am grateful to the Minister for the constructive meeting that we had with him and representatives of the circus industry last month to discuss some of their detailed concerns. They all appreciate the way in which he listened to them. Their concerns are serious and well founded. I am particularly pleased to address him today because, sadly, when we debated touring circuses and the Licensing Act on 27 April, he was, for good reasons—he had to be at Select Committee—unable to be present. His courteous and charming right hon. Friend the Minister for the Arts responded to the debate. So I am glad to put on the record, in front of the Minister, some of the issues that concern circuses about the Act's implementation.

In essence, we have the law of unintended consequences. I genuinely believe that the Government do not want to punish circuses. There is no agenda at all to do that. They recognise that there is a problem with how the Act has been constructed and are now genuinely engaged in a constructive way to resolve those problems. I do not want to score points; the problems were not meant to arise, but they have. The message that I want to convey is that I hope that the Minister can help the Act to fit the facts, and not the facts to fit the Act.

The primary legislation is on the statute book and the guidance has gone through both Houses. I am worried that that may reduce the Minister's freedom to respond to circuses' genuine concerns. There are problems with the starting date, which my hon. Friend the Member for Fareham raised. That may help, because the more time we have here, the more time we have to sort out this little problem. If the Minister cannot find a solution in the short term—it will be difficult, as I shall explain—he might have to tell local authorities that there will need to be temporary and special transitional arrangements. Perhaps he will ask them to approach circuses gently, because of the huge problems they face.

Circuses have changed enormously over the years—for example, many do not now use animals. On balance, I welcome that, although I would not have a problem with domestic animals. On that point—one that has struck me only recently—I worry about local authorities having to license circuses. Some years ago, my good friend, Gary Smart, grandson of Billy Smart, wanted to bring Billy Smart's circus to Pitchcroft, the race course in the centre of Worcester. The race course is a national hunt course: they jump there and, of course, horses often fall during races and are put down. It is a tragedy, but it happens. The local authority at the time—I will not score any party points, as the party that is currently in control was not in power then—would not allow the circus to perform on Pitchcroft because it used horses. That was bizarre. I worry that some local authorities with those rather old-fashioned and inconsistent attitudes may apply the Act unreasonably. That is not an issue that I have raised with the Minister before.

On the fundamental problems, the Government's original intention was to exclude circuses from the Act. The Home Office put that in writing to representatives of the industry. For some reason—possibly a good

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one—that changed. However, it meant that circuses did not watch the Bill as it developed and did not make representations at the time. We need to correct that and, sadly, bolt the stable door after the horse has bolted. The other problem is that the Act deals with permanent venues in permanent structures, not with tents that move around the country. I still do not understand how we will deal with that. The Minister is trying to find ways, but it may be a fundamental flaw that we cannot overcome.

I must pick up the point made by my hon. Friend the Member for Fareham about the inconsistency in the application of the Act. Until he made his speech, I did not realise that large-screen TVs were also excluded, as are fairgrounds. It seems to me that large-screen TVs—particularly, God help us, if England are defeated on Thursday—and fairgrounds are more likely to be scenes of public disorder than circuses, yet circuses are included under the terms of the Act.

Mr. Malcolm Moss (North-East Cambridgeshire) (Con) *rose—*

Mr. Hoban *rose—*

Mr. Luff: I have two hon. Friends to choose from. I give way to my hon. Friend the Member for North-East Cambridgeshire first.

Mr. Moss: My hon. Friend is obviously well versed on the circus environment and has made efforts to find out the detail of what is going on. Does he have any evidence to suggest that there is crime and disorder or public liability associated with circuses? Why was the Home Office happy that they should be exempt and yet the DCMS seemed to have grounds for including them in the legislation?

Mr. Luff: I do not know. Perhaps the Minister can tell us whether the DCMS took a deliberate decision to include circuses. I tend to think that it was accidental. My hon. Friend makes a good point about disorder. There was an article by Philip Johnston in *The Daily Telegraph* last week, which sadly does not praise hon. Members who have been trying to raise the problem for some time, although that is another point. I suspect that his article derives heavily from my speech of 27 April. He writes:

"When did you last see a punch-up at a circus, apart from among the clowns? The Government says the laws are also about 'the protection of children from harm'. How is this to be achieved by penalising a traditional art form that gets children away from their computer games and the television and instils a lifelong enjoyment of live performance?"

That is a powerful point.

Mr. Hoban: My hon. Friend talked about fairgrounds. That topic was discussed in the Standing Committee when I asked the Minister's predecessor whether fairgrounds were included in the Bill because I had a problem with a fair that occupied a field to the south of my constituency. I was advised that there were sufficient existing regulations to govern fairgrounds and so they did not need to be brought within the Bill's scope. That is another good example of the inconsistencies.

Mr. Luff: I do not know when the decision to include circuses was taken. In some senses, it is reasonable, although I repeat that disorder is more likely to be associated with fairgrounds than with circuses. The same argument about existing regulations would apply to circuses. They are already covered by a wide-ranging umbrella of legislation relating to matters such as the health and safety of the audience, the testing of electrical equipment and their relationship with local authorities on their sites to ensure that there are no highways implications. Circuses are not unprotected. I was disappointed that Lord McIntosh said:

"it would not be right for us to exempt circuses. Imagine what would happen if there were a fire in the circus tent and children were killed." —[*Official Report, House of Lords*, 8 June 2004; Vol. 662, c. 242.]

But that has nothing to do with alcohol licensing, and circuses are already subject to health and safety checks, in any case.

Circuses are not against licensing. If the Licensing Bill had been drafted properly, with them in mind, it would have delivered some benefits. The Minister knows the arguments—he heard them from the circus industry last month—and I shall review the three problems. First, we still do not know the cost of the licences. Again, my hon. Friend the Member for Fareham made that point. It would be helpful to know what the cost will be. A cost of £500 will become a huge burden, but £100 may be tolerable. Of course, there is also a problem for local authorities. How much will it cost them to issue the licences? We need some guidance on cost soon to enable us to determine whether our concerns are justified.

Secondly, the extra bureaucracy will be considerable. It would have been good if, in developing a licensing regime for circuses, the Government had taken the opportunity to tidy up, bring together and simplify existing legislation. In effect, circuses are de facto licensed already because of the panoply of legislation.

Thirdly, the crucial issue of flexibility must be addressed. How fleet of foot will local authorities be when it comes to implementing the Licensing Act 2003 and issuing licences? Circuses often have to change their preferred venue at short notice because of, for example, the weather, such as the rain that we have this morning. If there is a sharp downpour and, suddenly, the field that the circus was planning to use is unusable because it would get bogged down in it, the circus might want to go to another field down the road or in a neighbouring town. It has skilful, fleet-of-foot marketing arrangements and can change venues at short notice, but it would be prevented from doing that if the local authority could not issue a new licence sufficiently quickly. That is very important. The circus may discover that a competitor was in town a day or two earlier and needs to move on. As local authorities follow guidance and implement licensing, they must offer real flexibility to circuses and be able to issue a licence within 24 hours, not within several weeks.

Some 35 tented circuses tour the UK at present. The top four or five will cope with the new regime. They are big circuses that draw big audiences, and they have big

management structures behind them. There is no doubt that they will survive. The question mark is over the other 30. If the Act is implemented with a lack of sensitivity—assuming that it is capable of being implemented with sensitivity as far as circuses are concerned—a good number of that 30 will be threatened. The industry believes that all of them will be affected. That may be a pessimistic view, but many will be threatened because they are tiny; they are micro-circuses, run entirely by only six or seven people. Those people market the circus, select the site, put up the big top and do the acts. They do not have time to keep applying for licences. Also, they do not have the money. Such people operate at the margins of economic viability.

I had not realised myself that such circuses may visit up to 80 different venues in a year—not 10, 20 or 30. They do two-night stands—or two-afternoon stands, more typically—and move on. With 80 venues, at a cost of even £100, the circuses would spend £8,000 on licences. The problem is that such circuses are run literally from the back of a caravan with very limited management resources. In fact, the management resource is typically the circus proprietor's wife, who does everything. She will not have time to apply for licences, so they will become a huge practical problem.

I repeat that circuses are not against licensing as long as it delivers genuine benefits. At the meeting with the Minister, a representative of the industry helpfully asked, "Why have the Government not put an obligation on circuses to have public liability insurance?" At present, many smaller circuses on private ground have no public liability insurance. That is an example of how the Government, if they had engaged in dialogue with the circus industry, could have developed a licensing regime for circuses. Such a regime would have brought the benefits of a licensing Act, which the Government want for all entertainment and alcohol-related activities, to circuses in a specific and targeted way.

This is what I really want to say to the Minister: make the Act fit the facts, not the facts fit the Act. We are engaged in a process of dialogue about how the Act will be implemented and how it will affect circuses. He has kindly promised the industry another meeting before the summer to discuss the next steps. That is a constructive offer, which we genuinely and deeply appreciate. However, as I said to him at the earlier meeting, I remain pessimistic about making this Act fit the facts of touring circuses. I said that circuses are touring institutions by their very nature, but the Act deals with fixed venues. Perhaps that philosophical problem is too great to bridge.

That is why I seek a light touch on circuses. They are not looking for exemption but for a regulatory regime that suits them and is devised for their circumstances. If such a regime cannot be devised, I hope that the Minister will not rule out the possibility—I am not asking him to say yes or no today—of introducing limited primary legislation, as an amendment to the Act, to develop a different regime and provide licensing that meets the Government's objectives and circuses' needs. That would be an ideal, hand-out Bill from the Government in the ballot for private Members' Bills in the autumn and could be tightly defined. In the meantime, I urge the Minister to ensure that, in implementing the Act, he does not destroy circuses. He is great fun, a good lad and a cheerful soul, and I know that the last thing he would want to do is to reduce the nation's gaiety by destroying circuses.

10.15 am

Mr. Don Foster (Bath) (LD): I am delighted to serve under you, Mr. Deputy Speaker, and in front of this cheerful soul, the Minister. I am also delighted to follow the hon. Member for Mid-Worcestershire (Mr. Luff). I congratulate him not only on raising the important issue of circuses, to which I shall return later, but on managing to squeeze in a reference to the early-day motion in the name of the hon. Member for Liverpool, Walton (Mr. Kilfoyle). I assure him that I have received assurances that my hon. Friend the Member for St. Ives (Andrew George) has now withdrawn his name from that early-day motion.

I congratulate the hon. Member for Cities of London and Westminster (Mr. Field) on initiating this important debate. He began appropriately by saying that he believed that the Government's attitude was to hope that it would be all right on the night, but that his view, which I share, was that the Government were being extremely over-optimistic.

The hon. Gentleman cited as an example of growing concerns the problems in the Algarve. I am delighted that, in doing so, he pointed out that a minority of the England football fans were involved, but he was right to draw attention to the national disgrace caused by their booze-fuelled fighting and so on. I was slightly surprised, therefore, that he did not mention an example closer to home—some of the appalling antics that we have seen on our television screens recently in "Big Brother". I am deeply concerned that the behaviour on that programme is largely the result of the producers describing it as "Big Brother gets nasty" and making additional quantities of alcohol available to the contestants.

The hon. Gentleman rightly drew attention to the Prime Minister's comments on 20 May, when he told the alcohol industry that binge drinking was fast becoming the new British disease. We must put that in the context of the increase in violent crime in this country: all the evidence suggests that about 50 per cent. of that is alcohol-related.

It was therefore appropriate for the Government to address the issue of binge drinking in conjunction with the development of the Act, but perhaps more important, and sadly coming after it, were their new proposals for a national alcohol harm reduction strategy. Given the concern of the Prime Minister and all of us about these issues, I should be interested to hear the Minister's explanation why, since 1997, no central Department of Health expenditure has been directed towards advertising the dangers of alcohol misuse. Every year we spend about £1.5 million on advertising the dangers of illegal drugs and nearly £18 million on anti-smoking publicity, but to date there has been no centrally funded expenditure on advertising the dangers of alcohol misuse. That issue was picked up in the second Wanless report, which stressed the importance of quality public education campaigns. I was therefore delighted to see in the Government's new strategy on alcohol harm reduction at least a clear set of

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recommendations centring on the need to provide better information to consumers about the dangers of alcohol misuse. I hope that the Minister will assure us that while he is working on the final details of the Act, he is also in close contact with the Department of Health, because his Department may be able to help it in advertising the dangers of alcohol misuse.

Many issues could be discussed in the debate; we have had opportunities in the past to raise some of them. Since the Act's inception, the police and local authorities have become increasingly worried about alcohol misuse and about the cost of implementing the measure. There are anxieties about the timing of its implementation and worries that, despite everything that the Minister has said on several occasions, it does not give local authorities sufficient powers to apply their local knowledge and their views about how the issue should be tackled. Other hon. Members have given examples relating to concerns about flaws in the Act or in the guidance relating to it.

When, during consideration of the guidance in Committee, we discussed costs, the Minister told us that he is fairly confident that the original fee structure is likely to be the one that the Government will announce. He said in response to a parliamentary question:

"I hope to be able to announce the fees in the not too distant future. We have already given an indication and I do not believe that it will prove to be far from the mark."—[*Official Report*, 24 May 2004; Vol. 421, c. 1294.]

It is clear that, despite all the anxieties that have subsequently been expressed, local authorities will not be able to charge fees higher than those in the initial indication. Research carried out by the Local Government Association and others shows that the initial fee structure will be woefully inadequate. Under the present licensing regime, in which local authorities are responsible for entertainment licences, cumulatively they are making a loss of about £7 million. If their responsibilities under the new fee structure are as already indicated, it is clear to me and to many others that there will be a huge loss to local authorities, whose council tax payers will be expected to pick up substantial additional costs. I hope that the Minister will make a clear statement today about the fee structure and say how he will stick to the Government's initial commitment that it would be set at a level that covered all the costs to local authorities. That was the assurance that we were given, but to date it appears that it will not be the case. The Act will put local authorities under huge pressure.

The hon. Member for North-East Cambridgeshire (Mr. Moss) and I referred in an earlier debate to the situation in Westminster, where councillors predict that in the first two months following the appointed day they will have to examine one application every six minutes, assuming that councillors are prepared to meet seven hours a day for five days a week. Clearly, that is an unrealistic expectation.

Funds for the police will be tight. All the police organisations from which I have received information recognise that the measure will increase the burdens on them because it will require additional officer support, which clearly has financial implications. I hope that the Minister is discussing the matter with his colleagues in the ODPM to ensure that increased funding will be made available to the police to cover their additional costs. The real worry is that if those costs are not covered, despite the increased flexibility, which many premises will no doubt take advantage of, there will be more problems but the police will not be on hand to deal with them. Equally, local authorities will look at ways to cut costs in other areas. One of the flexibilities allowed in the Act arises from the lack of a requirement for regular inspections of premises. If local authorities lose out from the fee structure, they will reduce the number of inspections of licensed premises, and problems will flow from that.

More generally, I am concerned that local authorities do not have sufficient powers to take account of local circumstances and their local knowledge and views. For example, the Government are rightly concerned about antisocial behaviour that takes place when people are waiting for a bus or a taxi to go home, but local authorities are not allowed to give due consideration or weight to the lack of availability of public transport when deciding on a licence application.

The Government rightly say that local authorities should be able to take into account concerns arising from saturation—too many licensed premises in a particular area. Yet when we analyse the Act and the guidance, it is clear that local authorities can consider cumulative impact only for new licence applications, not for those for a variation or a provisional licence. It will therefore be possible to stop a new pub opening in an area deemed to be saturated, but it will be extremely difficult to say no to a licensed premises that wants to extend its opening hours. Paragraph 3.26 of the guidance makes it clear that local authorities are to be discouraged from determining fixed terminal hours in areas of cumulative impact. Even if an authority's local knowledge suggests that it should have that power, it will not have it.

There is another concern about the powers of local authorities in respect of the appeals procedure. Paragraph 10.8 of the guidance makes it clear that magistrates, who will have the appeal functions, will be allowed to disregard part of the local authority's licensing policy. That is a real concern to local authorities. The LGA recently wrote:

"As well as being a recipe for chaos by apparently allowing Magistrates courts to strike down all or part of a local policy when considering an appeal on an individual case, this advice is incorrect as a matter of law."

The issue has been raised before, and the Minister's response has been, "Our lawyers disagree with your lawyers." The only way to resolve the matter is if a local authority takes the Government to court. That is a bizarre approach for the Government to adopt. If there is real concern, we should have ironed out the problems earlier.

Until the hon. Member for Mid-Worcestershire spoke, I was not going to refer to circuses. However, since I love the following set of quotes, I hope that the hon. Gentleman will not mind me adding to his store of information about the confusion in government. I apologise to the Minister because I have shared this with

him in the past, but it bears repeating. On 16 March in another place, Lord Redesdale asked Lord McIntosh of Haringey, the Minister for Media and Heritage,

"would circuses actually need a licence if they did not perform any live music? If they avoided live music, the circus could take place quite happily without regulation. Is that not a bizarre aspect of the Act?"

Lord McIntosh gave an inordinately helpful reply. I shall quote it particularly for the delectation of the hon. Member for Mid-Worcestershire, but also for you, Mr. Deputy Speaker. He said:

"I wish I could answer that simply, but I cannot. Music—incidental, live or whatever—is one of the issues, but there are also questions about whether the activities fall into the category of sports events—for example, those of trapeze artists. It sounds daft to the noble Lord, Lord Redesdale, and it sounds daft to me."—[*Official Report, House of Lords*, 16 March 2004; Vol. 659, c. 126.]

I hope that the hon. Gentleman will pick that up.

There is a great deal of confusion in the Act that has not been ironed out. One plea that I have made in the past is for the Minister to be prepared to delay its implementation, so that we have a more sensible start date. I have suggested that the date should, at the earliest, be 5 January next year, and the Minister has indicated a willingness to consider that. I hope that during the intervening period there will be an opportunity to iron out some of the difficulties and disagreements about the Act, and that we will have a clear answer from the Minister.

10.31 am

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): I hope that I do not encourage you to tap your pencil, Mr. Deputy Speaker; I shall be as brief as possible. I congratulate my hon. Friend the Member for Cities of London and Westminster (Mr. Field) on initiating the debate. It is only a few weeks since we were debating in Committee the guidance relating to the Act, but a measly hour and a half was simply not sufficient to cover all the ground.

Similar and new issues have been raised today, which serves only to emphasise the fact that the legislation is in chaos. That message must have got home to Government Back Benchers, because they have been totally absent from any contribution to the debate. I saw the hon. Member for Selby (Mr. Grogan) come in and thought that the cavalry had arrived. He served on the Standing Committee that considered the Licensing Bill, but he has stayed in his place. It is as obvious to Government Back Benchers as it is to Opposition Members that the legislation is stuck in a morass. Decisions are not being taken, and the implementation is coloured by delay and obfuscation. Progress is at best limited and in the main non-existent.

We were told that once the guidance had been accepted by both Houses, that would trigger the appointed day. Will the Minister confirm that a day has been determined? I suspect that it has not yet. There is a delay in implementing the six-month trigger. When we debated the issue in Committee, the Minister bemoaned the fact that no one had made representations. I suspect that complaints, misgivings and representations from the LGA and councils have since arrived on his desk. Is he cognisant of those complaints and misgivings? Is he considering a delay until January, which the LGA is asking for, for triggering the appointed day? That will mean that the endorsement, if that is the correct word, of the guidance will be put off until an appropriate time six months ahead of a January start date.

I shall raise three issues. The first is the fees, to which the bulk of the contribution from my hon. Friend the Member for Cities of London and Westminster related. The simplest solution—we spoke about this in Committee—would be to allow local authorities to set fee levels locally. That would ensure that local council tax payers were not burdened with any cross-subsidy of the new regime.

Alternatively, if the Government cannot go down that road, and the signs are that they are resisting it, what about the LGA recommendation that takes the DCMS rateable value system and provides additional risk ratings to premises based on type, capacity and the length of opening? If the DCMS continues down the road on which it has set out, it will effectively create a huge funding gap for local authorities, which will have to be met with tough choices locally not only for those authorities, but for the police.

When we discussed the guidance in Committee, I raised the point that the ODPM and the Home Office will themselves face increasing pressure to assist in financing the consequences of any inadequate fee structure that the Government may set.

The latest information fed back to me from officials in the Minister's Department was that talks are now about consulting on fees. Fees were first promulgated in 2000, and here we are four years later with the Government considering consultation. Where does that leave the local authorities? The expectation was that a decision would be taken soon about where they stood, but if the consultation story is true it will delay things even more. The Minister should come clean about whether consultation on fees was raised at a meeting. I have received accurate reports from officials who say that it was and that it is now being considered.

The second issue is entertainment. The focus on alcohol is one way that the DCMS team has avoided explaining the illogical and anomalous entertainment licensing provisions. For example, the Minister and the Secretary of State say that licensing is necessary to protect children from harm and for public safety. Why then should a children's concert require a licence if it takes place in a school, but not if it takes place in a church? If licensing is to prevent noise, nuisance or possible disorder, why should a piano provided in a bar for a weekly singalong be illegal unless licensed, but a jukebox or a big match broadcast on big screens with powerful amplification be exempt?

Several speakers have mentioned big-screen entertainment, and its position is anomalous. We argued strongly in Committee that the provisions were totally inconsistent, and we predicted situations in which crime and disorder, particularly antisocial behaviour, would get out of hand. Last week, in places as far apart as Boston in Lincolnshire and Croydon in south London, there was mayhem. Yet, premises will continue to offer the same entertainment without requiring a licence. It is quite illogical.

The police initially thought that premises with big-screen entertainment should be licensed, then one policeman changed his mind and wrote to the Government to say that he had had second thoughts and

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perhaps they did not need licensing, although live music gigs certainly did. The Government ran with that. It required only one policeman for that to be decided, and now we have incredible situations of disorder and antisocial behaviour in Croydon and other places. The cost to the police in manpower and resources was immense, and those situations will continue unless something is done.

Schedule 1, paragraph 4, of the Act says:

"The Secretary of State may by order amend this Schedule for the purpose of modifying-

(a) the descriptions of entertainment specified in paragraph 2, or

(b) the descriptions of entertainment specified in paragraph 3,

and for this purpose "modify" includes adding, varying or removing any description."

The Minister and the Secretary of State could therefore do something about not only live screen entertainment, but circuses. All they have to do is refer to that provision and they can make changes quite quickly. The mechanism is there. I do not know why the Minister and his team do not get on and do something about it.

The third issue that I want to raise is the Government's strategy on alcohol harm reduction. Many of us saw the recent "Panorama", which suggested that the initial report on the reduction strategy had evidence taken out of it. The BBC programme uncovered evidence that a draft version of the strategy included evidence from other countries of the damaging effects of longer opening hours, but those concerns were removed from the final report published in March this year. The Downing Street strategy unit consulted 17 experts when drawing up the interim report that was the basis for the final strategy. It concluded that extending licensing hours would have a severe negative impact. The initial report stated:

"Restriction on availability reduces consumption and general levels of harm. Relaxing availability increases general harm whether through more outlets (Finland), denser outlets (California) or longer hours (Western Australia)."

In the final version of the strategy, there was no reference to opening hours. A source cited by *The Times* as being close to the strategy stated that civil servants

"drafted what they thought was a pretty decent strategy only to see it get decimated as it got passed around government departments."

So, an initial report on a key Government strategy on alcohol harm reduction winged its way around Departments. The Home Office obviously beefed it up strongly and no doubt the Department of Health had an input. Yet when the report went to the DCMS, it was noted that it ran contrary to the thrust of its Licensing Act, which liberalises opening hours and availability. All the evidence from around the world that would have suggested an alternative strategy was erased from the document.

Mr. John Grogan (Selby) (Lab): The hon. Gentleman tempts me to make a contribution. He has already put on record his view that local authorities should be able to charge whatever levels of fee they like, but I am interested in the precise nature of current Conservative party policy. Is it to remove the flexibility that the Act will give licensees? Is it that longer opening hours should not be tried in our towns and city centres? Is it the party's view that that flexibility is not a good thing? I am not quite clear about that. The hon. Gentleman's remarks do not suggest chaos to me; they suggest sniping from the sidelines. Is he suggesting that the principles of the Act should be forgotten and removed?

Mr. Moss: Conservative Members did not propose a licensing Act; the Government did. The country expects the Licensing Act to be sensible and logical, and to do the job that it is designed to do. If evidence from around the world suggests that liberalisation increases crime, disorder and antisocial behaviour, that should have been taken on board earlier rather than later. That is the point that I am trying to make. I think that I have said enough; I want to give the Minister time to respond.

10.44 am

The Minister for Sport and Tourism (Mr. Richard Caborn): This has been an interesting debate—yet again. We keep rehearsing these arguments, and I will try to answer some of the specific points after I have laid out exactly where we are coming from. Given that we are trying to remove red tape and to streamline procedures, I am absolutely amazed that we are encountering such resistance, particularly from the official Opposition. I accept that there are some concerns—I would not say serious concerns—that need to be addressed, and we are doing that. We are bringing together six licensing regimes, and we must consider their operation in relation to the very businesses that have just been discussed.

I congratulate the hon. Member for Cities of London and Westminster (Mr. Field) on securing this debate. I know that he is a great advocate for the private sector and entrepreneurs. I thought that he might be supportive and acknowledge that we are trying to simplify and streamline things for businesses and local authorities by bringing together six licensing regimes. They currently deal with between 1.6 million and 1.8 million applications. We want to reduce that to around 250,000.

Four statutory licensing objectives are laid down in the Act: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. Licensing activities relating to those objectives are the sale and retail of alcohol, the regulation of entertainment, to which the hon. Member for North-East Cambridgeshire (Mr. Moss) referred, and the provision of late-night refreshments.

One reason for delaying implementation was to dovetail the Act into the alcohol reduction strategy. My colleagues in the Home Office and the whole of Whitehall have been involved in that, working in tandem. The media, aided and abetted by some hon. Members, have honed in on 24-hour drinking, claiming that the Act is solely about that. It is not. It does not promote 24-hour opening or 24-hour consumption. It will introduce the positive benefit of flexible licensing hours as a means of reducing crime and disorder.

The Act implements in full a manifesto commitment that we made at the last general election. It was included in the part of our manifesto dealing with crime prevention and reduction. We deliver on our promises. We saw licensing as an issue then and we still see it as an issue now. That is why we are dealing with it in this way. Let me set out the new and extended powers that we will give the police, licensing authorities and the courts to tackle crime and disorder, to protect kids and to prevent public nuisance.

The Act increases fines and introduces the potential suspension of personal licences held by people working at particular licensed premises, following conviction for offences of allowing disorderly conduct there. It expands the existing court powers, on application by the police, to close all licensed premises within a specified geographical area for up to 24 hours where disorder is occurring or anticipated. It will also expand the police powers introduced in December 2001 instantly to close down disorderly and excessively noisy pubs, nightclubs, restaurants and hotels for up to 24 hours.

The Act provides that those powers will in future also apply to all entertainment premises, night cafes and night takeaways licensable under the Act. For the first time, the powers will extend to events held under the authority of temporary event notices such as one-off raves. The Act provides a new mechanism for reviewing licences and club premises certificates when any problems relating to the four statutory licensing objectives arise.

The review arrangements will be backed by an extended range of measures for the licensing authority. It will be able to add new conditions to a licence or certificate, to exclude a licensable activity or qualifying club activity such as supplying alcohol and to remove the designated premises supervisor. Establishing who owns an establishment has been a problem and we believe that we have resolved that in the Act. The licensing authority can suspend the licence or certificate for up to three months, it can reduce the associated trading hours, and it can revoke the licence or withdraw the certificate.

That will move us away from the ineffective practice that characterises the existing regime, where the only options are revocation and non-renewal, so no action is taken unless the problem is so severe that it needs—as it were—nuclear intervention. The Act creates new and effective options for hitting the profits of irresponsible operators and forcing poor operators into line with the best.

I watched "Panorama" with some interest, because the programme, like the previous Conservative Administration's policy, was predicated on the question of need. In the early 1990s, that issue, and the question of powers, was debated by local authorities. The ex-chief constable of Nottinghamshire said that had the powers been available, local authorities would have been able to take the action required. The present chief constable went to court on the question of need—indeed, I have been in local authorities trying to prove that need—but the Conservative Administration removed the provision from the statute book. So, both Administrations have played their part in trying to liberalise the licensing laws and bring them into the 21st century.

The Act provides greater protection for children and young people by making it an offence to allow any person under 16 to be present in a licensed premises used exclusively or primarily for the sale of alcohol, unless they are accompanied by an adult. At present, any child of 14 or over may be present without an accompanying adult in any part of a licensed premises. The Act increases the penalties for selling alcohol to children and makes it possible to forfeit personal licences at first offence and not only, as now, on second conviction. It will, for the first time, make it an offence to sell alcohol to people under the age of 18 anywhere in England and Wales. That will remove a vast array of exemptions; for example, those on river and coastal "booze cruises".

During the summit with the industry a few weeks ago, many pubs and clubs complained bitterly about the fact that young people pick up alcohol from retail outlets such as supermarkets, saying that such outlets are lax. Underage drinkers buy alcohol in those establishments and then go into pubs. We have much to do in supervising licensed and off-licensed premises and supermarkets. We are saying to those supermarkets that if they do not act responsibly and with due care in supervising who purchases alcohol from their premises, their licences could be removed or suspended.

We will, also for the first time, make it an offence to supply alcohol to children in non-profit-making clubs, of which there are 22,000 in England and Wales. That is almost 17 per cent. of all drinking establishments.

Mr. Moss: With all due respect to the Minister, and without wishing to be discourteous, we know all that. Those of us who sat through the proceedings in the Standing Committee and on Report know those things. The debate is about the implementation of the Act. Various questions were raised by my hon. Friends; perhaps the Minister will address some of those questions in the short time available.

Mr. Caborn: I will, but I will not allow the debate to go ahead without explaining the framework in which we are operating.

Mr. Moss: We know it.

Mr. Caborn: The hon. Gentleman may know it, but many people in the Public Gallery or listening to the debate do not know it. It is right for me to put the debate into the context in which we are legislating. For far too long we have been dancing on the head of a pin around one or two issues. I will come to those, and I will answer the questions.

Our starting point is not 24-hour boozing, but an Act that provides tough and uncompromising powers to promote the four statutory licensing objectives. It has been claimed that one policeman came into the Department and we changed the legislation entirely. Let me put it on the record that on 29 April 2004, Rick Naylor, the president of the Police Superintendents Association, said on the "PM" programme on Radio 4:

"The Superintendents' Association have always been in favour of relaxing licensing laws and bringing them into the twenty-first century, and it is slightly disappointing we can't get this piece of legislation enacted sooner, because I think it will have an effect on violence in the streets."

[Mr. Caborn]

ACPO has made similar statements, but I will not bore hon. Members with those, because they are also on the record. That is a case not of an individual policeman approaching the Department, but a responsible organisation doing so over a period of time.

Another question raised was that of approving the guidance without seeing the regulations. Westminster city council has publicly suggested that the licensing guidance should not have been approved by either House until the associated regulations under the Act had been made by the Secretary of State. That point was also made by several hon. Members during the debate this morning.

My right hon. Friend the Secretary of State met the leader of Westminster city council and representatives of some other London authorities last week. She assured them that we intend to make the drafts of the regulations available for comment by licensing authorities and other stakeholders as soon as possible. I recognise that the regulations are important for planning purposes for licensing authorities and for the industry. The regulations will be in place in good time for the beginning of the transitional period. The Secretary of State also agreed at the meeting to examine the case for starting the transitional period later in 2005, as hon. Members have asked, rather than around the Christmas 2004 and new year 2005 holiday period. We will give sympathetic consideration to that. The transitional period will last for nine months, so by autumn 2005 we expect to see changes on the high street and greater protection for the community in connection with all four statutory objectives.

My right hon. Friend also assured the London authorities' representatives that she is examining carefully all the material on fee levels provided by the LGA and the Association of London Government before making any final decisions.

Mr. Luff *rose—*

Mr. Caborn: I will not give way. The hon. Member for North-East Cambridgeshire wanted me to answer the questions, and I will do so.

All stakeholders should be aware that we are not engaged in some kind of bidding exercise. The fees will be set so as to allow the recovery of the full costs of the administration, inspection and enforcement processes associated with the licensing functions and the operation of the new Act. They will go no further than that. Fees have no function as punishment or deterrent. Fines can only be imposed by courts following due process and convictions. Fees are to recover the costs of services provided. I assure hon. Members that the fee arrangements will be robust and fair. They will be fair to local authorities as well as to small businesses and clubs that operate on tight margins. Once the system is in operation, there will be an independent review of the fee levels in the light of experience. We give that commitment and will stand by it.

The Act represents a serious and important opportunity to make our town and city centres more attractive and safer for local people, consumers and tourists. The hon. Member for Cities of London and Westminster raised the point about how we see the modern European city in the 21st century. The Act, together with our alcohol harm reduction strategy, and our policies on gambling and on regeneration of our city centres, will try to address that. Hon. Members were right to say that more people are being attracted back to live in city centres now than has been the case for decades. That is because our cities, in the post-industrial era, are vibrant and developing. We intend to continue to give powers to local authorities, as we have in this Act, so that they can continue to promote the economic and social regeneration of their cities.

Many specific points were raised in the debate about fee levels and particularly about golf clubs. If one refers to the website of the English Golf Union, one will see that it now admits that its previous interpretation was wrong; it has accepted that the treatment of the 19th hole at golf clubs will be no different from that under the previous legislation. However, that has been one of the main arguments advanced by the Opposition over the past weeks. That is unfortunate, but it is indicative of the way in which the Act has been interpreted by some of the press and the Opposition.

Further Education

11 am

Mr. Richard Spring (West Suffolk) (Con): I am glad to have the opportunity to raise with the Minister a number of concerns that I share with West Suffolk college, my local college of further education, which is primarily based in the constituency of my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley). I am worried about the future of its provision for young people and adults in my constituency.

My constituency contains more manual than non-manual workers and has a relatively small proportion of managerial and technical workers. Some 20 per cent. of the work force is classified as skilled or partly skilled manual workers. The prosperity of the constituency will rest to a substantial degree on raising the aspirations and achievements of young people and adults in the area if, for example, we are to heed the recent warning that the CBI made to the Education and Skills Committee that there will be no unskilled jobs in the next five to seven years.

Within that context, West Suffolk college is the largest and most successful FE college in Suffolk, with more than 21,000 FE students, ranging from 300—400 next year—14 to 16-year-olds attending the college from local schools, to the 7,000 adults in learning centres in each of the market towns in west Suffolk, and still more on other courses in village schools and community centres throughout the area.

The college serves a substantial catchment area of more than 1,400 square miles and is one of the eight most rural colleges in England, with the nearest alternative provider 30 miles away. Quality is high: it is rated by Ofsted as being responsive to widening participation and increasing recruitment, and 71 per cent. of the curriculum was graded good or outstanding in the last adult learning inspectorate Ofsted report. Teaching and learning were graded as good or better in 72 per cent. of the 223 lessons observed. The college is the largest learning provider workplace in the county, with more than 800 learners, and is widely regarded as an exemplar of good practice of work among local employers, providing training for more than 800 of the county's employers. Income from companies represents 4 per cent. of the total budget.

The college is important and essential to the well-being of my constituency, and I am anxious to support it. It offers new options to the young teenager, hope to young people who, for one reason or another, did not enjoy school, support to adults and help to many local employers. Organisations such as the British Chambers of Commerce and the Countryside Alliance have written to me to support the essential elements of what I propose to raise in the debate.

The college has expressed to me some fears about threats to its services that it believes come from several different directions. I should like to highlight three of those, which apply generally to other parts of the country, in particular to predominantly rural areas. The first concern relates to the 10 per cent. gap that Ministers have accepted exists between schools and college funding. In a debate on the subject, the Under-Secretary of State for Education and Skills, the hon. Member for Enfield, Southgate (Mr. Twigg), summed up by saying:

"if we compare like with like—if we compare the funding rate for an A-level in a school with that in an FE or sixth form college—we see that for 2002–03, there was about a 10 per cent. gap—£734 for schools, and £663 for FE colleges."—[*Official Report*, 18 May 2004; Vol. 421, c. 223WH.]

Since then, the Government have claimed that in 2003–04 funding for all colleges has increased by 4.5 per cent. and by 3 per cent. for schools. That comparison excludes the funding to compensate the education sector for the extra costs of teacher pensions imposed by Treasury policy.

A different approach was taken for each sector. School sixth forms were given a 2.8 per cent. addition to their funding and colleges had an additional 2 per cent. It ignored the £57 million held back from colleges in 2003–04 when the teachers pay initiative funds were consolidated into core allocations. The headline comparison quoted by the Minister does not take into account the additional funding that schools receive in earmarked grants or in the form of services provided by LEAs, such as transport. The 2004 budget indicated that funding per pupil in schools will continue to rise up to 2008. If that is reflected in yet more funding for the minority—relatively wealthy 16 to 19-year-olds in schools—the gap with college funding will rise above 10 per cent.

Overall, the effect of these factors is likely to ensure that without a determined effort by Government, at best the funding gap will decrease only marginally and at worst it will widen further in the coming years. Will the Minister comment on the size of the gap and say what it means in terms of quality of provision for the two thirds of young people aged 16 to 19 who are educated in colleges? When will the gap be closed, because without such a date, a promise to end the gap is somewhat meaningless?

The submission by the Association of Colleges to the current spending review estimated that equalising funding for all young people would cost £100 million in 2006–07, rising to £202 million by 2007–08. For West Suffolk college, the effect of such an uplift would be an extra £1 million for that age group, which the college would spend on its buildings—the fabric and associated capital projects—extra teaching and support staff and improving the pay of existing staff. The Government's current schools building budget stands at £5 billion, while that of colleges remains at £400 million, added to which, unlike schools, colleges are expected to borrow some 70 per cent. of their funds on the open market, again incurring extra costs. Will the Minister clarify whether colleges serving 14 to 19-year-olds can access "Building Schools for the Future" funds? What hope can he offer to the majority of young people wanting to go on to college that they will be able to continue their studies in well equipped modern buildings like their school counterparts?

The second threat to West Suffolk services concerns adult provision. The Government announced that they have found £130 million for the coming year 2004–05 to avert what the Association of Colleges had warned could be a far greater number of cuts to adult courses than the 70,000 that it predicted in November 2003. The

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root of the problem is the fact that colleges throughout the country have been successful in recruiting large numbers of 16 to 19-year-olds, leaving insufficient money in the system to fund the promised level of adult courses. There were threats to basic courses such as literacy and numeracy when these were not included on the Learning and Skills Council's approved list and to many level 3 and level 4 courses, from plumbing to access to higher education.

The LSC chose that pattern of cuts to meet the Government's demand that funding be focused on a few basic skills qualifications and level 2, reasoning that employers would pay for higher level courses, a point to which I shall return. The Minister will recall that I mentioned that West Suffolk college has established learning centres in each of the market towns in the area and that it delivers courses in village schools and community centres. These centres especially meet the needs of local people, who would find it difficult to travel up to 30 miles to the main campus in Bury St. Edmunds. Most of the people who will be affected live in my constituency. The impending need to change provision to the Government's national priorities would have required rationalisation in these centres, impacting on learners such as single parents and carers, and threatening the longer term viability of those facilities. While it is hoped that extra funds will mean a reprieve this year, will the Minister comment on the prospects for such provision, which is especially important for rural communities, given the forthcoming announcement of the comprehensive spending review settlement for 2005–08?

Thirdly, the Government are pinning some of their hopes on the prospect of raising more fee income from individuals and employers. Government policy for the past 10 years has pushed colleges to widen participation and to recruit students to free courses. At least 60 per cent. of students currently in the college sector pay no fee at all, either because they are under 19 or because they get a concession. The scope of concessions has widened in recent years, most recently to cover those taking level 2 qualifications for the first time. Many fee-paying students have low incomes or take short courses. Nationally, fewer than one in six pay more than £100. Therefore, the college sector has a small base on which to build more fee income.

In addition, work-based learning in rural areas almost always involves small businesses and microbusinesses. That was clearly pointed out in submissions from the British Chambers of Commerce and the Countryside Alliance. The additional costs of monitoring and the difficulty that businesses have in supporting apprenticeship schemes are not recognised in funding or organisational terms. What plans does the Minister have specifically to help rural microbusinesses become more engaged in training?

Increasing fee income is a reasonable longer term goal, but it is not a solution to current funding needs. Colleges may be able to charge higher fees for some of their courses, but in return they will face extra demands from employers and adult learners. They need time and investment in order to prepare for that change. Will the Minster explain what research he is relying on to support that policy development? Will he comment on colleges' belief that many fees to individuals and employers will have to double or even treble?

Of course, another way to balance the books is to make efficiency gains—anyone in receipt of taxpayers' money must be mindful of that—but I speak on behalf of all rural colleges about the difficult relationship between rural transport, outreach and efficiency improvements. Colleges in rural areas face challenges that are not faced by their urban counterparts. They recruit students from a wide geographical area and have to work hard to reach remote populations—taking learning to the learner. Many run their own bus services to bring students to the college, filling the gaps left by inadequate local authority transport. The Government provide some money through their learner support funds but it is often not enough. Colleges fill the gap from their own budgets, diverting money that would otherwise be available for teaching and learning. Will the Minister comment on the need to ensure that broadband is made available to even the most remote areas at an affordable price to the consumer—I know that the service has expanded considerably—as in rural areas online learning can be a particularly useful medium for some learners and a complement to formal learning for others?

Getting people to courses is only the first challenge that rural colleges face in managing their budgets. The need to provide transport in the morning and late afternoon limits the amount of time that colleges have available for teaching and learning. Typically, classes run between 9 am and 4 pm. That places great pressure on facilities during the day but leaves them underutilised in the evenings. Rural colleges are inventive at making maximum use of their buildings, but the constraints on where they operate make it difficult for them to match the space utilisation levels expected in national standards. That makes it harder for them to meet the demands of the Learning and Skills Council's capital committee and to get capital grants from the Government. All colleges are under pressure to improve their efficiency—that is only right and proper. However, care is needed to make realistic demands on colleges and to take account of their circumstances.

City colleges can make their money go further by adding an extra student to each class and improving average class sizes. Their costs do not increase, but their efficiency does. Rural colleges find that much more difficult because they cater to dispersed populations. Providing services in small communities is a vital service to society and the economy, but there is little scope for flexibility. Rural colleges cannot simply chop and change their courses to maximise numbers in the way that urban colleges can. The Learning and Skills Council has a funding formula that takes account of most eventualities but not those relating to class sizes. Rural colleges are therefore penalised by default and must make do with less than their urban counterparts.

With the extraordinary growth in access to technology, the learning centres in my constituency have been a wonderful innovation and a true asset to the communities that they serve. They have enabled people who, for one reason or another, have been out of employment or are perhaps in early retirement to gain access to the internet, to master technology and to open up new vistas of self-confidence. Having witnessed the

growth and value of such learning centres in smaller market towns, I do not want to see the core funding pressures to which I have referred become so strong that they threaten their provision. One thing that we need to do—it is already happening, but we must do more—is close the generational gap in understanding the uses of technology, particularly for those who are middle aged and older.

I hope that the Minister will not respond with the standard ministerial assertion that funding for colleges will have increased by 19 per cent. in real terms in the period 2003–06. As he will be aware, once growth and unavoidable costs are taken into account, the increases have been inflation-only for this year and 2.5 per cent. at best for 2004–05 and 2005–06—hence the national funding crisis on which so many colleges lobbied the House on 18 May.

I hope that, with me, he will acknowledge not only the role that FE colleges play but the particular stresses in rural areas. Having brought to his attention a matter of considerable concern in my constituency, I hope that he will apply his mind to the question of rural provision in the same way as other Departments have done in many areas of Government spending policy.

11.18 am

The Minister for Lifelong Learning, Further and Higher Education (Alan Johnson): I congratulate the hon. Member for West Suffolk (Mr. Spring) on securing this debate. In relation to his final comments, I am pleased to have this opportunity to recognise the enormous value of further education colleges.

I have a great deal of ground to cover, so let me record first that I agree entirely with the hon. Gentleman about West Suffolk college, just outside his constituency. He is right to be proud of it: it is a responsive, good, successful college, with a strong relationship to its community and local employers.

On the general point of further education, the FE sector has a strong and positive record of achievement and quality, which I think it is fair to say has not always been recognised by Governments of all persuasions. We must build on that, because the FE sector is key to meeting our twin aims of social inclusion and economic success. A strong, responsive and high-quality learning and skills sector is fundamental to our education strategy, a sector where teaching and learning are enriching and inspiring and which is demand driven rather than supply led.

The 2002 spending review was unprecedented for further education. I shall not give the standard ministerial response that it was a 19 per cent. increase, but will put it this way: it was an increase of more than £1 billion for the FE sector for the three years up to 2005–06. That investment was essential to help to build the capability and capacity to create a sector able to respond to the needs of the 21st century. Although there will be arguments about specific funding issues, the entire sector appreciates that this was the best financial settlement in the history of FE in this country.

The hon. Gentleman spoke about the funding gap between schools and colleges, and the 2002 spending review allowed us to start addressing that. In 2003–04, the Learning and Skills Council increased core funding rates per qualification by 4.5 per cent. for colleges, whereas the schools increase was 3 per cent. on a comparable basis, and our expenditure plans to 2005–06 should see that trend continue. Given the different ways in which schools and colleges are funded and the much broader remit of colleges, comparisons of the funding of schools and colleges of FE are far from straightforward. However, the hon. Gentleman is right that the 4.5 per cent. increase applied to colleges does not include funding compensation for changes to the teachers' pension scheme. Neither does it include funds linked to the consolidation of previously targeted funds for the teachers' pay initiative and staff training. The additional funding provided for the teachers' pension scheme is linked to the increased costs that each part of the education sector will incur from these changes. That reflects the differing make-up of the work forces in schools and colleges.

As for funding for capital investment, I can clarify that colleges cannot access the funding from the "Building Schools for the Future" initiative. However, the Government have already set out plans for huge increases in capital funding allocated to the Learning and Skills Council for investment in the post-16 learning and skills sector. Capital funds allocated to the LSC will increase to more than £400 million in 2005–06, an increase of 60 per cent. in real terms when compared with the year before last. That level of support means that for the first time there is a long-term approach to building and redeveloping the FE infrastructure. When comparing the total capital budgets of schools and FE colleges, it is important to remember that there are more than 21,000 schools compared with about 400 colleges. The sum of money spent on schools is bound to be vastly different.

Turning to adult provision, I am acutely aware that public investment and funding pressures have hit the sector in a variety of ways. We have a problem with colleges and providers succeeding in educating more people and achieving better results than they or we had anticipated. Those are problems of success, and have cost implications. As the hon. Gentleman mentioned, we provided an additional £130 million over the 2003–04 to 2005–06 period, and the LSC is working with colleges to determine the best allocation of those resources. The sector must face the need to make hard choices and decide priorities even with the significant public funds that are available.

The skills strategy that we published a year ago set out a vision for transforming our national investment in skills. The Government will continue to make a major investment in adult learning, but Government should not and must not be the only source of such funding. We have examined the situation in other countries, and the contribution that employers and learners currently make towards the cost of learning in the LSC-funded sector is not as high as in other countries. Therefore, we flagged up in the skills strategy—signed by four different Departments and worked out with the CBI, the TUC and the education sector—that there must be a re-examination of the assumptions built into the LSC funding system.

This summer, the LSC will continue its consultations on how we can implement the proposals. Given the need for the LSC to consult and to consider the outcome of consultations, and the fact that decisions have not yet been taken on spending review 2004 allocations, it

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would not be appropriate for me to speculate on what might happen to specific provision. However, I can say that within the skills strategy we made it extremely clear that adult and community learning programmes, which are perhaps more important in rural areas than urban areas, should be seen as an integral part of the wider learning opportunities for the area. Employers, particularly small employers, often need support and advice to help them to develop their businesses. The Department is working with the Small Business Service to improve the accessibility and quality of support delivered through the Business Link network. Employer training pilots provide a good example of how colleges can take training to the employer, and reach out to employers who might not otherwise have engaged in training. West Suffolk college needs no lessons in that; indeed, it was, in many ways, ahead of the field. It has dedicated teams working with 702 companies throughout the region to provide tailor-made courses and employee training at the workplace. That very much fits in with the employer training pilots strategy.

Rural areas have their own special characteristics and challenges. During the employer training pilots we have been careful to continue to include areas where we can test the approach in a rural context. The national rates advisory group, which advises the LSC, is working to consider the issues of rurality and sparsity in the sector and the implications for funding. In research commissioned by the NRAG in 2002, comparisons were made for all providers over a range of financial and curriculum measures. There was no evidence that the relative costs of delivering provision were greater in rural or sparsely populated areas. The NRAG therefore recommended that there should be no change to funding for providers in those areas in 2003–04. However, to reflect the difference in transport costs in rural and isolated areas, the LSC has incorporated a sparsity factor into the allocation process of learner support funds in 2003–04. There has been a recognition of those issues for colleges such as West Suffolk, and other rural colleges.

On the important subject of broadband availability, I am pleased to say that all FE colleges now have a broadband connection to the academic network—charmingly called JANET—linking them to one another, higher education institutions and the internet. Work is now in progress to provide adult, community learning providers and specialist colleges with an equivalent infrastructure.

I shall make another point about the learning centres in the hon. Gentleman's constituency: such centres are crucial if we are to tackle the inherent problem of so many adults out in the work force or sometimes unemployed, not even having the literacy that we would expect of an 11-year-old. A large proportion of that funding comes separately through the skills for life programme, and that different funding stream has been very successful in achieving our targets of turning around the situation with adults. Many of them have literacy and numeracy problems, but also need training with the third skill for life, which is computer training. I am sure that the hon. Gentleman can be reassured by that.

Finally, returning to funding, I am pleased that the Chancellor was able to announce in broad terms the spending review settlement for the Department for Education and Skills in his Budget. It is a good settlement, given the overall financial position. We are not yet in a position to say what it means for FE, as we are still working through the detail. However, I have listened to the points raised by the hon. Gentleman. He and other hon. Members are right to be concerned and enthusiastic about support for the FE sector, and I shall reflect on those points as we take key decisions. We hope to be able to publish the outcome of our deliberations in July.

11.29 am

Sitting suspended until Two o'clock.

AIDS (Africa)

2 pm

Mr. Deputy Speaker (Mr. Frank Cook): Before we start our proceedings this afternoon, perhaps it would be helpful to point out that there is business in the parent Chamber today that is likely to incur several Divisions, as we all probably know. I give prior warning that the Chair will suspend for 15 minutes on each occasion, but a strict score of the time will be kept. Of course, penalty time—or injury time, as we call it—is allowed towards the end. We would normally finish at 4.30 pm, but the likelihood is that we will complete our business this afternoon somewhat later than that.

Hugh Bayley (City of York) (Lab): Several colleagues on both sides of the House and I made applications for this debate to enable the House to discuss the findings of the Africa all-party group's report on AIDS, which was published two weeks ago. We are grateful that Mr. Speaker saw fit to call a one-and-a-half hour debate on this important subject so soon after the publication of our report. We also sought this debate so that we could press the Government to implement our recommendations. I say "the Government" and not just "the Minister" advisedly, because we have made recommendations for Secretaries of State in several Departments.

I wish to thank colleagues on both sides of the House for their contributions to the report, particularly to the oral evidence-gathering sessions that we held to collect views on the subject. I also wish to thank the all-party AIDS group, which gave a great deal of support and advice to our relatively younger, more recently formed group. I wish to thank those who submitted evidence to our group, and Penny Jackson, the administrator of our group, who did a tremendous job of analysing the evidence, preparing drafts of the report and dealing with dozens of redrafts from members of the group, many of which were mutually inconsistent and contradictory.

As the chairman of the group, I should declare as interests the money that we received to enable us to produce the report, from the Royal African Society, the Henry J. Kaiser Family Foundation, Merck and Co. Inc., the Catholic Fund for Overseas Development and ActionAid. I would also like to thank officials of the Department for International Development for providing informal briefing to our all-party group and for drafting formal evidence, which was submitted to us, and my right hon. Friend the Secretary of State for International Development, who gave a great deal of time at the oral evidence session at which he appeared.

The UK Government have significantly increased the priority given to fighting AIDS in Africa. That is made clear by their "Call for Action" document, which was published on world AIDS day last year. DFID is currently in the process of reviewing its policy on HIV/AIDS. Since 1997, the Government have almost doubled aid to Africa. They have increased funding for HIV/AIDS work from £38 million, which it was in 1997, to £270 million a year, and committed more than $280 million over an eight-year period to the global fund to fight AIDS, tuberculosis and malaria, which makes the UK the world's second-biggest donor in this field. Our Government have also led the donor community in supporting the UNAIDS Three Ones proposal: each country affected by the HIV/AIDS pandemic should have one national strategy for combating the disease, one national AIDS commission to oversee that work and one way to monitor and report progress in the fight against the disease. So much has been done by our Government, but the report's key finding is that much more still needs to be done.

The AIDS pandemic in Africa is an exceptional humanitarian crisis. At present, more than 25 million people, perhaps even as many as 28 million, in Africa are infected by the disease; 70 per cent. of those in the world who have HIV infection are in Africa, and there are now 11 million to 13 million orphans—children who have lost one or both parents to the disease—in Africa.

In 2002, there were seven countries with an HIV prevalence rate of more than 30 per cent. for those aged 15 to 49. In nearly every African country the situation is getting worse, and the long-term social and economic effects will get worse still. Richard Feachem, director of the global fund who gave oral evidence to the all-party group, described the HIV/AIDS pandemic as the worst disaster in human history—worse than the black death, which halved the population of this country in the 14th century and affected people across Europe.

It is a disaster that to a significant extent could have been avoided if African and donor Governments had acted sooner, and the disaster is still accelerating. How much worse it will get depends on how soon and how effectively African Governments, donor countries and the private sector respond to the disaster. However, there is still a window of opportunity to mitigate some of the effects and to develop coping strategies to deal with the consequences of a pandemic—the rapidly increasing number of orphans in Africa, for example. But as the months and years go by, the opportunities to cope and to mitigate will reduce. We therefore urgently recommend that the Government provide additional support and take further action in the matter. This is an exceptional crisis, which requires an exceptional response from the donor community.

The report makes several key recommendations: first, that the UK aid budget should be increased. The Government already support the target to devote 0.7 per cent. of our gross national income to official development assistance, and we now ask them to set a timetable for reaching that target.

Secondly, we ask the Government to launch their proposed international finance facility, which is a means to the end of achieving the goal of higher spending on development assistance; thirdly, we ask the Government to increase the financial support that they provide for AIDS programmes; and, lastly, we ask them to raise with the European Commission the possibility of diverting the €10 billion in the European development fund that is currently unspent to an emergency package of relief for those with AIDS.

We recommend also that our Government, other donors and African Governments support the full range of health responses to the pandemic: for example, improved nutrition, because food is the first line of defence against disease; more resources devoted to prevention services and to voluntary counselling and testing; more resources for treating opportunist

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infections affecting people of HIV-positive status and more funding for drug therapies to prolong the lives of those who are HIV-positive.

We come, however, to the conclusion that prevention is the most effective and cost-effective response to the pandemic. Pound for pound, money spent on prevention saves more lives than money spent in any other area. The top priority must be to ensure that resources earmarked for prevention are not diverted to other interventions. We must provide the full range of treatments, but we will need additional resources to do so.

The costs facing health systems in developing countries threaten to overwhelm them. Where there is insufficient money to do everything that ought to be done, choices must be made about where the priorities lie. Those choices must be open and transparent. They must be made at a national level in Africa and based on the principles of equity—people with equal needs should be treated equally—effectiveness, and cost effectiveness, so that the maximum number of lives are saved. They also need to be open to public debate. They should not be taken by officials or Ministers in private rooms in the capital; the people directly affected must have a say in the priorities.

Few developing countries have experience of setting explicit health priorities or of having public debate about public policy issues in general. They will need technical assistance to do so. I suggest to the Minister that the Department for International Development should commission specialists—medical ethicists and health economists—to prepare a tool kit on health priority setting for developing countries. That proposal was supported by the National Audit Office, which has recently published its own assessment on the Government's work on responding to HIV and AIDS. In paragraph 22 of its report, the NAO says that DFID should

"update . . . its strategy to provide . . . supporting guidance and advice for country teams on key operational issues such as treatment".

The all-party group also felt that the Government need to address the high death rates of teachers, nurses and other key workers, such as lawyers, economists and Government administrators. If professionals dying from the disease are not replaced, there is no possibility whatsoever of sub-Saharan Africa achieving the millennium development goals by 2015. The problem with replacing those people as they die is that the colleges training teachers and nurses are also losing members of staff at an alarming rate to the disease.

The United Kingdom is particularly well placed to support and help African countries to respond to the challenge of replacing professionals dying from the disease. The UK has a wealth of experience in post-school distance learning, which has been gained from the Open university. I have had discussions with the professor of education at the Open university, the BBC World Service and programme makers, who have put together distance-learning packages. Those discussions have led me to the conclusion that distance learning is a realistic practical response that can be made to work in partnership with educational institutions in Africa. Indeed, the Open university already works in partnership with the Open university of Tanzania, which it helped to create, and a university in South Africa which provides distance-learning packages for teachers. In addition, the Open university UK provides courses in Ethiopia.

The Department for Education and Skills should seriously consider devoting resources and providing support to the Open university to expand the work done in that area. The reason for highlighting the DFES is that DFID rightly prioritises primary education. It is the DFES that has the reservoir of knowledge and experience of using the television and radio—infrastructure that generally works well in Africa, especially in urban areas—to help replace the numbers of teachers and other professionals being lost.

The NAO also offers support to this proposal. In appendix 2 of its report, it says that the UK Government should ask:

"Does the country have the capacity to deal with the results of AIDS attrition of key public sector workers (such as health and education sector workers)?"

It is right to draw the matter to our attention, but the same must be done in relation to skills employed in the private sector. The millennium development goals will not be met by aid alone. Our markets must be opened to trade from Africa, and the private sector will provide the economic growth that comes from trade.

In our report, we also stressed the need for social rescue packages in Africa to care for the increasing numbers of AIDS orphans. I know that my hon. Friend the Member for Northampton, North (Ms Keeble) will be speaking about that later in the debate, if she catches your eye, Mr. Deputy Speaker. At present, most AIDS orphans in Africa are cared for by their grandparents, but the current generation of AIDS orphans will also have children. We know that in Botswana, the likelihood of a young man in his late teens getting HIV and dying from AIDS later in life is 90 per cent. So 90 per cent. of the AIDS orphans in Botswana who have children will themselves die from AIDS. The question that we must face is that when they die, by definition—because they are orphans—their children will not have grandparents. So who will care for that second generation of AIDS orphans?

It is not a crisis that can be solved by the public sector alone. The private sector must provide prevention services and care to their employees in Africa and their families. Some companies have already taken a lead on that, and have created models of good practice. We call on the Department of Trade and Industry in the UK to work with those British companies that have created examples of good practice to spread that practice through the UK-based business sector that is working in Africa.

We should like to see coherent and co-ordinated policies throughout all Departments in the UK Government. We think that DFID should be the lead Department, but others Departments, such as the Foreign Office, the Ministry of Defence, the DTI, the Department of Health, the DFES, the Home Office and even the Department for Constitutional Affairs and DEFRA need policies on HIV/AIDS too. Can the Minister let us know what mechanisms are in place to ensure appropriate cross-government co-ordination of policy?

When the all-party Africa group was formed, its members hoped that we would not simply be a study group, but that we would create a team of parliamentary activists who would talk up the Prime Minister's and the Government's commitment to Africa, and also help to drive Africa's needs up the political agenda in both Houses of Parliament at Westminster, and in other institutions, such as those of the European Union. Following the publication of this report, we have already met the International Monetary Fund. We met Peter Heller, the deputy director of its fiscal affairs department, yesterday to discuss the concern that was expressed to us by Dr. Peter Piot from UNAIDS, that Uganda was unable to make use of all the money that was offered to it by donor organisations to address the AIDS crisis, because it would have taken the spending in its Department of Health above the expenditure ceiling set by the IMF. There is a real problem here, although I am happy to say that the IMF is seeking to resolve it.

On Monday next week, the IMF will meet the main agencies—the World Health Organisation, the global health fund, UNAIDS, USAID and DFID—in Washington DC to work out how to resolve the contradiction between the need to increase resources for health spending as an emergency measure to combat AIDS and the untoward macro-economic pressures that might result from a large increase in public spending. The answer must be to find a way of reducing these pressures, and not to cut health spending to do so.

Interestingly, a key way to reduce the inflationary pressures that a large increase in public expenditure would create in those countries would be to train more nurses, barefoot doctors—if I may describe them so—and public servants. There would then be less inflationary pressure on wages. An Open university-inspired distance-learning package may be a way to address the macro-economic pressures that the IMF identifies.

On Tuesday next week, I will meet IMF representatives in Washington DC when I am in the chair of the NATO Parliamentary Assembly's economics committee. I have invited Mr. Heller to meet the committee to give us feedback from the meeting with the aid agencies on Monday. We will also meet the managing director of the IMF, Rodrigo Rato, to discuss the problem with him.

In passing, I should say that the NATO Parliamentary Assembly committee delegation to the United States includes Members of Parliament from 10 EU states, including an ex-Prime Minister of Italy, Lamberto Dini, and the ex-Deputy Prime Minister of Finland, Suvi-Anne Siimes.

The Africa all-party group will seek meetings with the Secretaries of State of four key Government Departments: DFID, the DFES, the DTI and the Department of Health. When the post-election settling-in period has passed, we will seek meetings with Members of the new European Parliament and the new European Commissioner for Development and Humanitarian Aid.

Finally, I congratulate the Minister on what his Department has achieved so far, which has been a step change in our Government's response to the AIDS crisis in Africa. However, a further step change is needed. Far more help is needed if we are to find a decent, human response to the worst humanitarian crisis in human history.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I remind the Chamber that it is customary to commence the first of the three Front-Bench winding-up speeches 30 minutes before the sitting's conclusion. Assuming that there are no Divisions between now and then, that will be at 3 pm, which allows 37 minutes.

Five Members are seeking my eye, and I am anxious to get as many in as possible—all of them, if I can. I ask Members to bear the circumstances in mind not only when making their own contributions, but when accepting or responding to interventions.

2.23 pm

Mr. David Chidgey (Eastleigh) (LD): I take your comments on board, Mr. Deputy Speaker. I congratulate the hon. Member for City of York (Hugh Bayley) on his introduction to this debate on behalf of the group.

Tucked in the corner of page 27 of today's edition of *The Independent*, in a section entitled "World in Brief", is a report that southern Africa is in the world's worst crisis. It says:

> "Southern Africa faces the worst humanitarian crisis in the world, with Aids, hunger and weakened capacity to govern, James Morris, UN special envoy for humanitarian needs, said. Some 30 million of the 40 million people worldwide infected with HIV live in sub-Saharan Africa. The average life expectancy has dropped to just 46 years and there are already 11 million orphans."

The point is that that is tucked away in the corner of page 27 of that broadsheet newspaper. That demonstrates how Parliament and others have a responsibility to bring to the attention of a much wider audience the catastrophe that is facing Africa.

The AIDS epidemic is a threat to the stability of society and states, as well as to African peoples. Therefore, sporadic projects are not in themselves enough. We need to increase our funding ratios overall. The lack of political will and the social stigma of HIV/AIDS are major obstacles to international action and have already contributed vastly to the pandemic. The United Kingdom's forthcoming chairmanship of the G8 and the EU presidency will provide us with an ideal opportunity to seek to secure increased budgets and better disbursement of money and to provide a lead on the major issues that have affected our ability to tackle and address the AIDS pandemic.

AIDS is at different stages of intensity in different regions. Individual states face different social, economic and political factors, which affect their vulnerability. We need to develop an overall strategy that is co-ordinated and coherent, with carefully targeted individual programmes. DFID must improve on both those fronts. In referring briefly to the funding aims, I reinforce the comments that have been made. We must aim to establish a timetable for the target of 0.7 per cent. of our gross national income within the next Parliament. We must aim to persuade the European Union urgently to divert unspent funds—some £6.53 billion lies unused—towards tackling AIDS. We must aim to establish the

[Mr. David Chidgey]

international finance facility and to increase UK funding to the global fund to fight AIDS, TB and malaria to an appropriate level. We should contribute 6 per cent. of the total that has been allocated because we have 6 per cent. of the total donor GNP. Proportionality will be absolutely right.

As the report produced by the all-party group points out, there are three waves to the AIDS epidemic. First, there are the current infection rates. Secondly, there are HIV/AIDS deaths. Thirdly, there is the impact and what happens next. Our report focuses on the effect HIV/AIDS has on communities, their economies and their key workers. I should like to highlight two themes in the report. The first is impact mitigation. There is a need to address the wave effects by extending the healthy lifespan, especially of key workers and primarily through the care and treatment programmes.

Secondly, there is capacity building. We need to harness the capacity of the non-governmental organisations, businesses and community organisations through increased funding. That is not enough on its own if there are no structures or personnel to implement the programmes. The capacity to implement programmes is itself under threat from the impact of AIDS. Those are serious long-term issues. Finally, there is a need to understand and support the grass-root level organisations that have so far been underused. In many cases, they have sufficient knowledge and commitment to address the issue of AIDS in the community.

I recently visited the Soweto hospice as part of a Foreign Affairs Committee inquiry. There is nothing quite so salutary as seeing what volunteers are doing to provide succour and comfort to those who are dying of AIDS. There is also an enlightening and encouraging aspect in the work of the volunteers. Several hundred local people have been trained to work in their communities, providing basic health care to those who are dying from AIDS. We should not underestimate what the local organisations and communities can do with the minimum of help from people with the necessary medical expertise. It happens throughout the communities, even in Soweto, which we often consider as somewhere that is unable to cope with these basic issues.

The National Audit Office found that only 1 per cent. of the funding we provide is spent on impact mitigation. Only 6 per cent. is spent on capacity building and 34 per cent. is unclassified. We can rightly ask the Minister where that funding is going.

I want to draw attention briefly to the aspect of our report that recommends a balanced approach to addressing HIV/AIDS. That must be done through prevention, care and support, treatment, and impact mitigation. In practice, impact mitigation receives by far the least attention, mainly because anti-retroviral therapy is the most effective, although also the most costly, form of treatment.

I shall not repeat what the hon. Member for City of York said, as other hon. Members wish to contribute. I shall move straight on to our need to understand the impact on the communities and economies of the countries suffering the AIDS pandemic. I was at a meeting in Johannesburg fairly recently with senior executives from across the business community in what would otherwise be a burgeoning economy. My colleagues from this Parliament and I were told that the key businesses in the African economy had to plan for losing their total work force every three to four years, because of the impact of HIV/AIDS. One can imagine what that means for planning, for investment, for recruitment and training and for trying to keep a business going. The situation is even worse in the mineral extractive industries.

2.31 pm

Sitting suspended for a Division in the House.

2.46 pm

On resuming—

Mr. Deputy Speaker: I have been informed by the usual channels that a further Division will follow immediately, but until we see evidence of that on the screens, we will proceed.

Mr. Chidgey: The United Kingdom is the world's second largest donor for HIV/AIDS. The key problem is not how much money is spent, but what it is spent on. The NAO's report shows that DFID does not know what impact its programmes are having and that it cannot therefore measure their effectiveness.

Ministers have been rebuked for failing to keep account of how much money is being spent on fighting HIV/AIDS, and DFID apparently does not give enough priority to AIDS when working to tackle the HIV/AIDS problem. It omits the disease from more than half of its strategy papers. The failure to tackle HIV/AIDS has jeopardised the achievement of the millennium development goal of halving the number of people living in extreme poverty by 2015.

The Minister must know the NAO's report backwards, so rather than my recounting its criticisms, perhaps he would reply to the points that were made in it.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Four hon. Members to go and 27 minutes left.

2.47 pm

Tony Worthington (Clydebank and Milngavie) (Lab): I would love to follow that speech, but I am not going to. I hope that the Minister fully rejects it, because the National Audit Office report was humbug. I congratulate my hon. Friend the Member for City of York (Hugh Bayley) on securing the debate and on the report. It is what we should all do as Back Benchers.

I want to concentrate on the way that we treat AIDS and the relationship between HIV/AIDS and reproductive health. There is no doubt that because HIV/AIDS first came to prominence through gay sex and intravenous drug use, we neglected the fact that the infection would eventually overwhelmingly affect women. If we had seen that in the first place, we would have seen that it was a reproductive health issue.

Recently, I have been very privileged to be involved in consultations in New York and Switzerland where major organisations have realised that in our reaction to the issue a wrong turn was taken. They see that reproductive health and AIDS must be linked much more closely. I was in New York at a meeting jointly called by the United Nations Population Fund—UNFPA—and UNAIDS that included the World Bank, DFID and the European Union. They all said that the linkages between reproductive health and AIDS had to be dealt with much more thoroughly and that we had missed a very considerable trick.

The silos of funding are an absurdity: there is a large silo for HIV/AIDS and a smaller silo for reproductive health. There are boundaries between sections of the same department.

2.49 pm

Sitting suspended for a Division in the House.

3.4 pm

On resuming—

Mr. Deputy Speaker: I am told that we should be reasonably clear until 4.30 pm.

Tony Worthington: As I was saying, out of New York will come a statement to the big AIDS conference in Bangkok from the World Health Organisation, UNAIDS, the United Nations Population Fund, the World Bank, the European Union and DFID that there should be much better treatment of the links between HIV/AIDS and reproductive health.

I was delighted to read in a letter from the Secretary of State that, following the launch of the Government's AIDS strategy next month,

"there will be a strong message to DFID country offices to ensure that implementations of HIV and Reproductive Health programs are integrated wherever possible and practical."

That is a major step forward.

The other event that I went to was in Montreux. It was organised by the WHO and dealt specifically with mother-to-child transmission. From an HIV viewpoint, the difficulty with mother-to-child transmission is that one simply takes the fact that the mother is about to have a child and is HIV-infected and deals with the problem at that point. However, we will never reach UN targets if we start there; we must start with the mother not being infected in the first place and continue with the care of the HIV-positive mother in relation to future children. There must be integration between HIV services and reproductive health services.

We have achieved a major step forward. My hon. Friend the Member for City of York said that prevention was still the most important issue—I would say easily the most important—not just for Africa but for the rest of the world, the highly populated world that may follow. I congratulate him on his report and I thank him for the opportunity to contribute to the debate.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Three hon. Members to go and 24 minutes remaining.

3.6 pm

Mrs. Annette L. Brooke (Mid-Dorset and North Poole) (LD): I add my congratulations to the all-party parliamentary group and the hon. Member for City of York (Hugh Bayley) on his contribution to the group and his success in obtaining this debate.

I want to make a brief contribution on children. Orphans and vulnerable children are often referred to as the forgotten children of the AIDS crisis, but it cannot be said that children are forgotten in this report. I want to use my time to highlight some of the issues relating to them.

More than 13.4 million children under the age of 15 have lost their mother or father, or both parents, to AIDS, and the number is rising fast. Nearly 80 per cent. of those orphans live in sub-Saharan Africa, and the number of orphans in Africa alone is predicted to increase by 180 per cent. from 1990 and reach a staggering 8.8 million by 2010. With HIV and infection rates rising rapidly, the number of orphans will increase sharply in the years to come and the impact will continue for at least the next two or three decades. In addition to the children orphaned, millions more are highly vulnerable because their parents suffer from AIDS or because their families are heavily affected, but there are also children who live with HIV/AIDS.

HIV/AIDS has a significant impact on the protection of children's basic rights. Under the United Nations convention on the rights of the child, a child has the right to survival, development, protection from abuse, neglect and economic exploitation, the right to participate in decision making in matters concerning them, the right to have their best interests treated as the primary consideration and the right to be free from discrimination. An appropriate response to the massive problems thus demands that children's voices are heard in the planning and implementation of HIV/AIDS programmes as part of the greater involvement of civil society. Youth representation in national HIV/AIDS plans and poverty reduction initiatives is also a necessity.

Children orphaned or made vulnerable by HIV/AIDS experience a wide array of problems. In addition to the severe psychosocial distress of losing one or both parents, they may lack food, shelter, clothing or health care. They may be forced to drop out of school or be required to care for chronically ill adults or younger siblings. They face discrimination, abuse, exploitation or exclusion from their community as a result of stigma. Without parental guidance and protection, they may themselves become vulnerable to HIV infection.

In many communities, traditional ways of caring for orphans and vulnerable children, such as the extended family system, are being severely strained by the many aspects of the impact of HIV/AIDS. The challenge is to find ways to help communities to care for the unprecedented number of children and families rendered so vulnerable.

There is a growing number of child-headed households. As livelihoods are increasingly threatened, children are forced to take on a premature adult role. They are forced to drop out of school and take up work, which is often in hazardous conditions. Young people may find it difficult to gain access to the all-important preventive messages to which hon. Members have

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referred. Sexual health services may become out of reach after the children have been forced to leave school. Clearly, there must be support mechanisms to plug those gaps.

The impact of HIV/AIDS on children's health goes beyond the growing number of them who are infected by it. Families that are living with HIV/AIDS will, if they are able to, spend a higher proportion of their income on treatments, which reduces the income available for other health care needs. A parent's level of illness may make it difficult for them to care for their children and that has further knock-on effects. There are issues about the transmission of the infection from mother to child and massive preventive work is needed on that. In most cases, girls are the most heavily affected. They are more likely to drop out of school to care for family members, are at greater risk of abuse and are much more vulnerable to infection. Prevention and care programmes have typically failed to address their vulnerability to HIV/AIDS. Those gaps must be addressed through strategic interventions at all levels.

We have spoken about the loss of skilled workers, particularly teachers. The loss of them has now reached a crisis proportion in parts of Africa. There is not enough capacity in the education systems to give protection to children, who need to be equipped with knowledge and skills that will reduce their chances of contracting sexually transmitted infections.

In addition to all those effects, there are the long-term economic implications of continuing to neglect the needs of orphans and vulnerable children. A recent World Bank study indicated that countries such as South Africa could face economic collapse within several generations unless the AIDS epidemic is combated. We are in the middle of a vicious circle. If we do not break it sooner, rather than later, we know what the future might hold for many people.

What can be done about the specifics, relating to children, on top of the general measures that were proposed in the report? I support World Vision's call on the Department for International Development to advocate and provide support for the completion of national orphans and vulnerable children's strategies with time-bound action plans in all countries with generalised epidemics. We had commitments in 2001 under the United Nations Assembly special sessions on HIV/AIDS, and we were supposed to have reached those commitments by the end of 2003. All of them need to be revisited, and we need some commitment to progress.

I would also just like to mention the goal of free universal primary education. It was among the millennium development goals and it is important in the overall picture if we are to make life better for children. The cost barriers to education must be removed and assistance must be given to keep children productively in school. There must be a strategy and an action plan that also includes all secondary school subsidies. Similarly, the removal of all health care user charges for children is an important goal. I hope that DFID will be proactive in all those areas.

We must remember the forgotten children and take action now on behalf of the orphans and vulnerable children.

Mr. Deputy Speaker: Order. Two hon. Members want to speak and we have 16 minutes remaining.

3.14 pm

Ms Sally Keeble (Northampton, North) (Lab): I, too, commend the work that my hon. Friend the Member for City of York (Hugh Bayley) did in leading the inquiry, which was one of the most stimulating that I have been involved in since I became a Member of the House. It was extraordinarily well managed and the report was extremely well written. I would like to pay tribute to everybody who helped with it and that includes the advisers.

I welcome the fact that DFID is producing a strategy and is giving greater priority to HIV/AIDS. I also welcome the commitment to funding anti-retrovirals. I shall briefly focus first on orphans and vulnerable children and, secondly, on anti-retrovirals. Those were the two pressing and important issues, both during the inquiry and when travelling around Africa before and after it.

My hon. Friend the Under-Secretary of State for International Development will see that the all-party group report says that orphans could suffer the most catastrophic single impact of the AIDS epidemic. The report sets out all the facts to support that view and I am sure that he has taken them on board, or will do so. Therefore, I do not intend to repeat them all. There are already about 11 million orphans in sub-Saharan Africa, and the number is projected to increase to 42 million.

The personal stories behind the facts are horrendous. After the inquiry, I went to Kenya and met one of the people who had given evidence. I saw her work and met one of the orphans for whom she was caring, a little girl called Anna, who was five years old and was orphaned at four after being a primary carer for her mother. Although she did not get HIV/AIDS from her mother, she had contracted tuberculosis from her, because TB and AIDS often go together. It is estimated that, in sub-Saharan Africa, 90 per cent. of TB cases are AIDS-related. A huge amount of medical care is needed in addition to the work that the woman I met was doing to support other AIDS orphans.

It is essential that proper measures are established to deal with the problems of HIV orphans—they cannot be averted, because the parents are already dead or infected. This crisis cannot be put aside; it must be dealt with. However, the most recent Department for International Development strategy document that I have seen, which followed the original "Call for Action" document, hardly mentions orphans and vulnerable children. There are no clear recommendations. It is not enough to assume that if everything else is in place and there is economic growth, benefits will trickle down to health systems and so on. The all-party group makes it clear, as does the UNICEF document, "A framework for the protection, care and support of orphans and vulnerable children living in a world with HIV and AIDS", that orphans and vulnerable children need a social rescue package of distinct and specific

interventions, including access to school, pre-primary schooling, health and social care, legal safeguards of their inheritance and parentage, and counselling. We sometimes overlook counselling, but it is needed to help children to manage their grief.

The World Vision report—I think that it is the same one that the hon. Member for Mid-Dorset and North Poole (Mrs. Brooke) referred to—says that 40 per cent. of Governments in countries with generalised epidemics have no national policy to provide support to orphans and vulnerable children. One reason for focusing on that is that in our country, where we have benign conditions compared with those in Africa, we have real difficulties with children's policies, and for the same reason. They are cross-cutting and are often secondary functions in complex large Departments, and children are voiceless and voteless.

We have a Minister for Children for the first time, and even now not all the functions relating to children are under her control. Imagine what it would be like if my right hon. Friend the Minister for Children had to deal with about 4 million orphans. That is roughly the scale of the problem confronting the worst-affected African countries. I should like to draw to the attention of my hon. Friend the Under-Secretary to the all-party group's recommendation on the need to support African Governments to ensure that they have policy coherence across Departments with a clear ministerial lead, not just on HIV/AIDS, but on orphans and vulnerable children.

Many colleagues have spoken previously about anti-retrovirals. There is a need to ensure that there is proper treatment for women in pregnancy and childbirth, but I was particularly struck on my most recent visit to Africa by the need to underline the all-party group's call for the provision of anti-retrovirals as part of a strategy. The failure to provide the drugs properly is having a catastrophic result, because they are being misused. I have seen that in country after country. People are pulled back from the brink of death, but they have no long-term prospects.

I understand why the patients and their carers go down that road, because that is often best. If parents stay alive for six months, or a year or two longer, it gives their children a better chance in life. Any parent will try to ease the pain, prolong the life of their child and get those drugs in the hope that something turns up in the meantime, but it means that those powerful drugs are being misused with serious consequences. I had not realised how powerful they were, until I saw someone who had been pulled back right from the brink of death by the drugs—for six months, but then what happens? The reactions can be much worse from intermittent use of the drugs.

People will get and use the drugs. The issue for the international community is not whether we can hold back on the supplies—we cannot, and it is the height of control freakery to think that we can prevent people from using them—but to ensure that the supply lines that already exist, through a whole network of voluntary groups, private health organisations and other outlets, are properly supplied, and that the right support is provided, so that the drugs can be properly administered and used.

I urge my hon. Friend, when he looks through this detailed report, which will take a lot of time to digest, to pay attention to two particular points. First, he should focus on the question of the anti-retrovirals—we must enable them to be used properly or they will continue to be used improperly. Secondly, he should focus on orphans and vulnerable children. As DFID develops its strategy and applies pressure for country strategies on HIV/AIDS, it should aim to ensure that those country strategies contain and give priority to orphans and vulnerable children. That is not averting a catastrophe, but dealing with one that is already in place.

Mr. Deputy Speaker: Nine minutes remaining.

3.22 pm

Mr. Nigel Jones (Cheltenham) (LD): I add my congratulations to the all-party group on Africa on producing the report "Averting Catastrophe—Aids in 21st Century Africa". The report makes grim reading, but also makes many positive proposals. I declare an interest, in that I am chairman of the all-party group on Botswana, and will therefore confine my remarks mainly to the AIDS problem in that country, which is mentioned several times in the report.

Botswana is a massive country in area—it is bigger than France and Belgium put together—but has a tiny population of 1.7 million. Unlike many African countries, it is a success story. The people have succeeded through a combination of good luck—they discovered diamonds shortly after independence in the 1960s—and good government. They did not have a war over control of the diamond mines, but used the wealth instead for schools, clinics and infrastructure. In raw figures, the average income of the people of Botswana is 10 times that of most other countries in sub-Saharan Africa and, through decent health care, the average life expectancy rose almost to European levels.

I first visited Botswana in 1999 on a Commonwealth Parliamentary Association delegation, led by the hon. Member for Glasgow, Pollok (Mr. Davidson). It was on that visit that I began to understand the enormity of the HIV/AIDS problem. We visited Jwaneng, one of the diamond mines run by Debswana, the company that is 50 per cent. owned by the Government and 50 per cent. by De Beers, and around which a town had been built. We were briefed on the work of the mine, its immense capital investment, and security measures to ensure that no material was stolen. However, the manager who gave the briefing seemed a little distant, and I asked him whether there was anything else that he wanted to tell us: there was. That morning he had received the results of the first voluntary anonymous saliva tests on his work force. The tests had revealed an HIV infection rate of 30 per cent. across the pay grades. We discussed the implications of that, including how one feeds that sort of information into a business plan. It meant that investment in recruitment and training would have to increase, and that new people would need to be drafted into the work force when victims started to show signs of terminal illness.

Last year—four years later—I led a delegation of MPs and Members of the other place to Botswana. We visited another diamond mine at Orapa. We received

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another briefing, including a section on what the company had done to counteract the impact of HIV/AIDS. In the four years since the result of that first test, Debswana had decided that it was cheaper to screen its entire work force and, if they were infected, to give them the currently available medicines to keep them alive. If staff members were not infected, they were counselled regularly on how to remain disease-free. Throughout the country, in taxis and on posters everywhere, there is the ABC sign encouraging people to abstain, be faithful and condomise.

As a result of that policy there is some light at the end of the tunnel. Indications at Debswana show that by using anti-retroviral treatments it may be possible to keep people alive and active for an additional 10 years, thereby recovering some of the investment in training. The encouraging news is that the rate of new infection among younger members of the work force has dropped. The message seems to be getting through.

Unfortunately, the picture is not the same throughout Botswana. Debswana's work force is a tiny fraction of the country's working population. On the flight home last year I sat next to the respected BBC journalist Michael Buerk, who had been filming for world AIDS day. He had been to a copper mine in Selibe-Phikwe, where the work force had just received the results of their first saliva tests, four years after the test result in Jwaneng. The results showed an infection rate of not 30 per cent. but 70 per cent. Over the country as a whole the latest estimate is that 39 per cent. of adults are believed to be infected with HIV.

I mentioned that life expectancy in Botswana had risen because the country could afford decent health care. Without AIDS, by 2010 the average life expectancy in Botswana was expected to reach 74 years, which is pretty respectable. Now, with AIDS, that average life expectancy is predicted to be only 26—a generation and more of progress will have been wiped out. The situation in Botswana is so bad that the President, Festus Mogae, is on record as saying, "Our country faces extinction".

If it is bad in Botswana, a relatively rich country in African terms, just imagine what it is like in poorer countries that cannot afford the drugs, clinics, doctors and nurses needed to counter the problem. I visited Uganda with the Commonwealth Parliamentary Association a few years ago. The visit was led by the hon. Member for Clydebank and Milngavie (Tony Worthington). We met the enthusiastic head of the main hospital in Kampala. He told us that he would try any new drug to fight AIDS and that if he gave one dose of one of the latest anti-retroviral drugs to an HIV-positive pregnant woman just before she gave birth, there was an 80 per cent. chance that the baby would not be infected by HIV. I told him that that was marvellous. "Yes", he said, "but we don't use it." I asked him why not, and he explained that it costs £2 for the treatment, which was more than the annual budget for health care for an individual in Uganda.

"Anyway", he added, "the mother is going to die, so who will look after the baby?" I had a problem in understanding that. He was telling me that a baby would die because the country could not afford the equivalent of the price of half a pint of beer.

I am often asked what Botswana has to do with us in Britain. The answer is that the variant of the HIV virus in Botswana, the C-type virus, is exactly the same as that which is increasingly being found in Britain, Europe and North America. In other words, the epidemic's escalation in Africa is connected to Britain's increasing HIV levels.

There are a few encouraging signs. Work is continuing to try to develop vaccines to prevent people from contracting HIV in the first place. The Botswana Harvard partnership started clinical trials late last year. It will be some years before trials are completed and HIV is not an easy virus to produce a vaccine against because it mutates when attacked.

It is in Britain's interest to be involved in the research to find a vaccine. It is also in the interests of the USA. When I heard that the US Government had committed $87 billion to the reconstruction of a single country, Iraq, I could not help but feel that a fraction of that money would be better spent in finding a vaccine to save not only future people in Botswana but in preventing the spread of AIDS in Britain, Europe and elsewhere. I welcome the debate for the chance to show that many Members of this House care deeply about this awful problem.

3.29 pm

John Barrett (Edinburgh, West) (LD): I start by adding my congratulations to the hon. Member for City of York (Hugh Bayley), not only on securing the debate but on presenting the background to the issue and the case for action so well. We have worked together on the International Development Committee for several years, and it is clear from the evidence that we have taken in our inquiries that there are few bigger issues and few greater challenges facing the world than halting and reversing the global spread of HIV.

As the hon. Gentleman pointed out, the challenge is nowhere greater than in Africa, where, during a number of visits, I have seen at first hand the devastating impact of the illness. At the same time, I have seen positive signs of good, effective educational, preventive and treatment programmes. We know that well funded assistance that is targeted in the right way can make an enormous difference, and the debate has rightly focused on how aid from this country can be increased and improved.

The all-party Africa group, which the hon. Gentleman did so well to set up, summed things up in the title of its report, "Averting Catastrophe". That is the reality of where we are. In many communities and countries, we are literally facing a catastrophe. The statistics that have been quoted by many Members throughout this debate are nothing short of frightening. There are 40 million people living with AIDS, 70 per cent. of whom live in sub-Saharan Africa. About 2 million people in the region are dying annually. The country prevalence rate is as high as 33 per cent. in Botswana. HIV infection has risen from 4 per cent. to 39 per cent. in Swaziland in just 10 years.

However, the prevalence rates among young people are perhaps the most alarming feature. As the all-party group points out, infection is as high as 45 per cent. in the 15 to 24-year-old age group in Botswana, and as high as 51 per cent. in Lesotho. Without proper and

sustained action, we run the real risk of witnessing the complete wiping-out of a whole generation in those countries. They are nations that, even without the HIV crisis, exist as very fragile members of the international community.

It is wrong to think of this as a poor man's disease, as it is often presented in the media. That is only part of the story. The other side of the story is that HIV and AIDS are hitting many educated professionals, as well. That presents even greater dangers, with teachers, doctors and nurses dying daily from the virus. It is clear that HIV/AIDS threatens the very education and health care programmes that we seek to expand in these countries. With so many farmers dying, the knowledge and experience that is crucial to farming the land is simply not being passed on from one generation to the next.

The challenge is clear. The real question, which has been posed throughout the debate, is how we respond to it. Despite the National Audit Office report last week and the negative headlines that were generated for the Minister's Department as a result, I acknowledge and commend the immense work done by DFID. Members from both sides of the Chamber recognise the enormous contribution that the Department makes to the global fight against AIDS. However, just because something is being done well does not mean it cannot be done better. The all-party report and the NAO paper lay down a case for the Government to respond to. DFID has been consulting on its HIV/AIDS strategy, and those reports and this debate should play an important part in that consultation process.

It is clear to me that the issue of HIV is so great that 90 minutes in Westminster Hall, while welcome, is simply not enough. What we really need is a full debate on the Floor of the House on the Government's strategy for tackling the disease at home and abroad. However, in the short time available today, what do I think should be done?

The Minister will know from my correspondence with his Department, which started pretty much after I was elected, that I believe strongly that the Government should raise UK aid levels to 0.7 per cent. of GDP. At the very least, DFID and the Treasury should set a timetable for meeting the UN target, and I was pleased to see that the all-party group made that its first recommendation.

I have never understood how the Department for Transport can produce a 10-year transport plan—the recent White Paper on air transport focused on the next 30 years—but when I and others raise the 0.7 per cent. issue with the Government we are told that moving beyond current targets is a matter for future Parliaments. If the Government are to sustain their position as a leading player in international development, they cannot shy away much longer from setting a timetable.

I have no doubt from the correspondence that I have received from my constituents that there is a general feeling of good will outside this place towards the 0.7 per cent. target. Unfortunately, reports such as that published by the NAO last Thursday, although important, can damage that good will. With any Government spending, what is important is not only the amount that is spent, but ensuring that it is spent effectively and efficiently. I fear that, without assurances that such money will be spent as effectively as possible, the public will question the Government spending more money on overseas aid.

To be fair, I should point out that the NAO reports what DFID is doing right in terms of giving people on the ground the flexibility and autonomy that they need to be effective. The problem is that the Department is failing with its impact analysis. As parliamentarians, we have an absolute duty to our constituents to ensure that taxpayers' money is spent well. Not knowing what impact their money is having makes the job of justifying such spending much more difficult. That is not only about the efficient use of the public purse; there is a practical side to it. Proper impact analysis is crucial to learning what works. With any programme or set of programmes, we need to know what went right, what went wrong, what had no effect and what can be done better. The Government's overall HIV/AIDS strategy must make that a priority.

This is not only about effective Government spending. There is also a case for the EU to reform the way in which it gives out development aid and to take a much more pro-poor attitude. It could do so by following the example set by DFID. My party and I have been fairly critical of the lack of transparency with which EU aid is distributed and of the lack of a proper poverty focus. That is not helped by the confusing administration whereby a number of agencies are responsible for distributing aid, such as the external relations directorate-general, the European Commission's humanitarian aid office and EuropeAid. Considering that the EU has such a considerable budget for aid, and considering the amount that we give the EU for that purpose, it is vital that the money is spent just as efficiently as any other money that the Government spend.

These are not new arguments; they have been presented to the Government and to multilateral institutions for many years. At the same time, though, the arguments must be presented to the Governments of African nations. There is a clear consensus that the people of Africa should determine and mould their own futures. Without proper action to tackle HIV/AIDS, it is clear that many people in Africa will not have a future. That is why it is so important for African Governments, civil society and others to play a leading role in formulating, with international support, their own action plans. We hope that the New Partnership for Africa's Development has a key role in that.

I could say much more, but it is important that the Minister has enough time in which to respond. No doubt we will have similar debates in future. We face an enormous challenge in tackling this disease, and history will judge how we faced that challenge not only by what we say, but by the decisions that we make and the action that we take in the months and years ahead.

3.38 pm

Mr. Julian Brazier (Canterbury) (Con): Like others, I congratulate the hon. Member for City of York (Hugh Bayley) on securing the debate and, more importantly, on his chairmanship of the all-party group and the report that it has prepared on this devastating situation.

AIDS is a silent enemy, often hiding behind the wall of stigma and discrimination in this country. However, its intangible nature makes it no less real, as all today's

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speeches have illustrated. Although drug treatments and public education have curbed its spread in most parts of the developed world, sadly that is certainly not the case in most of Africa, particularly sub-Saharan Africa. On top of that, I saw on the BBC website just this morning that it is believed that, even today, the majority of people in sub-Saharan Africa who have contracted HIV are unaware of that fact if AIDS has not yet developed.

AIDS has now been acknowledged as the biggest threat to Africa's development and the No. 1 overall cause of death in Africa. About 25 million Africans are living with HIV and AIDS, and there are 13 million AIDS orphans, a fact on which a number of earlier speakers dwelt. Sub-Saharan Africa is by far the most-affected region of the world, according to the United Nations and the World Heath Organisation. Only 50,000 out of 4 million sufferers are receiving the required treatment in the region. In Swaziland, for example, the UN says that school enrolment has dropped by more than a third, largely because girls are taken out of the classrooms to be used as carers.

AIDS hits hardest where there is widespread poverty and inadequate health care, where many people go hungry and malnourished, where men leave their rural homes to travel to cities to find work and where girls and women are ignored when they refuse to have unprotected sex. That was discussed at greater length in our previous debate on the subject. Those conditions apply extensively in sub-Saharan Africa.

AIDS is not just a health issue; it is something that affects individuals, a disease that shatters families, communities and whole countries. Beyond the huge personal cost of losing a loved one to AIDS, there is the economic loss to the country and its ability to sustain the next generation. In some countries, AIDS is wiping out whole sections of the work force in key roles: teachers, farmers, health workers, civil servants and young professionals. HIV/AIDS has caused more long-term damage to national economies than we realised until recently. As it kills so many young adults, it weakens the mechanism through which human capital is accumulated and transmitted across generations.

In Botswana, which the hon. Member for Cheltenham (Mr. Jones) spoke about, in Malawi, Mozambique, Swaziland and other countries, people die on average in their 30s. Previous speakers have rightly dwelt on the plight of the children left behind; shocking statistics hammer home the point that generations who are needed to fuel the economic development of those countries—in plainer language, to care for the children—are being lost to the epidemic.

We had a good debate on the issue six months ago and, looking back on it—I do not say it sourly—I found the Government's response disappointing in one respect: almost all the targets quoted were monetary. The hon. Member for City of York made a cogent case for more money and the all-party group had the ingenious idea of diverting the huge pot of unused money in the EU—an unaccountable institution about which a number of us have concerns relating to transparency. However, targets in the long run must not be how much is spent on programmes, but what difference they make on the ground.

I make no apology for returning to the five proposals at the heart of tackling AIDS: first, a more integrated approach, combining the scientific expertise of pharmaceutical companies with the practical experience of non-governmental organisations that work on the ground, and working with the host Governments and their various agencies. It is crucial for the global health fund to adopt a co-ordinated strategy when disbursing funds, rather than funding ad hoc projects.

Without the slightest shadow of a doubt, the finest example in Africa of a co-ordinated assault on HIV/AIDS is that of Uganda, where the Government took the lead and undertook a blunt HIV prevention campaign. They deserve huge credit for recognising the magnitude and impact of the disease as early as 1987, when half the world did not even know what the word meant, and for adopting the ABC approach.

I was intrigued by the comments of the hon. Member for Cheltenham about the diamond mine that he visited, where the management picked the Ugandan programme off the shelf as a model, as their Government are doing rather less. As he said, the ABC approach is, first, to teach abstinence to young people; secondly, to teach people to be faithful to their spouses and partners and, only thirdly, to use condoms. That highly organised national planning exercise mobilised Government Ministries and NGOs; the Churches played a big role and the business sector, the media, and, crucially, schools, all worked together. The impressive outcome of such efforts was a reduction of more than 50 per cent. in HIV sero-prevalence over just four years. As far as I know—I stand to be corrected—Uganda is the only country in Africa that has achieved a huge reduction in the rate of new HIV infections.

Secondly, Conservatives believe that it is vital to build up the infrastructure that is necessary to administer medical care, focusing in particular on drugs. Apart from Uganda, most countries in Africa still do not have that wider infrastructure. If people are to have the benefit of treatment for HIV/AIDS, they must have access to as full a range as possible of medical care. I particularly like the idea in the report of the hon. Member for City of York and his group of using distance learning through the Open university and others for filling the desperate gaps that are now appearing in the human infrastructure of the health services in those countries.

Thirdly, following on from that, we would ensure that a significant proportion of the UN global health fund is spent on purchasing the anti-retroviral drugs that are needed to treat people with AIDS. Pharmaceutical companies are already selling their drugs far cheaper in Africa than they are in Europe. For example, all six of GlaxoSmithKline's HIV/AIDS medicines are available in the poorest countries at prices up to 90 per cent. lower than those charged in the developed world. That impressive example of corporate social responsibility should be encouraged. There are examples of corporate social responsibility in other sectors as well; the hon. Member for Cheltenham gave an example of an enlightened employer.

Fourthly, Conservatives believe that the global health fund should purchase anti-retroviral drugs to be administered to pregnant women. I want to leave the Minister as much time as possible to reply, so I shall not repeat the extremely cogent point of the hon. Member

for Cheltenham. As an example of a lifesaver, that is surely the one area where the smallest sums of money can produce the largest returns.

Our fifth and final proposal is that the global health fund should work harder to encourage research and development by pharmaceutical companies into diseases in the third world. Those companies, which are in business to make a profit, invest hundreds of millions of pounds in drugs, the majority of which do not make a return on the investment. Sadly, the drugs least likely to make a return on the investment are those for developing countries. If we were to give companies guarantees on their intellectual property rights—there are other routes as well—we would encourage them to ensure that desperately needed investment in more powerful drugs with fewer side effects is actually made. I apologise for this analogy, but that is the critical club in the golf bag that is needed to tackle this absolutely hideous problem.

To conclude, it is far too easy for us in the developed world to think of HIV/AIDS as somebody else's problem, affecting those who are nameless, faceless and a very long way away. It is up to us not to pass the buck but to confront the issue and do our utmost to assist, educate and nurture the sufferers—especially in Africa, which, proportionately, has the worst problem—their orphans and those who are not yet infected but whose ignorance about the illness is one cause of its continuation.

3.48 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): Thank you, Mr. Cook. I, too, join others in congratulating—

Mr. Deputy Speaker: Order. I would be remiss in my duties were I not to remind hon. Members that when the House took the decision to conduct proceedings in this Chamber, it determined that the occupant of the Chair be addressed as Mr. Deputy Speaker.

Mr. Thomas: My apologies, Mr. Deputy Speaker.

I am grateful to my hon. Friend the Member for City of York (Hugh Bayley) for securing this debate. I congratulate him not only on that but on his continuing advocacy for HIV/AIDS sufferers in Africa. I also congratulate him on the timing of the publication of the report and of this debate, as we in the Department for International Development are working on publishing a strategy shortly. It will deal with many of the concerns that hon. Members have raised today and will demonstrate that the Government are significantly scaling up their response to this appalling crisis.

I know that the Secretary of State enjoyed giving evidence to the all-party group, and I certainly enjoyed my opportunity to discuss the conclusions of its report. I agree with the point that all hon. Members made that this is an exceptional crisis deserving of an exceptional response; the UK Government must do dramatically more than they have so far, and more funding in particular will be needed as part of the scaling-up of our response.

A number of hon. Members touched on the scale of the challenge facing us. Last year, AIDS killed 2.3 million Africans, some 3.2 million Africans became infected, and overall 26 million Africans were living with HIV/AIDS. It is also worth mentioning India, because we must not only address the impact of HIV/AIDS in Africa when considering our response. Some 4.5 million people in India are living with HIV/AIDS, and if its rate of growth of infection continues, by 2010 there will be more people living with HIV/AIDS in Asia than in Africa. We need to make sure that our response is coherent not only in terms of what is needed in Africa but for other continents.

On 1 December last year, we published a "Call for Action" setting out what we believe are the fundamentals of what is necessary to scale-up the international community's response to HIV/AIDS. They are: stronger political direction, higher levels of funding, much better donor co-ordination, and better HIV/AIDS programmes.

On stronger political direction, we are working to push the response to the crisis up the agenda in all the international forums in which we have a role. HIV/AIDS in Africa will be one of the key priorities of our presidencies of the G8 and the European Union. We are busy working on a new UK HIV/AIDS strategy; that will be a key step in a UK cross-government response intended to accelerate our contribution to combating the epidemic.

As my hon. Friend the Member for City of York said, we are the second largest funder of work on HIV/AIDS and sexual and reproductive health. We spent £270 million in 2002–03, which is a sevenfold increase on the £38 million that was being spent when we came to power. We have committed $280 million to the global health fund, and in line with that commitment we provided £30 million to the fund in May.

One of the tragedies of the response to HIV/AIDS is that many of the other international multilateral organisations that have a role get nothing like the publicity that the global fund has rightly been able to secure. We need to think about our funding of and work with other bodies, such as the World Health Organisation and UNICEF, which is the UN's children's organisation, and with UNAIDS as the key co-ordinating mechanism. In response to that, we have recently doubled our funding to UNAIDS.

My hon. Friend suggested that a toolkit was necessary for the setting of our priorities for developing countries, and I agree with him. That is a function for UNAIDS rather than the UK. Similarly, the World Health Organisation must lead in giving developing countries the technical advice that they need on treatment and care, and our funding helps to support it in doing that.

I strongly support too the all-party group's recommendation on the need to support the proposal for the international finance facility. That has the potential to deliver huge additional funds to help us tackle HIV/AIDS and to address the other necessary millennium and development goals.

My hon. Friend expressed a series of concerns about the possibility of developing countries or the International Monetary Fund seeking to put a cap on the total resources available for the fight against HIV/AIDS, because of economic and inflationary concerns. I understand the importance of that debate, and I welcome the fact that the all-party group has sought to

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push it up the agenda. The benefits of substantial resources for HIV/AIDS may outweigh those genuine economic concerns, if donors can commit to delivering resources predictably and over the long term. However, the debate that the all-party group has started is important, and I welcome the fact that it is to have further dialogue with the IMF on those issues.

Co-ordination is absolutely critical. In Uganda last year, there were some 30 different donor missions on HIV/AIDS. In Angola—in response to the issue raised by my hon. Friend the Member for Northampton, North (Ms Keeble) about access to anti-retroviral drugs—there were 15 alone just to consider the issue of treatment. One of the UK Government's key tasks is to try to stimulate better donor co-ordination and harmonisation with the priorities of other Governments' plans. It is particularly significant that, at the international conference in April to promote UNAIDS's Three Ones agenda, which the Secretary of State helped to chair with UNAIDS and the US, we were able to secure the support of all leading donors.

My hon. Friend the Member for Northampton, North and the hon. Member for Mid-Dorset and North Poole (Mrs. Brooke) raised the particular issue of orphans and vulnerable children. I agree absolutely that we must do much more in that regard. When I was asked to appear before the International Development Committee on that issue, I highlighted the fact that only six countries in Africa have strategies specifically addressing the needs of orphans and vulnerable children, and that only four have legislation to back up those strategies.

We are working with UNICEF to try to change that. We need costed plans and strategies, and we are supporting UNICEF's work in that area. My hon. Friend and the hon. Lady rightly highlighted that getting children back into school, getting parents treated, and getting money to households to help them to deal with orphans are three of the fundamentals of an effective response in-country to HIV/AIDS. Our strategy will demonstrate the UK Government's commitment to giving further priority to the issue.

My hon. Friend the Member for Clydebank and Milngavie (Tony Worthington) highlighted the importance of the integration of policies on sexual and reproductive health with those on HIV/AIDS, which is fundamental. I saw for myself when I visited the Sonagachi slum in Calcutta how work by a health clinic to train sex workers in understanding the risks of sexual and reproductive health and HIV/AIDS was helping to make a significant impact on levels of HIV/AIDS infection in Calcutta, compared with other cities in India. Clearly, interventions such as that will continue to be necessary.

The hon. Member for Canterbury (Mr. Brazier) raised the ABC strategy of the Ugandan Government. I agree with him that they deserve considerable praise for their political leadership, for their success in reducing HIV/AIDS, and for the significant sums of money that they have committed to the problem. There is a role to play in encouraging a delay in the onset of sexual activity, but when we consider the issue, we must recognise that large numbers of women in Africa living with HIV/AIDS have been infected by their husbands, so the third prong of the ABC approach—the issue of condoms and other advice about sexual and reproductive health—is absolutely fundamental. We must do more in working with, for example, the United Nations Population Fund to extend access to condoms and information about sexual and reproductive health. The strategy that we hope to publish shortly on our work on sexual and reproductive health will, I hope, give further comfort.

I do not think that the hon. Member for Eastleigh (Mr. Chidgey) mentioned that the National Audit Office report praised DFID's approach, comparing it well with those of other like-minded donors, saying that our approach is flexible and responsive, and acknowledging that we have significantly increased our spending on HIV/AIDS-related work. We shall compile a full report on that work, and I am sure that the concerns raised by the NAO will be properly dealt with in our forthcoming HIV/AIDS strategy.

Libraries

4 pm

Linda Perham (Ilford, North) (Lab): It is a great pleasure for me as the first chartered librarian to be elected to this House and as chair of the all-party group on libraries and information management to secure this debate. Libraries are the source of both knowledge and inspiration. Books—the heart of libraries—inspire and engage people of all ages and from all walks of life. They provide the information to fuel the knowledge creation of the future, and with recent investment in technology they are enhancing the UK's position as a leading knowledge society.

I was interested to read an article about using a library in the "How to... " column in *The Guardian* on 18 October 2003. It begins:

"Libraries are brothels for the mind. Which means that librarians are the madams, greeting punters, understanding their strange tastes and needs, and pimping their books."

However, not to carry this analogy too far, my right hon. Friend the Member for Islington, South and Finsbury (Mr. Smith), our first Secretary of State for Culture, Media and Sport, described libraries as "street corner universities". He was one of the early enthusiastic supporters of the all-party group, which was established in 1998 at the instigation of the Library Association, then led by the inspirational Ross Shimon.

Two years ago the Library Association metamorphosed into the Chartered Institute for Library and Information Professionals. It is the leading professional body for librarians, information specialists and knowledge managers. As chairman of the all-party group, I pay tribute to the way in which CILIP, under its excellent chief executive, Bob McKee, has helped the all-party group to raise awareness of the value of libraries to Members of both Houses and beyond.

The group also greatly appreciates the active interest of the present Secretary of State and all Ministers for the Arts since its formation. Indeed, when my right hon. Friend the Minister for the Arts was Secretary of State for Education and Skills, she kindly supported the event that the group organised in December 2001 when hon. Members presented children's books of their choice to their local children's librarians.

Hon. Members are undoubtedly aware of how much their local public libraries are valued by their constituents. I was fortunate enough to chair the leisure committee of the London borough of Redbridge in the year prior to my election to this place. I know how highly regarded are the services provided by chief librarian, Martin Timms, and his staff. Redbridge libraries have an excellent reputation, winning the charter mark award in October 2002. Between April 2002 and March 2003, 2,017,003 people visited a Redbridge library. That is the seventh highest figure in England. More than 90 per cent. of users rate the overall service highly and 92 per cent. commend the staff's knowledge and expertise.

There are thousands of libraries in this country. There are more than 4,000 public library sites in the UK, supported by more than 600 mobile libraries, not forgetting the colossal 17,000 libraries in other institutions. Libraries are found in schools, colleges, universities, workplaces, hospitals and prisons. We have six national libraries including our world-renowned British Library, so ably led by Lynne Brindley. Its collections include 150 million items in most known languages, with 3 million new items added every year. It boasts the world's largest document delivery service issuing 4 millions items a year to customers all over the world.

Books remain at the core of library service. An astonishing 116 million books are held in public libraries and 377 million loans were made last year. That is more than six loans for every person in the country. Book issues in higher education institutions total nearly 85 million.

Libraries have been quick to adapt to changing demands. As well as books, they offer compact discs, videos, learning packs, local information and access to the internet. They also offer other services, such as providing meeting areas and display spaces. Good practice exists throughout the country on how libraries are being transformed. Innovative libraries in London, such as the one opened in my borough in memory of our late council leader Keith Axon, which is designed to convert into a community centre, the Idea Store in Bow and the new Peckham library, have shown what tomorrow's libraries could and should look like.

I was delighted to be asked to attend the opening of the new Peckham library in May 2000, when we also celebrated 150 years of public libraries, especially because in the late 1960s I worked for the London borough of Southwark public libraries before university and then in vacations. The branch replaced by the new Peckham library was housed in what I remember as a corrugated-iron hut.

To give one example of innovative library projects, the annual summer reading challenge runs throughout public libraries during the school summer holidays. Almost nine out of 10 authorities take part in the annual promotion, which reaches more than 500,000 children—600,000 took part last year. Half of those children completed the challenge of reading at least six books during the summer holidays. In Redbridge last summer, 1,242 children took part, 644 of whom won medals for reaching the target, and 376 reached the local target of 24 books read. They are the library users of the future.

Our libraries are enjoyed by millions across the UK. Six out of 10 of us are members of a public library, and the service is overwhelmingly popular, as I hope my reference to services provided by my local borough of Redbridge has illustrated. Libraries have a huge potential to reach out to everyone. They are more accessible than ever: disabled access is improving, more libraries are staying open for longer hours, and 650 mobile libraries take services to even the most hard-to-reach groups. Redbridge's new mobile library, with its lift for disabled access and online link, won the "State of the Art" award in June 2002.

Libraries are the hubs of our communities. They provide a safe and friendly environment, which means that people feel at ease to try out new skills and experiences. Some 27 per cent. of regular public library users are from social classes D and E, compared with 22 per cent. of the whole population. Libraries provide spaces for young parents and toddlers, for homework clubs, and for older users to get online and learn new skills in a known and trusted environment. Digital

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communications are making libraries even more accessible, with the provision of online services allowing easier access to information. More than half of UK online centres are in public libraries, and the service is perhaps doing more than any other to help to ensure that we meet our targets for e-Government.

The lottery-funded People's Network, which at £120 million is the largest single information and communications technology investment in the history of the public library service, has dramatically expanded internet access. The project, managed by the Museums, Libraries and Archives Council, has successfully bridged a digital divide, opening up universal public access to the internet. Not only are there 32,000 computer terminals, but every public library staff member has been reskilled and trained in ICT. Over the past year, 23,000 people have started a formal education course online in their local library, and 62,000 report gaining a new skill. Some 8,000 people have found new jobs thanks to the People's Network, 20,000 have been able to keep in touch with their families, and 52,000 have used the People's Network for activities to support their local community. It is worth emphasising that that huge project, which is a sea change in the public library services, has been delivered on time and within budget. Importantly, more than a quarter of the people who used the People's Network last year joined their library and enjoyed the more traditional services.

I am pleased that Chris Batt, who so energetically directed the team that delivered the People's Network, has transferred his skills and experience to leading the Museums, Libraries and Archives Council. I hope that the Minister will agree that the success of the People's Network must be sustained to ensure that it remains free at the point of use, now that lottery funding from the new opportunities fund is running out.

I am confident that our libraries are performing a valuable and expanding service, but there is no room for complacency. We must invest in the future. Although there is much to be proud of, there is a lot to do. Libraries are not realising their full potential. It is all very well to call for improved stocks of material and for longer opening hours, which means paying for more staff time, but I know from bitter experience that when it comes to prioritising spending in local council budgets, those who support more resources for education, social services, roads and a host of other services are usually heeded before demands for the improvement of the library service. The reduced weighting of libraries as an indicator for comprehensive performance assessments must not enfeeble their status and high-quality service. The huge regard in which the public service is held by the British people must be recognised and rewarded.

"Framework for the Future", which was published last year, set out the Government's vision for public libraries over the next 10 years. The MLA has been charged with leading on the implementation of that vision with three central priorities: to promote reading and learning for everyone, regardless of income and background; to encourage positive access to digital skills and services; and to take a leading role in tackling social exclusion in communities. The framework also recognises the need to build on the skills and capacity of staff in the library service, particularly those who are working on the front line, so they can play their vital part in the dynamic period of change on which our public service has embarked.

There were many trail-blazing, exciting projects under way in libraries countrywide long before the announcement of the Government's new strategy, but "Framework for the Future" is now providing a framework to meld those together and turn the best national initiatives into local offers that are open to everyone. "Framework for the Future" will ensure the dynamic future development of our public libraries while safeguarding their traditional role at the heart of our local communities, which continues to be highly valued by all citizens.

Libraries cannot implement these programmes by themselves; they need support from key partnership agencies and the private sector, and sustained investment from central Government. The MLA's new investing in knowledge campaign highlights the wealth of knowledge that is contained not only in libraries, but in museums and archives, and it underpins learning, community cohesion, economic development and creativity, all of which the Government care passionately about.

At the heart of this vision is the concept of a knowledge web, which is a new approach to online access to cultural services that will give everyone, whatever their age, background and level of interest and understanding, seamless and tailored access to the collections and expertise of our knowledge institutions. The MLA is leading a consortium to agree the standards and protocols that will make that concept a reality.

The important thing is that forward-looking programmes, such as investing in knowledge, "Framework for the Future" and the People's Network, are mapping out an exciting future for public libraries. I particularly welcome the recent announcement that visits to public libraries have increased dramatically since the introduction of new services, such as the People's Network. Since 2002–03, which was the first year of the new services, there have been an astonishing 5 million additional visits across the UK. That is an excellent return on the investment, and I urge continuing commitment and support from central and local government, so that libraries can retain their position as one of our most treasured public services.

I was pleased that the importance of libraries was recognised only two days ago by the Department for Culture, Media and Sport when it sponsored a seminar at the Department, chaired by Heritage Minister Lord McIntosh and attended by councillors, library professionals and other interested parties, including myself as chair of the all-party group. In her speech, the Secretary of State challenged public libraries to offer and deliver the services that people want and to involve, engage and inspire their customers. I was delighted that Lord McIntosh took the opportunity to announce the award of £2 million to fund improvements to build on the success of the public library service.

My last job before I entered this place was in a further education college library. A student came up to me at the reference desk and asked for the "FBI Handbook". Using my professional skills, I quickly ascertained that he meant the "BFI Handbook"—the British Film

Institute handbook—but, as any fan of the "X Files" knows, the truth is out there, and libraries are central to finding it.

4.16 pm

The Minister for the Arts (Estelle Morris): I congratulate my hon. Friend the Member for Ilford, North (Linda Perham) on securing this debate. It is particularly appropriate in a week that has seen the important seminar at the Department for Culture, Media and Sport, which takes forward the next stage of library celebration and reform. She has every reason to be proud of the fact that she is the first chartered librarian to sit in the House of Commons. She will understand it when I say that I hope that she is not alone in that group for long. I have always believed that one of the best ways to serve the public in the Houses of Parliament is to bring in skills and experience from the outside world. I hope that she will soon be joined by like brains and others from that sector.

Regardless of my affection for *The Guardian*, I much prefer to see my hon. Friend described as somebody from a street corner university than a brothel, and I am sure that all hon. Members in the Chamber would agree. I thought that the two forms of language used by *The Guardian* and the former Secretary of State, my right hon. Friend the Member for Islington, South and Finsbury (Mr. Smith), illustrated how people from all walks of life can find a way with all forms of language to describe libraries and their importance in our society.

I also want to put on record my thanks to the sector in its widest form—to the MLA for its work as strategic adviser to the Government and its hard work over the past few years since it was set up in taking forward the reform agenda. I also thank the thousands of librarians whose work is sometimes not praised as much as it should be, but is taken for granted because of the success of libraries. They are such an important part of their communities.

It is a good time to discuss libraries, because, although they have been around for 150 years, this is a pivotal time for them. While not forgetting any of their successes and the contribution that they have made over the 150 years, they are looking forward to the future, to modernising and to making sure that they can fulfil their remit to our country and our communities, while adapting to new technology and the challenges faced by our communities and all parts of our public sector.

I like to think that libraries are one of the earliest examples of public service. They are much older than many other services that now have a higher profile and they have perhaps contributed more than any other. Their aim has always been to be non-discriminatory and to give everyone, regardless of their background or income, the opportunity to refer to and read books of all kinds—great works of literature, reference material, newspapers, magazines and local information—perhaps before it became fashionable to talk about opportunity and being non-discriminatory. Therefore, libraries have been centre stage in the great movements in education and self-improvement for a century and a half, and there is no doubt that that tradition continues today.

Libraries are important in their own right and we should take nothing away from that. However, they also make a huge contribution to the wider aims of central and local government. Libraries play an immense part in other areas of policy and activity. They help to raise standards in our schools, and have done so for many a year, and provide activities mentioned by my hon. Friend , such as the "Books for Babies" scheme, reader development schemes and homework clubs. Libraries contribute to older people's quality of life and give, as she said, a safe community space for people to meet.

They promote the health of communities by providing health-related advice and promotions. Libraries are key to promoting the economic vitality of communities, in a way that is not often recognised, through their support for learning in communities, including providing adult basic skills and giving safe places to learn for many types of people let down by formal learning establishments. Libraries also provide skills and information for small and medium-sized companies. They are a huge resource for the people of this country, and they help the Government to address their key priorities.

However, as the 2002 Audit Commission report "Building Better Libraries" reflected, physical visits to libraries and the borrowing of books have been in decline in the past couple of decades. That is not to say that all our library services were poor as we reached the new millennium; we recognised that there were many examples of good practice. However, we know that such examples were not copied by everybody and were not shared throughout the sector. Much of the challenge now is not to reinvent things, or create things that are not already there, but to make sure that all libraries practise at the level of the best.

As my hon. Friend said, it is pleasing that in 2002-03, the number of visits to public libraries rose by nearly 5 million across the UK, turning the trend of the previous decades. Although it is too early to say, I am confident that that is the beginning of a set of statistics that will show increasing visits to libraries in the years to come.

Linda Perham: I should like to follow my right hon. Friend's point by referring to the number of book issues declining. Although there have been 5 million extra library visits, perhaps connected with the online provision, she will agree that people do not go to libraries just to borrow books. Many other services are available. They may go in just to look at things, so the increased visits are not much of an indicator about the value of libraries, or how much they are used.

Estelle Morris: My hon. Friend is right; that is one statistic among many that we need to consider when we look at the usage of libraries and how well received they are by the community. One thing sometimes leads to another; libraries have faced up to a responsibility to contribute to wider agendas, and getting people into them is one way to get people used to reading books. As she says, both things need to be done to get more books into libraries. We do not want to replace books with computers; we do not ever want a situation in which people can go to libraries only to access a wider range of services than the core services.

There is a challenge, about which nobody is complacent. In February last year, our response to that challenge was to publish "Framework for the Future",

[Estelle Morris]

the first ever national strategy for public libraries. It sets out the long-term strategic vision for public libraries. The Department commissioned the MLA to prepare a three-year plan that would begin to turn this vision into a reality. The plan was published in September 2003, funded with £3 million over three years. Through that action plan, we hope to work further with libraries and local authorities on revitalising libraries and making sure that they are able to meet the challenges.

The action plan focuses on a number of major activities, many of which are helping libraries to build capacity. As my hon. Friend said, it was good news that, at Monday's seminar, we were able to announce a further £2 million over this year and the next one to help with that capacity building.

I want to mention five initiatives that will be taken forward as part of the work that the MLA is doing with the sector. The first point is that it is important to ensure that people know about the contribution that public libraries can make and, equally, to ensure that libraries know what local communities want. I do not like the phrase "marketing of the libraries" and I would much rather say "communication between the libraries and the people that they serve." One of the priorities will be to ensure that people know about the libraries and that they are aware of what the community wants.

The second point is about ensuring that the good practice that exists in libraries is spread throughout the sector. I am particularly pleased that the difference in the quality of library services across the country will be tacked by what we might term "peer review". We must ensure that library staff can learn from the best and that is why we are setting up teams, which are based around the Improvement and Development Agency peer review system. They will bring together library leaders and staff to work with individual authorities alongside local staff. Through the framework action plan, we are able to make funding available to those library services so that they can implement their local improvement plans. I hope that the ideas of using mentors and secondees, and pairing up with other authorities—what is essentially good practice in professional development in many other sectors of our lives—becomes embedded and accepted as good practice in libraries.

Thirdly, it is crucial that libraries make the best use of the funding that is available to them. That is why we are commissioning a review of library funding and how books are bought; we want to establish good practice. I hope that that might include different local authorities working together more effectively, perhaps on a regional or sub-regional basis. Lessons could be learned from the book or retail trades. We ought not to think that they are separate and that they have not got things to learn from each other. That is a challenging agenda and it calls for a major change in the way that libraries operate. However, it is one that is important if we are to transform public libraries so that they are credible and sustainable.

Fourthly, libraries can continue to play a key role in education. "Framework for the Future" has identified five major ways in which libraries already make a contribution to learning: early years services, out-of-school-hours learning, work with disengaged young people, services for adult learners and high-quality reading activities for adults, which promote the enjoyment of books. I want to pay tribute to the work that the Book Trust has done, in particular in managing the work that has been done with Sure Start and other organisations that work with young children, their parents and their community.

Fifthly, I want to discuss leadership and work force development. None of the wider agenda, and our aspirations for the sector, will work unless we begin to give people who work in it the skills that they need. That is why I am particularly delighted that the MLA is developing a national leadership training programme, which should improve the potential of 450 senior or younger library staff. They will be able to help us to manage that change.

There is no doubt that libraries have not lost their popular appeal. There have been stages in the course of a century and a half when they have been more used or less used. However, nobody has ever stopped seeing them as central to their communities. As elected representatives, we all know the passion that exists when anyone's library is closed. Even people who do not use them want to know that they are there at the centre of their community for when they are needed. The decisions that we take in response to the framework, the work that the MLA and the sector are doing to take on the challenges of 21st century society, and the way that people still want to have affection for libraries but want them to modernise to help people cope with their lives and challenges will set in train the role that libraries can play in our country for the next century and a half. I wish them well, and I think that we have made a good start.

I thank my hon. Friend, not only for securing the debate, but for the work that she does with the all-party group to ensure that libraries stay at the forefront of Parliament's agenda.

Tourism (Somerset)

4.30 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I believe that we may be interrupted by a Division, so we must get on as best we can.

First, I want to thank my hon. Friend the Member for Taunton (Mr. Flook) and my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory). They have given me an enormous amount of background information and their own thoughts on the debate. I am delighted to have secured it, because Somerset's biggest industry is tourism.

4.31 pm

Sitting suspended for a Division in the House.

4.45 pm

On resuming—

Mr. Liddell-Grainger: I am told that the people of Devon call tourists "grockles". I believe that, in Cornwall, tourists are known as "emmets". Neither of those expressions sounds polite to me, so I am proud to be introducing a debate on behalf of the good people of Somerset, who regard all tourists as extremely welcome, whoever they are and wherever they come from. Tourism is not just a simple seasonal trade in my part of the world; tourism is the major employer. We are very good at it and we cannot do without it. Tourism is vital. It fires the local economy and it marries with our other big industry—farming. In fact, the two industries together provide the bulk of the jobs in the rural areas. Tourism in Somerset does not just mean buckets and spades and cream teas. It is about pay packets and prosperity throughout the community.

Let me say a few nice things about Somerset. I could easily burst into song and go on all night. Mine is the most glorious county in all England. There are views to die for, landscapes to marvel at, hills—

4.47 pm

Sitting suspended for Divisions in the House.

5.24 pm

On resuming—

Mr. Ian Liddell-Grainger: I shall start where I left off: moors, castles and history; masses to do, see and enjoy. Above all, we have the kindest and most hospitable people in the world.

Other places put up big metal signs saying, "Welcome to wherever". In Somerset, we do not need sign language. It is written all over our faces. We are always pleased to see visitors. We know how to treat them well and they come back time and again. My county is home from home and tourism makes it tick—well, it does when everything works, but in Somerset we simply cannot rely on the year-round tourist attractions that some places can. We do not have a Blackpool tower or a Golden mile. We have no huge hotels; we cannot host big conferences and our industry is not on the scale of that of many counties.

We are into family tourism: Butlins in Minehead; B&Bs on Exmoor, as my hon. Friend the Member for Taunton knows too well; little places with big hearts. Competing with fatter fish in other parts of Britain and beyond is the challenge and where a helping hand would not come amiss. I will not dwell on past disasters, but the foot and mouth crisis came close to killing our tourist trade. Last summer, visitors started to return, the trade was healthy and the "No vacancies" signs were once again going up. Good weather smiled on a good season. However, the word "good" is relative. Tourism still needs all the help it can get, which leads me to the critical part of my speech.

Mr. Adrian Flook (Taunton) (Con): Before my hon. Friend gets to the salient point of his speech, I am sure that he will agree with me that good transport links are vital to attracting tourists to any rural county. He will know that the M5 was eventually opened in the mid-1970s, which helped a great deal in opening up Somerset to tourists from the north. I am sure that he will also agree that it will be vital to dual the A358 to improve links from the south coast. I am sure that the Minister will also take note that, if that were to happen in time for the Olympic games, of which I know he is a keen supporter, those people visiting Weymouth for the Olympic sailing will also be able to visit Somerset.

Mr. Liddell-Grainger: I thank my hon. Friend for that intervention. Our views on the main roads across the county of Somerset are well known. The MPs for Somerset have fought a tenacious battle to try to obtain the right road with the right permission. My hon. Friend is right.

The Government have a role in promoting the tourist industry. I have to pose the question whether that role is being properly fulfilled. Thanks to the direct intervention of the Minister's Department, there is now a unified tourist authority—an amalgamation of some of the former regional tourist boards. I have no doubt that the Minister will extol the virtues of that fresh-faced body and seek to allow time for it to show its worth.

I am all for patience, but this afternoon I am representing the concerns of many of my constituents, who rely on tourism and who are not yet convinced that the British Tourist Authority is the bee's knees when it comes to selling Somerset. Perhaps I have a slightly suspicious mind. Perhaps I do not care for the patronisingly simple way in which the Government try to solve the problem. They have an annoying habit of trying to convince us that the appointment of a single individual will suddenly cure everything, which has led to a rash of tsars: for instance, with drugs—"Let's hire a drugs tsar"; cancer—a cancer tsar; a transport tsar; and now a tourism tsar. There are enough tsars to start a new round of the Russian revolution. Rasputin would be rubbing his grubby little mitts with glee.

Let us have a look at the man the Government have picked to oversee the trade: tsar Sir Michael Lickiss, a man with a slightly sardonic slogan coined by some of his less fervent fans. I am afraid that it goes like this: "There's nothing as slick as a Sir Michael Lickiss". Unfortunately, he slides seamlessly from quango to quango, pumping up his salary in every port of call. As the Minister knows, he was a big cheese in the South West of England Regional Development Agency when

[Mr. Liddell-Grainger]

it started—more of a lump of mousetrap than a ripe Camembert. What did he contribute to the RDA? No one can remember. In fact, no one seems to remember the man at all.

It seems that Sir Michael's greatest disadvantage is that he is unmemorable. But someone in the Government loves him: for two days' work a week, the tourism tsar earns £44,000 a year. I have been racking my brains for some logical explanation. It will come as no surprise that Sir Michael Lickiss is an accountant. No doubt he can crunch numbers till the cows come home, but the ability to balance the books at Grant Thornton would not appear to qualify him as the vibrant new public face of British tourism.

John Cleese had some cruel things to say about accountants; he was trained to be one in Weston-super-Mare. He thinks that accountants are the dullest people in the world, and I would hesitate to disagree with the proprietor of Fawlty Towers. On the other hand, I do not wish to be unfair to Sir Michael; for all I know, he might be an absolutely hilarious after-dinner speaker, and play the violin like Yehudi Menuhin. The trouble is that he is now as invisible in his new job as he was in his previous one. I believe that he is leaving to move on, and I wait with bated breath to see which quango he pops up in next.

However, there are important structural problems too, particularly with the regional development agency. I do not particularly like RDAs, one of which Sir Michael used to chair. I think that they contribute too little and have turned into costly talking shops. However, where they exist, we have to live with them. A good RDA should be able to recognise the needs of the tourist industry and, as a lead organisation, do something positive. I have scoured the archives to discover anything positive that SWERDA—the south-west's regional development agency—has done, or has promised to do for tourists. It has not been a fruitful search.

In February, the agency hosted a conference in Bristol on skills and training in the hospitality industry, which was presumably designed to help Manuel to improve his English. Perhaps it was a worthwhile event, but I do not know a single individual in the hotel trade in my constituency who went to it, or who had the time and money to enrol—and it was expensive. Surely the whole point of setting up the RDAs was to get to grips with major industries. As the Minister is well aware, the major industry in Somerset in tourism. Is it not time that we saw the RDAs putting their expertise up front?

I said that there was a structural problem, and I meant it. The RDAs cover a huge geographical area, but are not good at dealing with small problems on the ground. If I were running a Somerset guesthouse and asked for the RDA's help, I suspect that it would not know where to start. The RDAs are not geared up for the small fry, but small fry is what the tourism industry in Somerset is all about.

There is also the issue of promoting tourism. Somerset has a big battle: we have not got the muscle to get Sir Michael Lickiss's British Tourist Authority seriously interested, because we are too small. However, one of Sir Michael's senior lickspittles sent me a letter this morning. He had just heard about this debate, because he had just returned from a four-week holiday. My, what a lovely life they have in the British Tourist Authority! Dare I say it, this gentleman wanted to let me know that they are doing a fine job in Somerset. They are producing a special printed module about the county. Whoopee! The module refers to such Somerset rarities as—believe it or not—cider-making. Who would have guessed it? The Lickiss lad will also be happy to tell us that Somerset contains churches, cathedrals, market towns and gardens. Where on earth would we be without these people?

Bridgwater must blow its own trumpet, and I do talk about my constituency. The West Somerset railway does brilliantly, as do the National Trust and Exmoor national park. Exmoor holds its own food festival, but the councils do not have the cash to lavish on advertising, and the little tourism business can certainly not afford to do so. We cannot compete with the likes of Cornwall and its costly splurges in the Sunday supplements. We certainly do not have the equivalent of an English riviera. We are living by word of mouth, local leafleting, imaginative websites and old-fashioned hard graft.

I say to the Minister that that is not working well enough. Andrew Dixon, the chef and proprietor of Andrews on the Weir, an excellent establishment on Porlock weir in west Somerset, rightly feels that Somerset is the "poor relation" in south-west tourism. Andrew's plight is typical; he points to the lack of big business, which means that the burden of promoting tourism falls on those least able to afford it. I am not asking the Minister for special help—I just want Somerset to be treated fairly. I am stating the facts as I see them, and reminding the Minister yet again of how vital tourism is.

Tourism in west Somerset and Bridgwater is tucked away. To get to our pretty little coves and beaches, people have to head off the main artery of the M5. It is a slow journey because, unfortunately, our roads are narrow, winding and, above all, crowded. The main roads—the A39 and the A359—are falling to pieces. They desperately need Department for Transport investment, because the state of the roads directly affects tourism.

If the Government want to cut us off from the outside world, they are going about it the right way. Mr. Dixon, who has written to me at length, says that some of the big tour operators have removed Minehead from their list of holiday destinations simply because the journey is so difficult. I am afraid that we cannot afford to lose any visitors, as the Minister knows.

We will survive this summer, if the weather holds up—I am looking outside! We will hang on in there. We will say hello to old friends who love what we have to offer, and with a bit of luck we will make some new friends, too. We are worth the journey—we are worth travelling to for a holiday—and we are certainly worth the attentions of the South West of England Development Agency and the new British Tourist Authority. We will even roll out the carpet to welcome Sir Michael Lickiss home.

I hope that the message of this short debate is clear: "Give us a break, and give us a plug, and, for heaven's sake, treat us fairly."

5.36 pm

The Minister for Sport and Tourism (Mr. Richard Caborn): I congratulate the hon. Member for Bridgwater (Mr. Liddell-Grainger) on securing the debate. It has been somewhat disjointed because of all the Divisions. I agree with quite a lot of the first part of his speech but, unfortunately, I cannot agree with the second part of it, which was a personal attack on Sir Michael Lickiss, who has been an extremely good chair of the South West of England Regional Development Agency and a very helpful chair of VisitBritain.

It is true that when foot and mouth disease hit the country, the tourism industry took a great knock, particularly in the west, which is the hon. Gentleman's part of the world. I am sure he would acknowledge that; indeed, he mentioned it. Sir Michael Lickiss was the chair of the South West of England Regional Development Agency at that time. He and the chairs of the other RDAs were among the first people to come to the Government about the problem. They quickly organised support for the tourism industry and, indeed, for the farming industry. Everybody commended them on the speed with which they dispensed that duty. In very difficult circumstances they were very helpful to tourism, small businesses and the farming fraternity.

Sir Michael Lickiss has also addressed some of the clear structural weaknesses in the tourism industry. It is worth £76 billion to the country, accounts for about 4.5 per cent. of gross domestic product and is the fourth largest employer, yet it is running the biggest trade deficit of any sector of industry at some £16 billion. That was broadly neutral 10 to 12 years ago, which highlights how much it has declined. That is due in part to people being able to travel more cost effectively, and there is nothing wrong with that. The budget airlines have also had a major effect.

We need to consider how we start addressing the problems. In the Department for Culture, Media and Sport, the previous Tourism Minister—now the Minister of State, Department for Transport—and I discussed how we could address the structural weaknesses of tourism in England. What came out of that was the need to acknowledge that tourism is a major economic driver. That is why the Department decided to give responsibility for it to the RDAs. That happened only about 12 months ago. In doing so, we acknowledged through the RDAs, which have the sole objective in the English regions of driving up wealth creation as measured by GDP per capita, that tourism should go along with that responsibility. I have taken over from my hon. Friend as the Tourism Minister and I am still keeping to that policy.

The structural weaknesses that we are addressing include promotion abroad. Sir Michael has played an extremely good role in VisitBritain. We need to develop the electronic age. Englandnet is coming on stream. We have invested public moneys—£7 million—into that. We also need to consider the skills base, to which the hon. Gentleman referred. We launched a sector skills council a few weeks ago. One of the things for which the industry has been asking is up-to-date data, and we are working on that. So we are addressing the structural weaknesses.

Tourism Alliance brings the parts of the tourism industry together for the first time to speak with one voice. I place on record my thanks to Digby Jones of the CBI for bringing the industry together and working with the Government. We can now work in a much stronger partnership on the structural weaknesses that we have identified collectively. We also have institutions—the RDAs—that can drive the change forward. That is very important if we are to deal with the deficit.

I was at a Commonwealth tourism conference a few weeks ago. The developing Commonwealth is trying to use tourism as a tool for economic regeneration and wealth creation. It became clear that the growth in this industry is about 4.1 per cent. per annum globally. For us to stand still, we will have to grow it by 2010 to in excess of £100 billion of business. It is one of our growth industries.

Refocusing much more strategically on the assets of a particular region allows regions to be exploited much more effectively than if they were considered piecemeal. The south-west tourist board, linking with the RDA as the economic driver, is very important, and obviously Somerset is a major part of that. The south-west accounts for one sixth of the entire tourism spend in England, and tourism is one of the most important sectors in the south-west. It attracts just over £7 billion of visitor spend per annum. There are about 225,000 tourism-dependent jobs, and 10 per cent. of total employment in the south-west is attributed to tourism. The hon. Gentleman is right to say that the industry is very important. It contributes nearly £2.5 billion to the regional output—10 per cent. of the total—and sustains many more jobs in the retail, catering and transport sectors.

I am a great lover of the south-west. This year, my family and I will go down to Cornwall in the summer for what I think is the 23rd or 24th year on the trot. We very much like the south-west and Cornwall in particular, like many other people in the UK.

Through VisitEngland and its "enjoyEngland" campaign, we have been able to exploit more effectively the markets that are available. Let us consider, for example, Cornwall. We should remember that Cornwall is one of the poorest counties, if not the poorest county, in the UK, with a GDP per capita, relative to the average of the European regions, of under 74 per cent. That is why it has objective 1 status, which relates to European regional selective assistance. However, it has been able to take advantage of tourism via the Eden project and to develop its cuisine via people such as Rick Stein in Padstow, which has some of the best restaurants—I frequent them from time to time. There are also the areas around the River Teign. As I said, tourism is an economic driver, and it encompasses Somerset and the rest of the south-west.

On structural weaknesses, transport in the south-west is undoubtedly a problem. However, the RDAs are being given more and more powers to enable them to start addressing structural weaknesses in their local economies while also developing tourism. They must consider the wider picture and see how they can exploit much more effectively important drivers such as tourism—a driver that exists in the south-west. Transport is undoubtedly a very important issue in Cornwall, and I hope that the RDA will take that on board. I know that it has not done so before, but it has a special responsibility for tourism, so it will probably look at the issue in a slightly different light.

[Mr. Richard Caborn]

As I said, I also believe that skills are important. The South West of England Regional Development Agency recognised how important tourism was for the economy even before it was given responsibility for it. A training college was set up in a hotel in Bournemouth under the lead of Sir Michael Lickiss in order to address the need to upskill that industry from a regional perspective so that it could meet demand. Again, Sir Michael has been extremely proactive in the industry. Again, I acknowledge the role that he has played at regional and national levels in the south-west in bringing tourism to the centre of the agenda.

Somerset and the south-west have various assets and attractions: VisitBritain's "enjoyEngland" campaign, to which I referred; Bath abbey; the Roman baths and thermal spas; Exmoor, which, as the hon. Gentleman knows, is designated as a national park and celebrates its fiftieth anniversary this year; Somerset art week, which is also being promoted very heavily and is a huge success; Cheddar gorge; the south-west coastal path; Bridgwater's Guy Fawkes carnival; and the Taunton festival. All those attractions have been organised individually, but make tourism in Somerset and beyond more attractive.

The hon. Member for Taunton (Mr. Flook) mentioned the bid for the 2012 Olympic games. It is true that Weymouth will form the major part of the sailing complex, and we will have to consider transport in that context. I refer again to the role of Sir Michael Lickiss. If it had not been for him, there would have been no inward investment to that part of the south-west in the form of the luxury market of boating and the development that has taken place there.

The RDA showed great farsightedness in acquiring part of that site from the military and in forcefully supporting the development of that sailing centre. I am not a sailor, but I understand that it is one of the best waters in northern Europe for sailing. Hopefully, it will host the 2012 Olympic games. It was the farsightedness of the RDA, led by Sir Michael Lickiss, which brought about that sailing facility and the wider development, and it has created employment for marine engineers. That has now spilt over. Had it not been for Sir Michael, the frigate, or some other naval vessel, would not have been sunk at Plymouth to create the reef for diving. An attempt is also being made to create an artificial reef at the development in the Bournemouth area, which again builds on the tourism perspective. Work is being done at Fistral beach and beyond to try to develop 24-hour surfing with floodlighting. That, too, will bring economic advantages to that part of Cornwall.

It would be wrong not to put on record the work that the South West of England Regional Development Agency has done in partnership with the tourism industry, led by a very competent man, Sir Michael Lickiss. The work that he has done and the contribution that he has made to the economy of the south-west, particularly to tourism, will stand examination by anyone.

It is unfortunate that the hon. Member for Bridgwater was critical of Sir Michael. As I said, I can defend his record with some force. I hope that the hon. Gentleman and the development agency have a better working relationship in the months and years to come and aid the development of tourism in the south-west. That is in the interests of everybody and I am sure that tourism will go from strength to strength.

One swallow does not make a summer. However, the last quarter's tourism figures show that we are back to where we were in 2000, before foot and mouth disease, 11 September and severe acute respiratory syndrome. In that sense, we are moving in the right direction. The south-west is getting its just rewards. That is thanks to the hard work that the tourism industry in the south-west has put in, in conjunction and partnership with the development agency.

Question put and agreed to.

Adjourned accordingly at nine minutes to Six o'clock.

Westminster Hall

Thursday 24 June 2004

[MR. MARTIN CATON *in the Chair*]

Nanotechnology

[Relevant documents: Fifth Report from the Science and Technology Committee Session 2003–04 HC56-I and Sixth Special Report Session 2003–04 HC650 (Government Reply)]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Charlotte Atkins.]*

2.30 pm

Dr. Ian Gibson (Norwich, North) (Lab): Thank you, Mr. Caton. It is a pleasure to be under your jurisdiction and we look forward to a debate that will, no doubt, supplant Wimbledon on televisions all over the country.

The Science and Technology Committee has been considering nanotechnology for some time. The first occasion on which anybody in the country heard about it was when Prince Charles spoke of his concerns. Overnight, it replaced the technology of genetic modification as the danger that we faced. There was talk of runaway self-replicating machines, or grey goo, as the prince calmly called it. The planet was in danger. There was a skewed public debate on the issue that diverted attention from the serious concepts involved in nanotechnology. Those are, of course, the strategic and imperative issues facing the country in relation to other nations and how to extend our research pathways into the industrial developments that the technology makes possible.

I do not want to define nanotechnology, because to do that is a final year question in universities. Nobody has ever found a way of defining it properly. It covers things that are very small, such as 10^{-9}—the atomic, rather than the molecular, level. Eric Drexler introduced the term in the book "Engines of Creation" in 1986 to describe the physicist Richard Feynman's vision of nanomechanics, creating atomically precise products, and started the ball rolling. It was associated with new cures for cancers and new drugs at atomic level that harnessed themselves to small tissue areas, overcoming the pressures that people in the world of chemistry faced over big molecules and thinking about smaller molecule development. It is an exciting field and I shall say more about it later.

Nanotechnology caused problems in the beginning, however, because although there were, on the one hand, the positive aspects of what might develop from the research and extending that research, on the other, there were the inherent dangers, as presented by His Royal Highness. There was talk about replicating weapons, and people became confused and more concerned about the potential risks than about the potential developments. There was a polarisation, in other words, and that has hindered research and discussion across the planet on the advances that can be made for the benefit of humanity. The idea of replicating molecules taking over the planet, which Radio 4 loved as a story at low prime time—about 7.20 in the morning—could not be seriously defended.

We have a new, powerful technology in the world and we must consider how it can be used to replenish scarce resources and develop new drugs and new technologies. I was heartened by one aspect of the Government's response—although not by much of it, because many of the answers were one-word answers and I suspected that there were two-word answers waiting in the wings; there was a single word for most of the implications of our study. The response talks of interesting developments associated with the regional development agencies. What was heartening was to learn that the country has developed new technologies under the umbrella of nanotechnology.

The Select Committee held many sessions, visited Germany and talked to companies in Bristol and to academics. We were well served by two eminent advisers, Professor John Ryan from the Oxford interdisciplinary research collaboration in bio-nanotechnology and Professor Paul Atherton, president of the European Society for Precision Engineering and Nanotechnology, both of whom were on the national strategy advisory group. Our friend Professor Michael Elves, who used to work at Glaxo Wellcome, also supported us.

We held five oral evidence sessions. We talked to research councils, regional development agencies, small and large companies, academic researchers and scientific learned societies. The Royal Society is also doing a study on this aspect of nanotechnology and has privately welcomed our report. We received a lot of written submissions and had an informal meeting with the previous director general of the research councils, John Taylor, in his later days as a member. He had developed a strategy for Government and took the lid off some of the problems that he had had in making the nanotechnology project in this country come forward.

We were heartened to talk to people in Europe—in Germany in particular, when we went to Dresden and Berlin—about how they were developing nanotechnology. It is interesting that nanotechnology is being taught in the international community by business, academics, research councils and so on. It is an international prospect for new technology that has many potential benefits. It has been hailed as the next industrial revolution. Millions of dollars and yen are being spent in an effort to get ahead of the game on research and development.

We wanted our inquiry to uncover what the UK was doing. There are some interesting projects in certain parts of this country that get good support from regional development agencies. In other parts of the country, the situation is not so vibrant. The question is: are we going to let the revolution pass us by and watch other countries inside and outside Europe stride ahead as they have in other areas over the years—in electronics, computing and so on? We have the talent, we have the will and we have to ensure that the Government join with that creativity.

Dr. Desmond Turner (Brighton, Kemptown) (Lab): Does my hon. Friend share my sense of déjà vu? In many ways, the inquiry took us back to one that we carried out five years ago into the innovation process and its effectiveness in Great Britain. We were saddened to find several deficiencies that kept Britain back. One was the failure of the venture capital market to bring companies

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through certain stages of development and another the timidity of the Department of Trade and Industry in providing capital support for small and medium-sized enterprises, particularly when they were getting close to market. That was when it became acutely difficult. This inquiry found that that was still the case, which was saddening, because I do not think that any of us want to see nanotechnology joining the other technologies on which Britain has done the initial work but has missed out on the benefits.

Dr. Gibson: I agree with my hon. Friend that that was the substance of a large part of our report. We looked at the ability of the UK science base, as perpetrated through the DTI, to turn research brass into commercial gold. In the report, we mentioned taking a lead and recommended dedicated proof of concept funds, as they have in Scotland, to be allocated in loans to high-tech companies proving the move to the next stage of innovation. It is sad to say that the DTI replied:

"Not accepted. There is no evidence at present to justify such an intervention."

We have heard that before about giving companies the ability to move from the initial stage to commercial exploitation. We asked what the DTI had done to assist that in the years that we have been banging on about it. We asked what research underpinned such a complacent attitude—which is what it seems. Many people want to develop nanotechnology, but find it difficult to access that particular funding mechanism. There may be too many or too few, but if one has a new idea in the nanotechnology arena, it is very difficult to find out how to push it forward. I thank my hon. Friend for that intervention. The story is very familiar. Something seems to happen only in California and certainly in Germany because of the Fraunhöfer institutes. There is a mechanism there, in which, for example, if someone receives money from local industry to support an idea, the Government put in the same money to help it.

We talked in our report about tax credits. Again, there have been welcome and amazing moves in terms of research and development tax credits. However, we must re-examine that area if we are to make happen what my hon. Friend wants. We have the ability and the creativity, but there is still frustration, which requires a positive response from the DTI in terms of tax credits and moving into proof of concept.

We have heard only positive comments about our report from the scientific community. I shall select just one quote from the Institute of Physics. When we asked the question, "Too little, too late?", they said, "Too true." As I mentioned, the Taylor report was a really epic move by the DTI, which has picked up the issue and now knows that it is important. Our criticism is that it has not invested fast enough. John Taylor, the last director general of the research councils, provoked a reaction in the DTI by his report on a strategy for commercialisation of nanotechnology. Lord Sainsbury, who is very well respected in the scientific community, announced in July a package of £90 million over six years. It was said that that would be supplemented by an investment from industry, the regional development agencies and the research councils to make a total of some £540 million over six years from 2003. That is not insignificant, but the question is: is it enough to take us forward in a very competitive world? What do people out there think about that?

Germany, for example, is spending £200 million in 2005 alone. The US, as always, is spending more—£2 billion over the next four years—and Japan will have spent an incredible £2,000 billion by 2010. It is not that we do not have the ideas or the creativity, but we must create the political will to join in the process. In the last month or so, during the European strategy for nanotechnology talks, there was talk about tripling the investment in nanotechnology in Europe, so that we can keep pace with Japan and the USA. However, I do not think that that is currently on the agenda and I invite the Minister to tell us how we are responding to that European initiative. We must wake up to the reality that nanotechnology is important and either we play with the big boys and girls or we fall far behind.

However, there is a blue horizon. Next week, there will be a scientific investment in this country, which will be channelled through the Treasury and the DTI. That will put lots of money into scientific progress, which will relate to the economy and jobs and put us up there in the top league of players. I am really looking forward to hearing from the Chancellor, or whoever speaks about the issue, that nanotechnology will be a major feature. One reads all the time about how we are going to be up there, but nanotechnology is the up and coming thing, as biotechnology was once the up and coming thing—albeit with an odd fluctuation about winning the argument over genetic modification. It is happening and we are still developing research in the field.

If we do not currently have the spending power of other countries, we must focus our investment on one or two world-class centres of excellence; that was the Committee's decision. Those centres can be a magnet for international research and commercial activity. We said that that was how to compete, and the European strategy also recommended that. We should put excellence into one centre, rather than scatter it all in a diluted way across the country. That was the view of the Taylor report, as John Taylor told us when we spoke to him in his latter days as research director. Yet the Government have watered down the funding and are going to establish a network that will scatter the Government's £90 million funding throughout the country. They think that they are just adjusting and widening the Taylor report, but they reject the main conclusions of that report, which were that two world-class nanofabrication facilities are necessary. That could also happen with European money from framework 6 or elsewhere, to ensure that we are part of a European network.

The arguments this week about Europe are not reflected by the collaboration between professionals at this level, such as CERN and a project developed by physicists in Geneva. Successful work is going on across European barriers. This is another arena in which we could score and ensure that European interaction plays an important part in developing scientific creativity, job creation and new technologies and products. We will have trouble with some countries that will not want to get involved. That is why we must engage at a European level in direct argument about the science and technology of which this country is at the forefront. We

must persuade, cajole or enthuse other countries to get involved. What is the Government's reaction to the European creativity that came from the recent report to the commissioners?

Another aspect of the policy that deeply worried the Committee was the ability of regional development agencies to provide the money to play a part in the development of regional strategies. Several people from nanotechnology centres said that regional development agencies were off-beam and had not engaged with nanotechnology. It was felt that they did not know what it all meant and were still in the grey gooey area—they did not see what the new technology might lead to. It was also felt that regional development agencies—although not in every part of the country—had not engaged with science and technology at all. In my region, the East of England Development Agency has just set up its council after a bit of agitation. Time moves on and we have got to move fast in this game. The north-west and north-east have moved ahead very fast and developed new green chemistries based on nanotechnology. They have moved with alacrity and ensured that there is interaction between universities and industry. The Government must get stuck into the regional policy and examine why science and innovation are moving at different speeds in different areas. How will the Minister address any conflicts that have arisen?

I do not want to go into technical details about microsystems and nanosystems, but there is a mixture of different types of technology at different levels, and it seems that nanotechnology does not rate as highly as microtechnology in the Department of Trade and Industry frontiers. The long-term funding of enterprises in different structures is novel and challenging to British industry, the British scientific community and certainly to regional development agencies. It is a good that the Government have recognised the challenge and invested money.

Our report states that the Government have been muddled in their handling of the issue. We accuse them of announcing the main elements of a strategy before appointing a strategic advisory group to provide expert advice—they have put the cart before the horse. The Government deny that and talk of the strategy being developed. The division of £90 million into a £40 million strand for capital projects and a £50 million strand for applied research was announced in January 2003. The nanotechnology strategic advisory board met for the first time in June 2003 and a network director was not appointed until January 2004. I hope that the Minister will not dispute those facts. We can see that a decision on how much money to put in was made before there was a strategic advisory board to think about how to use the money. The DTI responses were all of one word. I do not think that that is particularly a result of laziness or arrogance; rather, the issue simply needs a champion in the DTI to make progress. However, it certainly did not help us that we found the decision-making process difficult to understand.

UK industry has not been quick to respond to the potential of nanotechnology either. It will not necessarily be about small companies. Big companies, such as Unilever, can take on board this type of technology, and such companies should have been galvanised much earlier. They should have been brought together and their heads knocked together, so that they saw that the technology was available and engaged with it.

The Government complained about the lack of industrial interest, but now that funding has been announced, the research and capital projects proposals have been massively oversubscribed. The point is that the interest already existed, so the Government have, if anything, been dilatory in this arena. The industrial interest has always been there. We must simply find a better way to establish common ground, so that we can work together to develop British industry.

In summary, the DTI has handled nanotechnology pretty badly. In reflective or private moments, many of the Ministers might admit that. We would not expect them to do so in public, but I imagine that in general they think that we have been slow in starting the process. We need leadership, focus and support for the areas in which Britain can excel. We might not be leading the world in the nanotechnology revolution, but let us be part of it.

2.52 pm

Dr. Brian Iddon (Bolton, South-East) (Lab): I congratulate my hon. Friend the Member for Norwich, North (Dr. Gibson), the Chairman of the Science and Technology Committee, on securing yet another debate on one of our reports. The report, the fifth of the Session, is entitled "Too little too late? Government Investment in Nanotechnology". Its bottom line, or final conclusion, to which the Chairman referred, is that Government investment probably is too little too late, but it is not too late for the Government to accelerate that investment and to catch up with some of our major competitors. I shall develop that theme later.

This year, I was privileged to be invited to be chairman of a new venture: the Bolton Technical Innovation Centre Ltd. It is the first junior incubator of its type in the United Kingdom—perhaps in the world; we are trying to find that out. The keys to our new £2.2 million building, which was funded by the Northwest Development Agency, were handed over just two or three weeks ago.

Bolton TIC will provide an out-of-school experience for all Bolton's nine to 19-year-olds in science, engineering and technology, using state-of-the-art equipment—not second-hand or thrown out equipment—purchased, loaned or given by local and regional industry. Pupils will innovate, design and produce in that innovative building. I have written an article on Bolton TIC for a future edition of *Science in Parliament*. I will also seek an Adjournment debate to give that innovative project some publicity, because it is a model that could be repeated by regional development agencies throughout the country.

Earlier this year, Bolton TIC had a taster day at which a number of presentations were made to excite people into contributing money, materials and human resources to the venture. We are looking for many volunteers and volunteer financing. Attending that day was a gentleman called Bob Mehalso of Microteca Associates, who gave an extremely stimulating presentation during which he described the nature of nanotechnology. His company is about to set up production facilities in the north-west—on the old

[Dr. Brian Iddon]

Plessey site in Liverpool, I think. It produces inkjet printers for Hewlett-Packard, for example, and fuel injection systems for all Ford cars produced worldwide.

Bob Mehalso described traditional engineering as negative engineering: this report describes it as top-down engineering. For example, holes can be drilled in metals, which removes metal from the original block or sheet of material. That is a loss of material, so it is negative engineering. However, that type of engineering cannot produce holes fine enough for the inkjet printers that we require these days, nor can it produce the fine fuel injection systems required for today's fuel efficiency needs. In the latter case, the finer the hole for the fuel injector, the more efficient the car engine will become, with a huge consequent saving in fuel costs, which helps the environment and reduces climate change.

Using nanotechnology, however, holes are built up using individual atoms or molecules. The addition of material to a template creates a new type of engineering, called positive engineering or bottom-up engineering, as our report describes it. Other applications of nanotechnology already exist: in sunscreens, in self-cleaning windows for skyscrapers or even for homes in this country—those were invented by Pilkington Glass—and in nanotubes to produce lighter and extremely strong materials for the fabrication of objects such as tennis racquets. A company called Babolat is already manufacturing them.

Carbon nanotubes are 100 times stronger than steel and extremely light, even compared with aluminium. Providing that they can be mass-produced—a large hurdle that we have yet to overcome—they have tremendous potential in a new area of engineering. Nanotubes are tiny rolled-up sheets of graphitic carbon which can encapsulate other atoms, such as metal atoms, which bestow electronic properties on nanotubes, enabling them to be used in new electronic devices.

Scientists in the Netherlands have recently demonstrated a new type of logic gates, which are the basis of the modern computer. These are based on single nanotubes and are therefore extremely miniature, compared with existing logic gates. That leads to the idea of further shrinking highly miniaturised electronic devices.

So what is nanotechnology? The Japanese scientist, Norio Taniguchi, who was interested in making extremely thin films of very exact dimensions, first defined the word "nanotechnology" in 1971 as

"the production technology that aims to achieve precision and fineness of structure on the scale of a nanometre."

The word "nanotechnology" is derived from the Greek word "nanos", meaning "dwarf", and is the construction of materials using individual atoms or molecules. Since the size of atoms and molecules is measured in nanometres, that is nanotechnology. It covers a range of scale from 0.1 to 100 nanometres. A nanometre is one billionth of a metre, or approximately 10 hydrogen molecules lying end to end. To give an idea of the scale of the science that we are considering, a human hair is approximately 80,000 to 100,000 nanometres in diameter.

One of the most powerful tools underpinning nanotechnology is the family of scanning probe microscopes, which were first developed in the 1980s. Britain played a leading part in those developments. They operate through physical interactions between an extremely ultra-fine tip on the microscope and individual atoms on a surface, whatever that might be. They can reveal some remarkable images of surfaces. Don Eigler of IBM gave us the most dramatic illustration of what those microscopes can do when he spelled out "IBM" in individual atoms and revealed it to the world using a scanning, tunnelling microscope. It was a dramatic scientific illustration of the power of nanotechnology.

As the Chairman of the Select Committee said, nanotechnology is different from microtechnology, but the Government do not seem to have realised that. The two are often confused, but a micrometre is one thousandth of a millimetre or one thousand nanometres, so there is a huge difference in scale. Of course, microtechnology is already well developed, and there is a danger that investment in the research and development of nanotechnology will end up as investment in microtechnology. Lord Sainsbury did not separate the two when he gave evidence to the Select Committee. He said that

"it really does not make any sense commercially to make a distinction between them."

The Government's response to our report, which was published this month, confirms that they believe that nanotechnologies will emerge from microtechnologies. The Committee begs to disagree. We believe that if that distinction is not made, there will be an inadequate focus on this new industrial revolution of nanotechnology. Lord Sainsbury seems to believe that the microtechnology industry will evolve into a nanotechnology industry, but evolutions can be slow. The Committee's message is that by the time that evolution happens, Britain will have been left behind yet again in a rapidly emerging technological revolution.

The application of microtechnology has allowed the miniaturisation of electronic devices, to which I referred. However, as we found out on a visit to a large silicon chip production plant that employs 5,000 people in the city of Dresden, we are getting close to the limits of miniaturisation, which uses silicon as a material, and alternatives are urgently needed if we are to miniaturise electronic devices further. Of course, there is a huge cost saving in miniaturisation. Fewer materials are used, which is also good for the environment. One of the strong messages that I want to put across is that environmental savings could be made if nanotechnology is given investment.

The new technology is already having, and will continue to have, a major impact on electronics, on the IT industry and on medical techniques in particular. It is expected to render some of our traditional production methods obsolete, which is why we refer to it as a new industrial revolution. Britain, including Bolton, has always been at the forefront of industrial revolutions, and it is important that the Government invest in this one, otherwise we will be left behind. Our competitors are already ahead of us in this rapid race.

In the 1980s, British scientists held the lead in nanotechnology research, but the Government of the day failed to stimulate its potential. I do not blame them

for that; I blame the universities and particularly industry for not being stimulated by the money that the Government made available in the 1980s through, for example, the LINK nanotechnology programme, which they set up to stimulate industrial interest. There has been a lack of sustained investment since, although support for nanotechnolgy continued to be given by the research councils and through the basic technology programme and SMART. Sadly, most universities are failing to see the potential, as is most of British industry with the exception of Unilever, QinetiQ, which has set up QinetiQ Nanomaterials Ltd., and a few others.

In 2001, the Minister for Science and Innovation, Lord Sainsbury of Turville, commissioned the Taylor report, which John Taylor presented to the Government in June 2002. That resulted in the announcement by the Department of Trade and Industry of the £90 million investment over six years to which the Committee Chairman has already referred. It also established the DTI's micro and nanotechnology manufacturing initiative. Industry applicants for DTI funding are expected to provide match funding. If industry takes enough interest, that should lever in another £90 million, bringing the total available to £180 million. Apart from the DTI, other Departments, with the possible exception of the Ministry of Defence, unfortunately do not yet appear to have realised the significant potential for developments in nanotechnology. They include state Departments that, like the MOD, could benefit from the technology, such as the Department for Environment, Food and Rural Affairs and, in particular, the Department of Health.

Fortunately, the Government agree with our recommendation that

"the Government Chief Scientific Adviser liaises with the MNT Network and relevant Government departments to encourage the commitment of resources from departments to potentially useful nanotechnology research, as appropriate."

The Taylor report recommended that one or two nanofabrication units should be set up to stimulate the technology. The Select Committee does not believe that that scale of investment is adequate to enable Britain to compete in the world growth of interest in the subject. I hope that the comprehensive spending review will soon be announced and that it will change the current state of affairs significantly.

The DTI seems to have interpreted the Taylor report's recommendation to create at least two nanotechnology fabrication centres as meaning greenfield, new-build options. However, the recommendation was based on the idea of expanding existing facilities, taking into account—and this is important—a geographical spread. Not everything should be in the golden triangle of the south.

Excellent facilities are already being developed jointly by Imperial college and University college London, in London and at Cambridge. The Rutherford Appleton laboratory near Oxford already has world-class facilities that could be developed. Such developments, if expanded, would allow British nanotechnologists to compete with other world-class centres, such as Minatec at Grenoble and IMEC in Belgium. Germany has developed six nanotechnology competence centres. If Britain does not develop world-class centres soon, with a critical mass that can compete in a world market, the brain drain for nanotechnologists will accelerate.

The Government commissioned the Institute of Nanotechnology to carry out an industrial survey of companies interested in the development of nanotechnology—ironically, three months after the Taylor report was published. The institute had already made the picture clear in its report "Nanotechnology in the UK", published in 2001.

The Government are using the regional development agencies to channel research and development moneys into the science base in all our regions. In particular, an extra £180 million is being channelled into nanotechnology. The devolved Administrations will contribute another £20 million. It is expected that in the next few years Britain will invest well in excess of £540 million as a result of current initiatives.

Dr. Gibson: Will my hon. Friend say something about an issue that I know he is concerned about—the closure of chemistry and physics departments? Nanotechnology depends on good, sound physics and chemistry in universities, so are we doing enough to develop undergraduates in those fields, under the umbrella of nanotechnology? Would that not be a winner as a way of attracting young people from school into the study of chemistry, physics and related subjects at university? Without chemistry, nanotechnology cannot move forward.

Dr. Iddon: My hon. Friend has hit on a good point, which I shall shortly develop. He is right to say that the development of nanotechnology will be inhibited if science departments continue to close.

I shall provide some comparisons: France has committed £500 million to this type of work over four years; Japan has committed £500 million for 2003–04 alone; the United States has committed £1 billion annually between 2003 and 2006; and South Korea has committed £80 million per year for the next 10 years. Witnesses examined by the Committee feel that the money committed by the UK Government to nanotechnology will not allow us even to catch up with those major competitors—they are well ahead of us. In writing the report, we attempted to alert the Government to that fact as well as others.

As I represent a north-west town, I am proud of the fact that the Northwest Development Agency was the first to establish a regional science council, under the able chairmanship of Sir Tom McKillop, the chief executive of Astra Zeneca. The north-west was followed closely by the north-east, and I am pleased that, according to the Chairman of the Committee, the eastern region is also setting up a science and technology council. However, RDAs have to date been slow to follow the example set by the north-west and north-east. There is therefore a question mark over the current ability of most other RDAs to deliver a science strategy in their regions. Do they have the in-house scientific expertise to achieve that? Perhaps the existing research councils provide a better mechanism for rapidly delivering a strategy to kick-start research and development in nanotechnology throughout the UK.

We are told that all the RDAs will have to have a science and industry council by December 2004. That is good news, but it will take time to build up their scientific capacity, and by then it will be too late in the

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nanotechnology race. Lord Sainsbury of Turville said in his evidence to the Committee that the RDAs' role will be to forward projects to the national strategy advisory group, which has been set up to advise on the strategic direction of the network group of the MNT manufacturing initiative. The network director, Dr. Hugh Clare, was appointed only in January 2004.

As the Committee Chairman said, the Committee was critical of the way in which the organisation of the distribution and management of the money allocated to nanotechnology has been established. Much confusion has been created over who does what within the MNT network. In the Committee's opinion, the DTI is not taking a back seat, as it claimed in evidence to us, and the RDAs will perform a much greater role than recommending projects to the network. We recommended that the MNT network be given strengthened leadership and that its director be given real powers, so that he is not constantly looking over his shoulder.

The DTI has required match funding for its projects under the capital projects programme of the MNT network, which will last for three years. Three years is rather a short term. Those requirements are likely to lead to the funding of near-market project only, which will probably be in microtechnology rather than nanotechnology. Longer-term funding is required if nanotechnology projects are to be given a chance to develop properly. They cannot develop in a period of only three years.

Moreover, the requirement for match funding is unlikely to attract small and medium-sized enterprises, but those enterprises, some of which are spin-offs from universities, are the ones that are carrying out most of the cutting-edge research in the nanotechnology field. That, too, will inhibit progress.

The research councils also fund nanotechnology research. In order to undertake such research, institutes must be interdisciplinary, bringing together chemists, physicists, statisticians, biologists and biochemists, preferably all in the same building. An interdisciplinary research collaboration is led by the university of Cambridge, with core partners that include University college London and the university of Bristol. An IRC in bio-nanotechnology is led by the university of Oxford, with core partners that include the university of Glasgow and the Medical Research Council's National Institute of Medical Research. Funding of those two IRCs is worth £18 million over six years.

There is also an interdisciplinary nanotechnology research and technology centre at Newcastle university. In addition, a £33 million building is being built on the site of the university of Manchester institute of science and technology, which is shortly to combine with Manchester university. A few months ago I visited the Manchester interdisciplinary biocentre. The MIB—I have the brochure with me—is a fantastic £32 million development, which is bringing many different disciplines from those two universities into the same building. I am pleased to say that Professor Stan Roberts, who is a friend of mine and one of the country's leading organic chemists, now at Liverpool university, will lead the new venture. Interdisciplinary research to remove the silos that separate chemistry, physics and biology, and to bring people together to interact in the same building, is precisely what we need in Britain.

Dr. Gibson: Will my hon. Friend confirm that the research councils are not only interacting to look at the health and environmental impacts of the same technologies, but actively engaged in getting the message across to the public that the grey goo hypothesis is a load of old nonsense?

Dr. Iddon: The situation is getting better, but it is by no means perfect. The Committee has been critical of the "silo" effect of relationships among the existing research councils, although they are now attempting, perhaps a little too late, to interact on a grander scale. We have made suggestions to them as to how things could be improved.

To follow on from my points about the interdisciplinary centres, six of nine projects in a recent round of funding under the research councils' basic technologies programme are in areas related to nanotechnology. The academic community has been slow to see the value of research in that area, but fortunately interest is beginning to grow. All the research councils fund facilities; for example, the Engineering and Physical Sciences Research Council funds facilities at the Rutherford Appleton laboratory near Oxford. The central microstructures facility is a recognised centre of expertise for the top-down fabrication of devices on the nano scale. Unfortunately, however, to date the facility has failed to attract industrial-volume usage and its capacity is unfilled. There appears to be little co-ordination between the awards that the DTI makes for nanotechnology research through the MNT network, and the research councils' development work and awards. Again, to answer to my hon. Friend's question, that could be improved.

An estimated 1,500 researchers are involved in nanotechnology in the UK. Some are in the universities that I have already mentioned, but according to the Taylor report—I have already mentioned this, but I re-emphasise it—we lack a centre with the critical mass that can compete with some of the critical mass establishments in our competitor countries. One of the problems is that universities in the UK have not been fast enough in establishing the interdisciplinary centres that nanotechnology requires; they are coming, but slowly. The research assessment exercise has not helped, because it has not taken full cognisance of interdisciplinary work. However, I understand that an attempt is being made to take that criticism into account in the new round of research assessment exercises.

Only 10 universities in this country offer courses with "nanotechnology" in the title, four of which are at undergraduate level only. One of the barriers to expansion of R and D in nanotechnology is the lack of interested and trained researchers. If we do not have them, even down at the technician level, we will not make progress. I hope that the Government will pay some attention to that point, too.

The European framework programmes also support nanotechnology research. Some €17.5 billion, to which the UK contributes—I apologise for changing the

currency—£110 million, is available under the sixth programme, which includes €1.3 billion to target nanotechnology materials and production technologies. The problem is that although that extra money is available for research into nanotechnology, the barrier to applying for that money is so bureaucratic that British academics have been switched off. We need to get the message across to Strasbourg and Brussels that the applications system must be streamlined. Our scientists do not have time to sit for weeks on end telephoning those international collaborations, on top of which they have to write grant applications. I have done it; it takes a lot of time, and it is extremely frustrating when one gets a negative answer.

Professor Sir Harry Kroto, a Nobel laureate in chemistry, said in evidence to the Committee:

"If you take my viewpoint that anyone who looks at things in terms of atoms and molecules actually is doing nanotechnology then the subject is 200 years old, it goes back to Dalton".

Indeed, when I was lecturing in chemistry at the university of Salford I was teaching nanotechnology, but I did not realise it. What was I doing? I was teaching that nature uses templates such as RNA and DNA to build molecules; assembling smaller molecules on those templates by molecular or atomic assembly causes them to form physical bonds or, more especially, chemical bonds.

From RNA we can spin off proteins. In biochemical systems, that is done by molecular assembly. Large, naturally occurring molecules made in that way are so large that they do not exist as long, linear molecules. The ionic interactions present—charges interacting with one another across the length of the molecule—cause those molecules to wind and bind, and roll up like balls of wool. That is what proteins do when they develop a tertiary structure. They are fragile structures, however, and can be easily destroyed. When boiling an egg, we can cause a water soluble tertiary-structured protein to precipitate. As a result, the egg becomes opaque—and it is time to eat it.

Dr. Gibson: How long does it take to boil an egg to achieve that effect?

Dr. Iddon: I would have to carry out an experiment. It depends whether it is a hen's egg, a duck's egg or some other kind of egg.

Eye cataracts are caused by the precipitation of protein as a result of age, and they are worse for those who spend a lot of time in sunlight. That, too, is caused by the unravelling of complex tertiary structures. Little balls of protein in the eye unravel and precipitate, because their tertiary structure is water-soluble. We then lose our sight. Fortunately the problem can be corrected.

A recognition of how those naturally occurring molecules are put together—we should also know how they function—has stimulated chemists for decades to synthesise complex molecules that perform various functions. At the molecular level, such molecules can emulate various engineering devices. I used to have a research interest in that aspect. Chemists are interested in building template molecules that, like RNA, have the power to bring individual atoms and molecules together, attract them to the sites on the template and then cause those simple molecules to link together. It is now being done. A professor at the university of Sheffield greatly stimulated my interest in molecular assembly. With synthetic molecules, we are trying to build larger molecules in exactly the same way as nature. However, we have to find out how nature does it and how the molecules function before we can replicate it in the laboratory. That is nanotechnology.

Molecules are now being built that can emulate switches in electrical circuits. That technology can even be used in turnstiles—the gates that let us into the football ground. Molecules can be made to spin when a little pressure is put on them. For decades, chemists have been thinking about mechanical devices and trying to replicate them at molecular level. Those devices, and the fantastic world of electrically conducting organic polymers, will miniaturise electronic devices in the future. We will probably still not be able to find our mobile telephones—I sometimes have to ring mine from the land line to discover where I have left it—as these miniaturised electronic devices may be so small that they can fit into the ear, and that will make them even harder to find when they are mislaid. It is important that we invest in this fascinating field of research, which is opening up a new industrial revolution.

Richard Freyman gave a lecture entitled "There's Plenty of Room at the Bottom" to the American Physical Society as long ago as 1959, in which he described the possibility of constructing minute machines and circuits atom by atom, molecule by molecule. I do not think Richard Freyman ever realised that today we would be doing that in nanotechnology.

I want to finish by speaking about health risks, which have not been mentioned before and are important. Whenever a new technology comes along the science fiction writers, and some journalists—with the greatest respect to my hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly), who was a journalist—get in on the act. Although the idea of nanobots or nano-robots creating grey goo that puts all human life at risk, an idea emanating from the work of futurologist Eric Drexler at MIT, is far-fetched, the potential for harm should not be ignored. We should remember the precautionary principle, but that should not prevent our being brave and trying things out to see what happens.

It is the same with the development of all new technologies, not just nanotechnology. We need to study the impact of nano-particles on human health and on the environment; fortunately, the Health and Safety Executive is already monitoring that field and investing in it. The public should be kept informed about the new developments so that the public debate does not get out of hand, as it has in the development of other technologies, such as genetically modified organisms.

Nano-particles are so small that they can readily penetrate tissues such as the epithelium that lines the lungs. They can evade man-made filters and natural filters within the body. In addition, they have a fantastic surface area relative to the mass of the material, which may give them unexpected properties and might lead to a health risk; we just do not know.

I welcome the significant report, commissioned by Greenpeace, into the potential dangers of nanotechnology, which recognised that there are

[Dr. Iddon]

potential benefits as well as risks with this new technology. I am pleased that the green organisations are beginning to balance risks and benefits; they have seen only risks in the past, but they should also regard the benefits as important.

A major problem for knowledge transfer in the UK is that although Government sources will fund projects to the tune of about £250,000, venture capital companies in the UK, which are risk averse, will start funding only at the £1 million to £2 million level. That funding gap is a huge problem in this country, preventing the development of many new and exciting technologies such as nanotechnology. The venture capital companies deny that there is a funding gap and put the lack of knowledge transfer between the universities and the spin-out companies down to a shortage of propositions being put to them. I do not believe that, and I am sure that my colleagues on the Committee find it hard to believe, too. Fortunately, the Government, through the Treasury, have recognised the difficulty and are beginning, perhaps a little too late, to put programmes in place to deal with that important funding gap, which is preventing the transfer of knowledge into the market in this country.

The RDAs, too, have venture capital funds, which total £270 million. They are used to invest in SMEs, which are supported by a further £80 million of direct Government money. Again, however, investment is restricted to £250,000, and although there is admittedly the possibility of another £250,000 after six months' proof of concept, there is still a funding gap. The report recommends that the Government address the problem with the investment programme with a little more haste so that high-tech companies can bring products to market.

Investment by larger companies in all sectors increased by only 11 per cent. between 1995 and 2001—well below the figures for SMEs and our international competitors. Large organisations in the UK and other countries are no longer prepared to take the initial risk and have begun relying on SMEs to do so. As a result, many SMEs go out of business, while those that are successful are soon bought out, and their products bought up, by larger companies. That is how business has begun to operate in this high-tech area.

To conclude, I hope that reports such as that of the Committee and the one recently published by the Royal Society will allow us to make nanotechnology the important focus that it needs to be in Britain's technological development. We want Britain to regain the position that it had in the 1980s and at the beginning of this century so that it can take nanotechnology further and become one of the main countries in the world with an interest in the subject.

3.32 pm

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I am delighted to be able to take part in the debate. I am a member of the Science and Technology Committee, although I am speaking in a Front-Bench capacity today. I became a member of the Committee only after it started its inquiry, so I chose to take no part in its deliberations on the subject.

I certainly find being a member of the Committee enjoyable, and it is a pleasure to follow the two learned doctors who have already spoken—the hon. Members for Norwich, North (Dr. Gibson) and for Bolton, South-East (Dr. Iddon). I am always at pains to point out that I am only a medical doctor, not a proper doctor. Those of us on the Committee who are lay people or medical doctors learn a great deal from those with PhDs, and I have certainly learned a great deal more from the two contributions that we have had so far.

The Committee's decision to tackle the subject of nanotechnology demonstrates yet again that there is no subject of which it is afeared. It is currently carrying out a number of inquiries, which will lead to reports that are just as incisive and, where appropriate, as acerbic as the one before us.

The Committee's key function, which it performs in a constructive, cross-party way, on the basis of its deliberations on the evidence that it receives, is probably to point out where it believes the Government have gone wrong, and that is just what it has done in the present report. I want briefly to reflect on what we have heard today and to raise a few of the issues that I gleaned from reading the report and the Government's response.

Normally when I am asked to speak from the Front Bench, I look to see what the existing Liberal Democrat policy is. We have lots of policy on all sorts of things, but when it came to nanotechnology, the policy unit was stumped for the first time. I am therefore free to say what I wish—

The Minister for Industry and the Regions (Jacqui Smith): That never stopped the hon. Gentleman before.

Dr. Harris: Indeed. I accept that suggestion entirely in the spirit in which it was made.

Paul Farrelly (Newcastle-under-Lyme) (Lab): In that case, does the hon. Gentleman agree that the Liberal Democrat policy on nanotechnology is probably clearer than it is on any other policy issue?

Dr. Harris: I am grateful to the hon. Gentleman for saying that the policy that I am going to announce will indeed be clear. I say to the hon. Member for Norwich, North that at least I will be in a position to support my party's policy. That is something that I know he will be keen to do for his own party's policy when given the chance.

In his typical style, our esteemed Chairman clearly set out the key issues that the report addresses. First, he was right to lead with the need to ensure that there is public confidence in technology, to puncture the myth that has been built around so-called grey goo and—unless there is a clear and present danger, scientific consensus or evidence for stuff based mainly on science fiction—to concentrate on the benefits. Otherwise we risk repeating the mistakes that have been made surrounding other technologies.

We are grateful to the Chairman for giving us the history of nanotechnology. It was very helpful of him to set out the contrasts between this country's record and those of our competitors in Europe and throughout the world. Now that we are, as the Government keep reminding us, the fourth largest economy in the world, it would be of concern if we were to fall significantly behind our competitors, such as Germany, in that field.

A report from the United States by Robert Service in the *Financial Times* on 18 June talked about the experience of such technology in the United States. It stated:

"In just five years, nanotechnology has catapulted from being a specialty of a few physicists and chemists into a worldwide scientific and industrial enterprise. World-wide, government-funded nano research has grown seven-fold, from less than $500m in 1997 to more than $3.5bn in 2004.

The March/April issue of Small Times, a US-based nanotech industry magazine, noted that venture capital funding in the nano area rose from virtually nothing in 1997 to $300m in 2003, accounting for more than 5 per cent. of all VC funds distributed in the US. The list of big businesses pursuing nano research includes General Electric, Lucent, Philips, Matsushita, Intel, Advanced Microdevices and Merck."

The report also stated that

"according to US Government estimates, the nanotech economy will be worth $1,000 billion by 2012."

This is a global economy, and even if it were not, where the US goes we always follow. The key thing is that we do not follow so far behind that our economy loses the ability to benefit and we suffer from the brain drain that has already been mentioned. The US is not far to go for UK scientists to pursue their careers, and our competitor countries in Europe are certainly not far away.

In an intervention, the hon. Member for Norwich, North made a point about chemistry and physics departments closing. His point was reiterated at the excellent Royal Society of Chemistry parliamentary links day, co-hosted by the hon. Member for Bolton, South-East (Dr. Iddon), when the Nobel prize-winning chemist, Harry Kroto, argued very strongly that the closure of the chemistry department at Swansea university was a destructive decision. The reason given by the vice chancellor—that chemistry students are simply too expensive to teach—was a shocking admission because it might apply to many science departments throughout the country. I hope that, although the matter is not in the Minister's portfolio, she can give some reassurance.

Dr. Iddon: Is the hon. Gentleman aware that the council and senate of University college Swansea are closing down a chemistry department that has won accolades? It is a world centre of excellence in mass spectrometry, and Professor Keith Smith, a friend of mine who is head of department there, has won awards for green chemistry—something for which there is a great need. York and Swansea, and perhaps one or two others, are the only universities investing in green chemistry and we are about to see one of their departments closed down.

Dr. Harris: I share the hon. Gentleman's concerns. I should add that it was not a case of the department's failing to recruit students: the number of applications was up, and needs to be if we are to have enough chemistry graduates at a time when people are likely to be deterred from working in research because of the prospect of postgraduate debt. It is vital that we keep open for students the option of studying chemistry in their home cities, where their costs will be lower.

The hon. Gentleman is a great advocate of all things Bolton, and of all things scientific, as he proved with his advocacy of the innovation centre to which he referred. He gave a very helpful explanation of some of the applications of nanotechnology, such as scanning microscopes, whether electron, probe or tunnelling. He also made the important point that we cannot rely on improvements, developments and innovations in nanotechnology in this country simply evolving from microtechnology in time for us to keep up.

Yes, I am sure that there will be low-level spin-offs from investment in microtechnology, but the report is very clear about our need for a separate strategy or approach to fast-track the funding for nanotechnology, so that we do not rely on the intervention from microtechnology, which will be far too slow. The report is also clear, as have been the contributions that we have heard so far, that there is a place for match-funded projects and schemes where the DTI and the research councils might offer money if such match funding were available. However, in growth areas such as this, where long-termism is needed, we cannot rely on the willingness of British industry—which has notoriously not been long-term enough—to provide the necessary match funding.

The hon. Member for Bolton, South-East rightly pointed out that the Taylor report advocated at least two centres for nanotechnology, and, as the MP for Oxford, West and Abingdon, I remember that the centralisation of the synchrotron project in Oxfordshire was seen as damaging to the science base in the north-west, which has universities with very good science departments that need to be encouraged. The point is made in the Taylor report that a geographical spread of such centres is important. That is why at least two are required. I hope that the Minister can give us some encouragement in that regard.

The hon. Gentleman also reminded us that it is vital that we do not fall behind our competitors. If South Korea is investing the equivalent of £80 million a year for 10 years, it knows something that the UK does not. It is incumbent on our Government, through the DTI, to ensure that we do not make the mistake that we have made in respect of other technologies.

I turn to what Prince Charles said about grey goo. I have heard it rumoured that there are rules about what we can say in Parliament about the heir to the throne, so I seek your advice, Mr. Caton, if I stray. I shall quote mainly from press coverage of what he said. He was described in *The Guardian* of 23 December 2003 as

"a natural advocate of the precautionary 'if in doubt, don't' approach to development."

His message was that we ought to be careful about this technology. If there is no evidence to support that, it is entirely the wrong message to send out. The same article describes how Prince Charles

"wrote a letter to the Royal Society raising the spectre of the 'grey goo' disaster scenario of nanotechnology, where mini machines self-replicate and take over the world, which had been the basis for Michael Crichton's thriller, Prey."

Dr. Phil Moriarty, reader in experimental physics at Nottingham university, is quoted as saying:

"The notion of grey goo was first raised"—

as we have heard in this debate—

"by Eric Drexler back in the 80s, but we're nowhere near having the ability to make these nano-machines. They still belong in the realms of science fiction.

[Dr. Harris]

There is a genuine debate to be had about the future of nanotechnology, but grey goo isn't it . . . It has to be said that very few scientists working in nanotechnology take the prince seriously."

We have a responsibility as politicians to respect the precautionary approach, but not to use the sort of language liable to undermine faith in new technologies if there is no clear evidence of harm. We must not undermine the prospect of investment in this country by our own industry and by firms with a choice of where to invest.

The article goes on to quote the hon. Member for Norwich, North. It states that

"Ian Gibson, who also serves on the House of Commons science and technology committee, unsurprisingly aligns himself with mainstream academia against the prince's intellectual dabblings".

He is quoted as saying:

"At best the jury is out on much of what he says, and at worse he has done science a significant disservice. He should either shut up about things he doesn't understand or sign up for a science course at one of our elite universities. If he'll pay the top-up fees."

I hope that *Hansard*, if not *The Guardian*, is read in the appropriate places, and that people with the advantage of using their position to get press coverage on issues other than architecture, where I do not claim to be able to contradict the prince, exercise appropriate judgment and responsibility.

I return to the report. Even though we have not had a huge number of contributions to the debate, there is not time to go through all the Government's responses to the recommendations, but I shall pick out three. It will be useful to hear what the Minister says in response to the comments that we have heard. Recommendation 1 partly underlines what we have heard about the danger of short-termism. It expresses concern about the absence of a successor programme to the LINK nanotechnology programme. In their response, the Government reiterate their evidence to the Committee:

"The LINK Nanotechnology Programme failed to attract sufficient industry interest to justify follow-on activity."

However, that is our point about new technology: if the Government are to show true foresight, we need them to be more long-term than industry. They should not withdraw a programme just because industry does not respond appropriately, because that proves the point that more Government support is needed to kick-start these initiatives. We do not have a good tradition in this country of sufficient long-termism in venture capital or industry R and D. The Chancellor has recognised that with some of the reviews that he has sought to initiate.

The Taylor report is referred to in the Committee's recommendations. Recommendation 2 is effectively the evidence that Taylor gave to the Committee, which is found in volume 2 of the report. That evidence is illuminating because it is unusual for someone in his position to speak so strongly in written evidence of his concerns about how his report was acted on. In his evidence he expressed disappointment—this is picked up in the report—that the strategy group had done little so far and that there was no road-mapping activity at the time when he sent his evidence; that the

"initial call to provide access to facilities has only just happened";

and that there was no website, apparently because of a lack of DTI resources. If the DTI is so hard-up that it cannot set up a website, that is of great concern. Sir John states that he is disappointed that non-academic access to some of the best facilities may be hampered by lack of funding from the less well-off RDAs and that future DTI funding for nanotechnology is uncertain, and so, therefore, is any planning for the programme.

Sir John quotes the Government as saying:

"'Nano will have to compete with other demands for technology support'",

and comments that although that is true,

"if DTI cannot make some level of allocation in principle for high risk exploration of applications for the next 5 years then it will be hard to get industry to do the same."

Those feelings are echoed by the Committee in its report, and I have heard members of the Committee of all parties, including the Conservatives, make the same point.

Is the Minister worried by the lack of nanotechnology-specific technology? Sir John Taylor reports that he can see that there is a chicken-and-egg problem for the DTI. However, neither he nor the Select Committee consider the DTI's response, alluded to by other hon. Members, of constantly initiating new reviews, to be right, and nor do I. Now is the time for action.

The Government's response to recommendation 5 is remarkable and a little bizarre. The recommendation states:

"The sums of money currently committed by Government and other agencies, spent in line with current strategy, will ensure that the UK continues to fall behind our major competitors. We recommend that in its ten year investment framework for science and innovation the Government gives a clear commitment to funding nanotechnology research and development at least over the next ten years at levels significantly in excess of current spending plans."

The Government response states that they

"think that decisions about the allocation of funds to specific areas of research and development should be taken by the Research Councils and the new Technology Strategy Board."

Surely the whole point of the strategy is to identify key areas for investment. It is disappointing that the Government answer is simply that that should be left to the strategy board and research councils, rather than forming part of a wider strategic approach.

I am a little confused by the Government responses to recommendations 6 and 7. Recommendation 6 points out:

"The impact of a decision to develop world class centres in the UK"—

and there is the implied alternative, "or not to do so"—

"on the number of top quality researchers remaining in or coming to the UK should not be underestimated."

The Government state that they agree with that observation. However, recommendation 7, following on from that, states:

"We are convinced that, had it wished to, the DTI had the necessary resources to sponsor at least one nanofabrication facility for the short term. We believe that the UK's industrial and academic strength and its international competitiveness in nanotechnology would have been better served by the establishment of one, if not two, nanofabrication facilities to give

nanotechnology in the UK a distinctive focus. The rejection of this option appears to have been based more on regional political than economic factors."

The Government's response says:

"The Committee has rightly acknowledged the diversity of opportunity offered by nanotechnology. We agree and therefore do not think it right that the bulk of the available resources should be sunk in one centre."

Taken with the response to recommendation 6, does not that mean that the Government accept that there may well be an impact on the feared brain drain?

Concerns have already been raised about the fact that the £90 million does not appear to have been allocated, or the relevant decisions do not appear to have been made, on the basis of the report that was received or the strategy that was devised; the decision was announced before that. I hope that there is time for the Government to revisit the issue.

To finish where I started, there is a fear that this country will, for lack of a kick-start, again miss out on a technology or fall behind our major competitors. I pay tribute to the members of the Committee who took part in the inquiry. They have done this House and the country a service, and if the DTI is prepared even now to reconsider its position on some of the recommendations in the report they will have done the DTI a service, even if it does not recognise it. The Minister for Science and Innovation is widely respected by Members in this House, including myself. No one doubts his personal commitment, but I hope that the Minister who is here today can give us some encouragement about the policy in this area beyond what was, in parts, a disappointing response to this important report.

3.56 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): I cannot now remember whether, when I was Opposition Chief Whip, I was sad or sorry that the chairmanship of the Science and Technology Committee went to the Labour party instead of the Conservative party. However, experience has suggested ever since that we have been well served by the Chairman of the Committee and by the Committee in general. I pay tribute to the Chairman, the hon. Member for Norwich, North (Dr. Gibson), and to the way in which he introduced both the debate and, as he so frequently does, stimulating and interesting topics—not only to the House, but to the country. We should express our gratitude to him, and to the Committee, because we have all learned a great deal from the report. It is fascinating, and a fascinating debate has followed it.

We have heard a number of interesting examples of the importance of nanotechnology from the hon. Member for Bolton, South-East (Dr. Iddon). The Pilkington glass example that he gave is an important one. He also described how molecules are used to build up all sorts of different materials, in a way that was fascinating for us. The people he lectured when he was in that business must have been extremely well served. I wonder whether his suggestion for having mobile telephones in the ears of Members of Parliament will be taken up by the Whips Office immediately. It would solve a number of the problems caused by the Chairman of the Committee.

Jacqui Smith: It will take more than that.

Mr. Arbuthnot: Indeed—probably a good deal more.

One of the issues that we have heard about is the limits on our understanding of what precisely is involved in nanotechnology. The hon. Member for Norwich, North suggested that much of that is down to His Royal Highness, Prince Charles. That was a bit unfair, because, as we have heard, Eric Drexler introduced the possibility of grey goo. Michael Crichton then took up the issue in a novel about a swarm of nanobots, so it is a little unfair to put too much blame on the Prince of Wales.

When the Prince of Wales took up the issue, more people noticed what had already been said. However, it was Eric Drexler who suggested that nanobots built from scratch atom by atom could replicate out of control using natural materials as building blocks. In less than a day, they would weigh a tonne. In less than two days, they would outweigh the earth—they would probably fall off, so that would not matter too much.

Eric Drexler recently said in a paper that a grey goo scenario is unlikely:

"All risk of accidental runaway replication can be avoided."

Of course it can, but only if we recognise the risks in the first place. The hon. Member for Bolton, South-East was right to point to the need for the precautionary principle. So long as we recognise the risks, we can, and I am sure that we will, avoid them.

Our understanding of nanotechnology is very limited. The Committee Chairman referred to things the size of 10^{-9}—yes, but 10^{-9} whats? The moment that we begin to talk about 10 to the minus, people begin to wonder quite what we are talking about. It gives us an idea of something very, very small, but it does not tell us that much. I recently asked what nanotechnology really means, and I was told this about a nanometre, which is, as we know, a small amount. Let us imagine that someone is shaving and they draw their hand down from the top of their ear to their chin. A nanometre is the amount by which the hair grows at the top of the ear in the time in which the hand goes from the top of the ear down to the chin. I understand that if someone clicks their fingers, that is 500 nanoseconds gone out of their life. We are talking about very small amounts. The hon. Member for Bolton, South-East said that a human hair is 80,000 nanometres in diameter—my hair is getting significantly thinner than that—but once we get into the realm of 80,000 nanometres, we no longer understand it.

It is therefore not surprising that in a recent survey to find out what people think nanotechnology is all about, only 29 per cent. of the public claimed even to have heard of it. Only 19 per cent. would attempt a definition, and some of the definitions were wrong. It is not hugely surprising that the public do not necessarily know the answers to such questions. The worrying thing, though, is that that failure to understand is carried through to business. Too few companies in this country are aware of what nanotechnology can do, simply because it is a very difficult subject. It is well suited to the doctors who have spoken—I am afraid that I am not a doctor of any description—but it is not necessarily grasped by the companies that could take advantage of it. However, nanotechnology is an exceedingly important area in which we should be investing.

The British economy is one of those economies that is highly developed. Our unique selling point is our innovation, research, skills and inventiveness, which can

[Mr. Arbuthnot]

make a difference and really drive our economy. Many skills centres are being taken offshore, because other, less developed economies can pay their work force less than we need to. We must therefore concentrate on innovation, research, inventiveness, science and skills. That is one reason why we should be concentrating heavily on nanotechnology.

At the Lisbon summit in 2000—*[Interruption.]* I am not talking about football, and I shall finish speaking before this evening's match begins. At that summit, the European Council of Ministers said that the European Union was meant to become the most competitive and dynamic knowledge-based economy in the world by 2010. Of course it should do so, but unfortunately we are going in the wrong direction. In 1998, Britain was fourth in the league of competitive countries; by 2003, we had fallen to 15th. We must reverse that if we are to be as competitive as was decided at Lisbon.

Innovation is important, not just for the good of our economy, but, in nanotechnology terms, for the good of mankind. There are advances in the technology that could be dramatically helpful in reducing illness, tackling viruses and helping crops, and in respect of all manner of different technologies that have been mentioned briefly in the debate.

The hon. Member for Oxford, West and Abingdon (Dr. Harris) helpfully set out—and, I think, created—the Liberal Democrat policy on nanotechnology. He gave an outstanding analysis of the Government's response to the report and took us through areas in which it is not as constructive and helpful as is necessary.

The report complains of a general lack of focus by the Department of Trade and Industry in this area, and it is a pity that the Government's response fails to appreciate quite what is being said. The report mentions that the Taylor report required more focus, for example, on building nanotechnology facilities. The Government response to the second recommendation says:

"The emerging strategy widens the scope of Taylor"—

that is precisely the point; the initial scope of Taylor is widened to the extent that it loses all focus—

"without significantly departing from its core recommendations."

I am afraid that I disagree with that conclusion. The Chairman of the Committee said that the Government, in reporting some evidence that had been given to the Committee, had swatted us down.

This debate will not attract huge interest, which is a shame, because the subject is very important. However, the fact that it does not yet attract huge interest gives the Government the opportunity to respond more constructively to this important report than they did in their rather defensive response.

The report has been published and it is a shame that the Government's response was published only the day before the debate. If possible, it would have been preferable to give the scientific community the opportunity to consider the Government's response so that it could comment on it in some detail. *[Interruption.]* It says on the front of the response:

"Published on 23 June 2004".

The subject is not one that can just be picked up and commented on by the scientific community at the drop of a hat. It would therefore have been helpful if the Government had responded more quickly. It may be that the trouble with the Department of Trade and Industry is that it has to respond to the Treasury, and, as my hon. Friend the Member for Mid-Sussex (Mr. Soames) has always said, "The Treasury works for the Russians." There is something in that. Nevertheless, if the Minister cannot find the money, I ask her seriously to find the focus that the response that she has issued to the report does not seem to provide.

This has been a very interesting debate indeed, and some important things have been said. The hon. Member for Norwich, North said that the RDAs were off beam, that the Government were muddled, that the DTI had handled things pretty badly, that the Government had swatted us down and that he had been heartened by not much of the response. The hon. Member for Bolton, South-East, who, as we heard, is a practitioner in nanotechnology and knows what he is talking about, spoke about the barriers regarding grants from Strasbourg being bureaucratic. He talked about the many concerns over our losing the battle with our competitors and said that we needed centres of excellence with critical mass.

The hon. Gentleman also discussed the Government's failure to appreciate the difference between microtechnology and nanotechnology, which is a key issue that has come up in this debate. Finally, he talked about our need to regain our previous position of pre-eminence. The hon. Member for Brighton, Kemptown (Dr. Turner) mentioned the DTI's timidity when getting close to market and the venture capital funding gap, while the hon. Member for Oxford, West and Abingdon said that constant reviews were not the answer.

There is, however, the hope that the hon. Member for Bolton, South-East expressed. He noted that the Committee's report is entitled "Too little too late?"—I wonder how much debate there was in the Committee about whether that question mark should be included—but he also said that there is still time to get things right. I hope the Minister reassures us that she will use that time and use it well.

4.12 pm

The Minister for Industry and the Regions (Jacqui Smith): I start by joining others in congratulating the Committee and its Chairman, my hon. Friend the Member for Norwich, North (Dr. Gibson), on such a well considered and valuable report on Government support for nanotechnology. I also congratulate my hon. Friend on securing time for this important debate, about which I hold the same views as the right hon. Member for North-East Hampshire (Mr. Arbuthnot). Although we have not had many contributions, they have been high-class contributions, which have added to my education, as well as that of other hon. Members, I am sure.

We accepted many of the recommendations in our response. Although not wanting to be over-defensive, I should like to tell the hon. Gentleman that we produced our response on 12 June, I believe, and the Committee published it on 23 June. We responded in a reasonably timely manner. I should like to update hon. Members on progress in the Government's support for nanotechnology. As I respond to the slight chiding from my hon. Friend the Member for Norwich, North, I hope that my response is both full and helpful.

Several hon. Members referred to my ministerial colleague, Lord Sainsbury, and rightly emphasised his championing of science and innovation more broadly and nanotechnology in particular. I believe that it was he who coined the joke that nanotechnology is going to be huge. That is the ongoing joke that is used to describe the advances that we can expect from the collection of science and technology called nanotechnology. Like my hon. Friend the Member for Norwich, North, I do not intend to be as brave as my hon. Friend the Member for Bolton, South-East (Dr. Iddon) and attempt a definition, but it is clear that the impact of nanotechnology on our economy will be dramatic. My hon. Friend spelled out, in a lively manner, the wide range of applications. However, it would be easier to list those sectors of the economy that nanotechnology will not affect than to attempt to catalogue all possible areas of use.

All are agreed that there is great potential. I agree with the right hon. Member for North-East Hampshire that the significance is very great for our business and economy, so it is the job of us all to ensure that nanotechnology potential is recognised as fully as it can be for the sake of our economy and our future.

In a sense, it can be argued that nanotechnology does not really exist and that it is only a fashion label. As the Committee says, many advances now credited to nanotechnology would have been described in the not-so-distant past as advances in chemistry, physics, engineering, medicine or another more traditional subject. Indeed, a great deal of work at the nanoscale continues in those traditional disciplines without attracting the nanotechnology label.

However, one of the great changes is the massive growth in co-operation between traditional disciplines, or interdisciplinarity, which is fundamental to the way in which we need to develop the research, the application of that research and our support. The Government recognised that and, in 2001, set up the interdisciplinary research collaboration in nanotechnology, which the Committee investigated in the course of its inquiry and to which my hon. Friend the Member for Bolton, South-East referred. I shall say more about that later.

The Committee, and hon. Members today, including the hon. Member for Oxford, West and Abingdon (Dr. Harris), have criticised the DTI for not following up our original investment in nanotechnology, which we made in the 1980s and early 1990s through the LINK scheme. As we intimated in our evidence to the Committee, that is not the only support for nanotechnology that we have been able to offer. Much good work in nanotechnology has since been funded successfully under a range of schemes, including the SMART scheme for small and medium-sized enterprises, research council funding for academics, which is now up to £70 million a year, and several schemes for industry. We recognised, however, that nanotechnology was growing in stature as a subject in its own right. We also recognised that the lack of interest from industry could not be ignored. We understand the calls made by some hon. Members today for a proactive approach to be taken, which is why, in 2001, Lord Sainsbury asked the head of Research Councils UK, Dr. John Taylor, what would need to be done to help the UK position.

One of the main recommendations made by Dr. Taylor's team was for the creation of at least two nanofabrication facilities to build up UK capability in some of six key application areas. I shall give the Government's response to that recommendation in a moment. Other recommendations included the formation of an independent strategic body to direct the Government's work in this area, which we have now set up; the generation of a road map for nanotechnology, which is now under way; the creation of access portals, which are now up and running; and awareness raising and networking, which are also up and running. I reassure the hon. Member for Oxford, West and Abingdon that we have the resources and the ability to create a website. I believe that we now have four websites dedicated to this area. Other recommendations included improving the supply of trained people through a training and education campaign, which I shall talk about later, and the promotion of international collaboration and inward investment.

In July 2003, Lord Sainsbury announced the DTI micro and nanotechnology manufacturing initiative and pledged £90 million of DTI support to begin to address those recommendations. The first tranche of that money is the £40 million that has been earmarked for the creation of a UK micro and nanotechnology network through support for new and existing fabrication facilities. The ideal model for the MNT network of facilities is world-class distributed manufacturing centres with a focus on strategic areas for the UK—such as nano-particles, nanobiotechnology, micro/nano-metrology and packaging—with one or two strategically placed major centres having open access, catering for a wide range of techniques and technologies to provide incubators for companies, access to expertise and training facilities. They will be important for small and medium-sized enterprises.

There is a recognition of the need, which was identified by the hon. Member for Oxford, West and Abingdon, for a range of facilities, building on what exists, and for the ability to focus in one or two major centres on the type of activity that I described. I am sorry if my hon. Friend the Member for Norwich, North felt swatted down. I genuinely believe, as the Government have argued, that that is not a significant departure from the Taylor report, although it may be a different approach to arriving at an appropriate development of those facilities.

It is vital to get the structure of those major centres right, with good skill levels, appropriate equipment to meet the needs of industry, a strong industry product focus, an identified business plan and strong management. One of the reasons why we must be careful is that there are examples in the world where such centres have been built in haste without those attributes and have not been effectively utilised. For example, Chalmers university in Sweden has built a first-rate facility, but has experienced real difficulty in obtaining industrial utilisation of the resource.

We have had, to date, two calls for proposals for facilities to be funded by the £40 million, and are currently working with bidders to develop them into sustainable centres for the long term. That is an important point: we have not adopted a passive approach to the development of those expressions of interest. We have worked with those who have come

[Jacqui Smith]

forward, to ensure that they are appropriate to help develop the business case. The second call has just closed and we have received 33 proposals. As they are now being assessed by independent experts, I cannot give great details about the bids at present. However, I can say that we are examining bids in the following technology areas: bio-nanotechnology; characterisation and metrology; fabrication of polymer and glass components; nanomaterials, including nanocomposites and nanostructured materials; nano-particles; silicon devices; micro-electronic and mechanical systems, and medical devices. There are at least two strong bids in each of those areas, which are based on the Taylor report's recommendations, and supported and developed by advice from the national strategic advisory group. We expect to have awarded most of the funding—around £30 million—for the successful centres by November. I believe, therefore, that we shall see some significant progress this year in developing those centres.

Paul Farrelly: We have heard that the Taylor report stressed that the regional dimension should be considered in terms of developing expertise, and my hon. Friend the Member for Bolton, South-East (Dr. Iddon) said that, ideally, we would not wish to have any centres co-located on the golden triangle—Oxford, Cambridge and London—in order to facilitate that dimension. Can the Minister give an indication of where those centres might be located?

Jacqui Smith: Frankly, I could not give hon. Members a list of where the centres are to be located. Although it is not the pre-eminent criterion, the way in which we have addressed the matter—aiming for a larger number of centres, as well as one or two major centres—is enabling us to ensure that we do not have that concentration in a particular part of the country. Of course, the contribution of the regional development agencies, to which I shall refer later, is an important means of securing the ability to access nanotechnology expertise throughout the country. The recent joint report by the French academies of science and technology recommended building a network of local and regional centres, which sounds very similar to the structure that is being put in place in the UK.

My hon. Friend the Member for Bolton, South-East raised the development of the interdisciplinary research collaborations in nanotechnology, which are already up and running. We discussed with those involved how to take full advantage of previous Government investments, which are likely to lead to important developments. For example, the IRC involving the universities of Cambridge and Bristol and University college London, was created in 2002. The Research Council award of £9 million established a six-year programme of research into nanoscience and nanotechnology at the three universities, and has essentially funded more than 30 research projects in disparate areas. In addition, all three universities have secured further funding to establish new buildings and equipment dedicated to nanotechnology research. The total investment in those three facilities to date in addition to the original IRC grant is in excess of £45 million. The combination of facilities and expertise is the largest in Europe.

The other arm of the DTI MNT initiative consists of £50 million for collaborative research and development to meet the current needs of industry to develop new ideas. Although I want to respond later to the points about the supply of finance, that goes some way towards recognising hon. Members' concerns about the need to develop basic research, and to ensure that it can be applied and brought through to industry. It will help to stimulate demand for the fabrication facilities that we are helping to create.

We expect to be able to announce the outcome of the first call by the end of July. Some 148 outline proposals worth £169 million and involving 400 separate organisations have been assessed, and 62 seeking about £34 million of public funds have been invited to submit full proposals. We expect to support around 30 projects with the £15 million that we have made available for this call. As hon. Members said, that shows a strong demand from industry and to respond to it, we will be bringing forward the next two calls ahead of schedule to meet that demand. While the first call was open to all the areas identified in the Taylor report, future calls will be more directed by the national strategic advisory group and the network director, following the establishment of the MNT network.

My hon. Friend the Member for Norwich, North repeated the Committee's criticism about whether the money came before the strategy. It is a difficult issue, but my hon. Friend might also rightly have criticised us had we been slow in finding the money and asking for expressions of interest. It is important to note that we will now ensure that the strategic direction offered by the group and by the director will help to inform us in respect of the second call of expressions of interest in the fund; it will ensure that the gaps are filled and that development goes ahead in a strategic way. The strategy is designed to capture the diversity of industrial interest and to channel it to create a critical mass of research and prototype development.

My hon. Friend the Member for Bolton, South-East, the hon. Member for Oxford, West and Abingdon, and, indeed, the Committee, raised the issue of the relative focus on microtechnology compared with nanotechnology. As we stated in our evidence, the Government expect the earliest commercial returns to come from the relatively mature area of microsystems. That is not the same thing as focusing our strategy on it. For example, I hope that hon. Members will find it reassuring that only 17 per cent. of the outlined proposals for the R and D programme were microsystems-based proposals, which does not support the concern that we have focused our strategy too much on microtechnology.

However, it is clear from our international comparisons that it is not possible to leapfrog microsystems technology and go straight to nanotechnology. Much of the fabrication machinery and characterisation processes are similar to both microsystems and nanotechnology fabrication. All the major centres abroad have at their heart a well developed set of facilities based around microsystem technology. If there is a criticism to be made of the UK,

it is that we have lagged considerably, so we must put right that key infrastructure deficiency if we are to exploit the potential of nanotechnology successfully.

Comment has been made in the Select Committee report and in this debate about the role and function of the network and its director. I am pleased that we have appointed network director, Dr. Hugh Clare, to lead the development of the MNT network. He will lead the work of the network in developing a road map for nanotechnology, benchmarking UK progress against international competition and promoting UK facilities abroad.

The Taylor report identified the need for international promotion and we already have in place the GlobalWatch service to facilitate that. We also have good contacts with the Foreign and Commonwealth Office science and technology network, which provides useful information about our international competitors and nanotechnology activities and helps with international technology missions.

My hon. Friend the Member for Bolton, South-East raised the point about the role of the MNT director. In the light of the Committee's concern about that role, we will review his powers and responsibilities to guarantee that he has the authority to discharge his duty to ensure an MNT capability in the UK that stands up well to international comparison.

Several hon. Members also raised the issue of the EU framework programme and, more broadly in the case of my hon. Friend the Member for Norwich, North, the benefits of the European emphasis on research and development. I agree with him. Although the Government are arguing strongly for a prudent approach to future EU spending, research and development, and in particular the framework programme, is one area where we can see value added and where we do see the benefit of European spending and increased UK contributions. It will also be important in helping us to meet the Lisbon objectives that the right hon. Member for North-East Hampshire outlined.

The Committee rightly recommends that the network director should take a proactive role to promote the opportunities under the EU framework programme. I quite agree. It is one thing to have the framework in place; it is another to ensure that our industry and researchers get access to that money. We are on track to take part in projects with a net worth to UK participants of around 14 per cent. of the budget—roughly £140 million. As we contribute 11 per cent. of the budget, we have been successful in obtaining a fair return.

Competition for those projects is increasing, however, and we cannot be complacent. That is why we have included relevant and useful material in all of our public briefings for potential applicants to the MNT initiative and established web links to the main UK contact point for the nanotechnology, materials and production priority area of framework programme 6, which is run by the National Physical Laboratory for the Department of Trade and Industry.

My hon. Friend the Member for Bolton, South-East made some important points about ensuring that the programme is accessible. In fact, the FP6 nano programme is learning from the way in which the DTI runs its R and D programme and will be adopting some of our techniques, including online application, fast decisions on outline proposals and a short outline proposal format to minimise wasted effort. That came about because we play an active role on the management committee of the FP6 nano programme.

The Committee expressed its reservations about the role of the RDAs and their counterparts in the devolved Administrations of Scotland, Wales and Northern Ireland. It is worth putting on record that from the outset, those bodies saw significant advantages in working together and with central Government, to ensure that regional and national agendas were properly aligned and did not work against each other. If they had stuck to a rigid role, only looking for regional advantage, we could all have wasted a great deal of time, effort and money in unnecessary competitive processes.

Those bodies have substantial funds at their disposal to invest in nanotechnology and they have already been used to create facilities. One NorthEast has supported INEX in Newcastle, Invest Northern Ireland has supported Nanotech Northern Ireland in Belfast, and Scottish Enterprise is supporting the Kelvin Nanotechnology centre in Glasgow. To respond to some of the concerns that hon. Members have raised, no one pretends that those involved have all the necessary skills at present; indeed, they would be supermen and superwomen if they did. However, it is clear which areas—for example, technical expertise in nanotechnology—need improvement, and co-operation will help to fill some of the gaps.

As hon. Members have said, the RDAs' development of science and industry councils by the end of 2004 will be important. It will allow them to contribute more broadly to ensuring that our science base benefits our businesses in the way that the right hon. Member for North-East Hampshire identified.

Dr. Gibson: Can my right hon. Friend confirm whether the money for nanotechnology in the regions was ring-fenced? If so, was it monitored to ensure that it was spent on nanotechnology?

Jacqui Smith: The answer, I think, is that it was not ring-fenced—not least because RDAs rightly argued for the ability to focus on priorities. However, as regards the science and industry councils, it is clear that the RDAs are tasked with doing more to enable innovation.

The RDAs and their counterparts elsewhere are fully committed to working within a national strategy and in partnership to ensure that we have a nationally coherent MNT network that serves regional and national needs, and acts as a clear focal point for international collaboration. In fact, they have recognised that the prize to be gained is not necessarily the location of any given centre, but easy access to a national network for companies in their regions.

Paul Farrelly: I was grateful to hear the important new information about the 33 bids and the progress on the two manufacturing centres. However, I share many of the concerns about the RDAs—not only because we might spread the jam too thinly. I have a lot of experience of the RDA in my region and I am not often

[Paul Farrelly]

complimentary about how it reacts to things. My concern is that the principal reaction of many RDAs will be to say, "We must be seen to be doing something." They will commission reports, which will include great chunks of the Taylor report and perhaps of the Government's response and of this debate. The consultants will charge for producing such reports, which will come at great expense and spawn more consultants' reports. At the end of the day, we shall have been of great benefit to the consultancy industry, but achieved the square nano root of precisely nothing at all—all at the cost of large amounts of public money.

Jacqui Smith: I disagree with my hon. Friend's overall interpretation of the RDA approach. Regional development agencies are new organisations and the development of their input into science and innovation is also relatively new. I agree that we need development, whether at national or regional level. We do not need more reports; we need delivery of both research and development, and facilities. That is what we are focusing on in partnership with RDAs.

Dr. Iddon: Does the Minister agree with the point that I tried to highlight that we need scientific capacity in the RDAs rather than leaving it to economists and business managers? We need scientists, with hands-on control of the money, to work in, not with, RDAs.

Jacqui Smith: Despite the fact that I am not a doctor but an economist, I agree with my hon. Friend. That is one area in which we understand that there is a need to develop technical expertise.

Another area that hon. Members have identified is that of skills, and the Committee recommends that the network director report back to the DTI, research councils and the Department for Education and Skills on the types of skills being demanded by industry. The director will be well placed to undertake that task. We need a clear picture of demand because, as the Committee heard in its evidence sessions, there are widely differing views of what is required. Large companies are looking for graduates with good degrees in the basic sciences and engineering disciplines, while small and medium-sized enterprises need more specific skills. Academics seem divided on the best way forward. The evidence that the network director will gather will be valuable to all.

I agree with my hon. Friend the Member for Norwich, North that chemistry, biology and physics courses should include nanotechnology modules. That would be an appropriate way forward. Once we have clear evidence of the need, we will work with education suppliers to ensure the provision of properly trained people.

My hon. Friend the Member for Bolton, South-East raised the emerging issue of the international shortage of graduate-level technicians to operate advanced facilities. We will explore with MNT facilities, once they are established, how that crucial skills gap can be closed. In fact, the MNT director is already working with a university that wants to develop industry-facing degree courses to provide graduate operators of advanced nanofabrication equipment.

My hon. Friend has been championing the Bolton technical innovation centre and it certainly sounds impressive. In fact, this is the second time that I have heard him talk about it. It sounds like an innovative and important development, which is very much part of helping to ensure that young people have an understanding and interest that may be converted into academic study and further development. That is a good step forward.

There has been discussion about supply of capital or funding. Unsurprisingly, many people look to Government to provide funding at all stages of the innovation chain, up to and including equity investments. When dealing with the expenditure of public money, we must be clear where the market failure is. Where are the gaps that need filling? From the evidence supplied to the Committee by the capital supply sector—this is where I disagree with my hon. Friend the Member for Bolton, South-East—there does not appear to be a shortage of available funds to justify any market failure. The main shortfall appears to be in the supply of sound business cases.

There is not a case for using public funds to support poor business cases. In fact, unwise investments of that type by Governments can have catastrophic effects, as demonstrated by the German biotech industry crash caused by the withdrawal of soft money support.

This is not to say that Government do not see a role for themselves, but the role needs to be focused where there is a market failure. The grant for R and D, for example, gives important cash injections to SMEs for prototype development and the regional venture capital funds also help to foster start-ups. We are also developing the UK high-technology fund—a fund of funds—that will work through venture capital companies, who will make investments in specifically technology-based companies throughout the UK. I do not dispute the fact that there are gaps, but we must clearly identify where they are and focus our funding on them.

All hon. Members talked about public awareness and public understanding—sometimes misunderstanding—of the nature of nanotechnology, and the need to develop the right regulatory framework for the development of this important technology. My ministerial colleague Lord Sainsbury should be proud that in June 2003 he commissioned the Royal Society and the Royal Academy of Engineering to carry out an independent study to ensure that we can benefit from the advances that nanotechnology promises with the right regulatory safeguards and protections in place. Our approach to that issue underlines the Government's desire to acknowledge uncertainties openly and to engage with the public and stakeholders in all areas of science and technology.

Sensationalist scenarios, such as fears about grey goo, are in the realms of science fiction, but we are aware that there are other concerns about releases into the environment, possible threats to health and the unknown properties of materials at the nanoscale. It is important that genuine public concerns about the technology are addressed and unfounded fears dispelled. Existing legislation and regulations already provide safeguards to protect people and the environment. The Health and Safety Executive, the Department for Environment, Food and Rural Affairs, the Environment Agency and the Medicines and

Healthcare products Regulatory Agency are the key bodies. The outcome of the Royal Society and Royal Academy of Engineering study will be used to inform policy on what safeguards might be required over and above existing legislation and guidance. It is a forward-looking approach to ensure both that we invest time and knowledge now in considering the future implications, and that we can make the sort of developments in this technology that will benefit the economy and about which the public are confident. The study is the first of its kind internationally and has attracted attention from the United States and Japan. It is one area in which we are leading the way.

We have had a good debate. I recognise hon. Members' concerns about future funding and I hope I have explained how we have been and are addressing the funding issues in a way that is likely to be of most benefit in achieving the objective that all hon. Members share: to help us make the most of the technology's potential for people and for businesses and to ensure our place in the international economy.

Question put and agreed to.

Adjourned accordingly at eleven minutes to Five o'clock.